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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**
(HANSARD)

Wednesday 9 May 2018

House of Commons

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The House met at half-past Eleven o'clock

PRAYERS

The Chairman of Ways and Means took the Chair as Deputy Speaker (Order, 8 May, and Standing Order No. 3).

Oral Answers to Questions

NORTHERN IRELAND

The Secretary of State was asked—

Two-child Tax Credit Cap

1. **Danielle Rowley** (Midlothian) (Lab): How many women in Northern Ireland have applied for an exemption to the two-child tax credit cap on the ground of non-consensual conception. [905142]

The Parliamentary Under-Secretary of State for Northern Ireland (Mr Shailesh Vara): May I start by paying tribute to Stephen Neil Heaney, who tragically died while taking part in the Belfast city marathon a few days ago? I think that the whole House will join me in conveying our deepest sympathies and condolences to his family and friends.

The implementation process for child tax credit is a devolved matter in Northern Ireland. To protect claimant confidentiality, the Department for Communities in Northern Ireland has established an exceptions team to handle any applications for benefit payments for a third child under an exemption to the two-child tax credit cap on the ground of non-consensual conception. The Department has advised that, to date, the team has received no applications for an exemption on the ground of non-consensual conception.

Danielle Rowley: Many women say that they are put off applying for this abhorrent exception under the rape clause due to shame, trauma or perhaps fear. In Northern Ireland, women and those who assist with and endorse their applications, such as GPs, social workers and midwives, face an extra hurdle, as they risk prosecution under section 5 of the Criminal Law Act (Northern Ireland) 1967 for failing to report details of a crime. What is the Secretary of State doing to support women in Northern Ireland and protect them from that risk?

Mr Vara: The hon. Lady raises a sensitive issue, which is being treated sensitively by all concerned. She will appreciate that criminal law is a devolved matter, but I can assure her that in the 50 years since 1967, when section 5 was introduced, no prosecutions for failing to report a rape case took place. The outgoing Director of Public Prosecutions has said that it would be highly unlikely that one would happen in the future.

Gavin Robinson (Belfast East) (DUP): I associate myself with the Minister's remarks about the tragic death at the Belfast marathon in my constituency on Monday.

The Minister is right to indicate that this is a devolved matter, but we are implementing national policy in Northern Ireland. May I invite him to ensure that we operate this policy in the most compassionate and caring way possible? Will he meet a range of stakeholders including me, Women's Aid, the Royal College of Midwives and others?

Mr Vara: The hon. Gentleman is absolutely right that we should deal with this in a sensitive manner. I am of course more than happy to engage with relevant stakeholders, and to meet him and any others he wishes to bring along.

Alison Thewliss (Glasgow Central) (SNP): The benefits charity helpline Turn2us has evidence that women are choosing to abort and terminate their pregnancies as a result of this Government's despicable two-child cap. The Northern Ireland Association of Social Workers says, despite the Minister's assurances, that the law is the law and that women and those who support them in their applications could find themselves prosecuted under section 5 of the Criminal Law (Northern Ireland) Act 1967. Will he accept that the two-child policy, and the rape clause of which it stands part, is abhorrent and unacceptable, and will he support its abolition?

Mr Vara: I repeat what I said earlier: this is a devolved matter. We have to respect—[*Interruption.*] The hon. Lady in particular, given that she is a Scottish National party Member, will want to respect the rights of the devolved Assemblies. Criminal law is a devolved issue in Northern Ireland. I say again that there have been no prosecutions at all as regards the rape issue in the 50 years since 1967 when section 5 was introduced, and that the outgoing Director of Public Prosecutions has said that it is highly unlikely that there will be any.

Equality and Human Rights

2. **Stella Creasy** (Walthamstow) (Lab/Co-op): What steps she is taking to support equality and human rights in Northern Ireland; and if she will make a statement. [905143]

The Secretary of State for Northern Ireland (Karen Bradley): This Government have a strong track record of supporting equality and human rights across the whole United Kingdom.

Stella Creasy: "Cruel, inhumane and degrading"—not my words, but those of the United Nations on our treatment of women in Northern Ireland. Given the absence of an Assembly, why does the Secretary of State choose to recognise the importance of a free vote in this place on same-sex marriage while refusing to extend the same protection to Northern Irish women's fundamental right not to be forced to continue an unwanted pregnancy?

Karen Bradley: The hon. Lady knows that abortion is a very sensitive issue, and there are strongly held views on both sides of the debate. It is also a devolved matter,

as she has said. She refers to the fact that I am on record as saying that a vote on same-sex marriage, among Government Members, is a matter of conscience, and that is also true for abortion. But it would not be right for the UK Government to undermine the devolution settlement by trying to force on the people of Northern Ireland something that we in Westminster think is right; the people of Northern Ireland have to make that decision.

Dr Andrew Murrison (South West Wiltshire) (Con): On equality, does my right hon. Friend agree that there is a real danger that the Stormont House agreement institutions might act against the interests of servicemen and former members of the security services, and give an unfair advantage to former paramilitaries? In particular, does she share my concern that, without checks and balances, those institutions might create a form of historical revisionism that casts members of the security services in an unfairly poor light?

Karen Bradley: My hon. Friend, who of course was instrumental in the Stormont House talks that led to the agreement on those institutions, will know that the current status quo involves a disproportionate emphasis on the actions of the military and law-enforcement bodies during the troubles, and really very little emphasis on the actions of paramilitary terrorists, who were responsible for 90% of the killings. That is why I want a consultation on the institutions so that they are set up in a way that addresses the concerns that my hon. Friend raises and deals with the issues of the past.

Lady Hermon (North Down) (Ind): With regard to equality, there appears to be one law for Members of the Legislative Assembly and another for everyone else. What excuses will the Secretary of State offer today for continuing to allow MLAs to receive their full salary when they have not been doing their full job for over a year?

Karen Bradley: I am offering no excuses; I intend to act on this issue. As the hon. Lady will know, I legislated on MLA pay at the beginning of the year to stop the £500 increase. I have been considering what to do with the Trevor Reaney recommendations and other representations, and I will make announcements in due course.

Mr Mark Francois (Rayleigh and Wickford) (Con): I would like to ask a question about the human rights of our brave servicemen who served in Northern Ireland for so many years, without whom there would be no peace in Northern Ireland today. May I make an early submission to the consultation? May I tell the Secretary of State, in all candour, that many of us on the Government Benches would not be prepared to traipse blithely through the Lobby to support setting up any institution that would scapegoat our military veterans in order to pander to Sinn Féin?

Karen Bradley: My right hon. Friend is absolutely right—I agree with him. There is no way that I, as Secretary of State, am prepared to do anything that makes the situation more difficult for our veterans. We owe them thanks for the relative peace that we see today in Northern Ireland. They served with incredible dignity

and duty, and I respect that, which is why I want to ensure that we deal with the situation. The status quo is not good enough. The only people getting knocks on the door from the police to tell them that they face inquests are the military. We need to change that, which is why we need to issue a consultation.

Sir Jeffrey M. Donaldson (Lagan Valley) (DUP): When veterans living in England, Wales or Scotland apply for a post with Border Force, their former service in the armed forces is taken into account, but that is not so for veterans in Northern Ireland. That is based on advice given to the Home Office by the so-called Equality Commission for Northern Ireland, which claims that equality laws in Northern Ireland do not undermine the military covenant. Well, it has been caught out well on that one.

Karen Bradley: I am well aware of the matter and have taken it up with the Home Office. I hope to be able to report back shortly.

Inward Investment

3. **James Cleverly** (Braintree) (Con): What progress has been made on attracting inward investment to Northern Ireland. [905144]

The Parliamentary Under-Secretary of State for Northern Ireland (Mr Shailesh Vara): With support from this Government, Northern Ireland stands among the UK's most popular inward investment destinations. We have increased the block grant in real terms, proposed a city deal for Belfast, with more to follow, and created business opportunities through our industrial strategy. Ultimately, however, political stability is key to economic growth, and that means a restored Executive delivering for the Northern Ireland economy. That remains my overriding priority.

James Cleverly: I am sure that my hon. Friend and the rest of the House welcome the news of Bombardier's investment in Northern Ireland. My constituency is dominated by small and medium-sized enterprises, and I am sure that the economy of Northern Ireland reflects that. What is his Department doing to ensure that SMEs also benefit from inward investment in Northern Ireland?

Mr Vara: My hon. Friend makes an excellent point. He is right to point out the importance of small and medium-sized businesses, which do a fantastic job in Northern Ireland and contribute a huge amount to the local economy. I have met many of those small businesses, and I have nothing but praise for them. They have contributed to the 52,000 more jobs and 12,300 more businesses since 2010. The Government will continue to engage with organisations such as the Federation of Small Businesses and Invest Northern Ireland so that those small businesses can fulfil their maximum potential.

Deidre Brock (Edinburgh North and Leith) (SNP): There is no progress on the border's status after Brexit, which will crunch inward investment badly unless Northern Ireland remains part of the customs union. The alternative is a border in the Irish sea. Which is more likely: customs union or sea border?

Mr Vara: I am afraid that the hon. Lady should deal with facts rather than what analyses say. If she took an interest in what the *Belfast Telegraph* has to say, she would have read on Wednesday 2 May the inside-page headline, “Top US software firm to create 50 new jobs in Belfast investment”. My hon. Friend the Member for Braintree (James Cleverly) has welcomed the new Bombardier contract, which is worth more than £500 million. I am afraid the facts are that business is continuing, and continuing to prosper.

Sir Mike Penning (Hemel Hempstead) (Con): One of the reasons why there is so much inward investment in Northern Ireland is the peace created by our soldiers, policemen and special forces, with whom I had the honour of serving in the 1970s. If we are to honour the bravery of people such as Robert Nairac and my other colleagues who lost their lives in the Province, the consultation should flatly say, “We are not having a conversation. We will protect our soldiers, putting them first and the terrorists second.”

Mr Vara: My right hon. Friend makes some very good points. He will be aware of the ongoing discussion about the consultation, but he will appreciate that I will not make any further commitments at this stage.

Tony Lloyd (Rochdale) (Lab): If we are to maintain a stable economic environment for inward investment, if we are to have democratic oversight of decisions such as that of the Belfast Health and Social Care Trust to recall neurology patients and, indeed, if we are to have a legislature in Northern Ireland that is capable of changing the law for victims of rape who may fall foul of the UK Government’s foolish two-child policy, we need the Stormont Assembly back in action. Can we have a very clear road map from the Minister today setting out how the Government intend to get that Assembly back in operation?

Mr Vara: I welcome the hon. Gentleman to his new position. Both the Secretary of State and I very much look forward to working with him constructively. He raises a good point about the need to have the devolved Assembly up and running again, and I assure him that the Secretary of State, the Prime Minister and I, and all those concerned, are very keen to do so.

We are doing an enormous amount. The hon. Gentleman will be aware there were intensive talks in February, when the two main parties in Northern Ireland got close but not close enough. We are not giving up. Indeed, my right hon. Friend the Secretary of State is having regular conversations with the parties. Only a couple of weeks ago she met the five main parties with a view to seeing how we can make progress and get the Assembly up and running.

Leaving the EU: Border Checks

4. **Peter Grant** (Glenrothes) (SNP): What estimate the Government have made of the number of customs officials that will be required to conduct border checks in Northern Ireland after the UK leaves the EU.

[905145]

5. **Alan Brown** (Kilmarnock and Loudoun) (SNP): What estimate the Government have made of the number of customs officials that will be required to conduct border checks in Northern Ireland after the UK leaves the EU.

[905146]

13. **John Mc Nally** (Falkirk) (SNP): What estimate the Government have made of the number of customs officials that will be required to conduct border checks in Northern Ireland after the UK leaves the EU.

[905155]

The Secretary of State for Northern Ireland (Karen Bradley): The Government’s policy on future customs arrangements in Northern Ireland is very clear. We will not accept a border between Northern Ireland and the rest of the United Kingdom, and we are committed to avoiding a hard border with Ireland, including any physical infrastructure or related checks and controls.

Peter Grant: The Good Friday agreement, which underpins the peace process in Northern Ireland, was not universally welcomed, although it was overwhelmingly welcomed on both sides of the border. One main pillar of the agreement is that there will be no border infrastructure between the north and the south of Ireland. Why can the Secretary of State not tell us categorically today that the answer to my question is that no additional customs officers will be needed for the Irish border? Is it because the Government are going soft on their commitment to the Good Friday agreement?

Karen Bradley: The Government’s commitment to the Belfast agreement and to the joint report that was issued before Christmas is steadfast—we remain committed to all.

Alan Brown: The Home Office has pledged to recruit an extra 1,300 customs officials by December 2020. How many of them will be based in Northern Ireland, and how many will be based on the Irish border?

Karen Bradley: I repeat that we remain committed to what we set out in the joint report that was issued before Christmas, which means that there will be no new physical infrastructure between Northern Ireland and Ireland, and no border down the Irish sea.

John Mc Nally: The latest InterTradeIreland report said that only 8% of cross-border traders had made any plans for post-Brexit trading. How many of the Secretary of State’s new customs officers will be tasked with reassuring those businesses and helping them to prepare for the future?

Karen Bradley: The reassurance I can give to those businesses is that this Government are committed to leaving the customs union, and to doing so in a way that respects our commitments under the Belfast agreement and the joint report for no hard border on the island of Ireland.

Mr Laurence Robertson (Tewkesbury) (Con): Is it not the case that we cannot know what arrangements, if any, will be needed on the Irish border until we know what kind of deal we have got with the European Union? Is not the EU putting the cart before the horse when it insists on arrangements being made now?

Karen Bradley: My hon. Friend makes an interesting point but, as I say, the Government are committed to no hard border, no new physical infrastructure at the border, and no related checks and controls at the border. I hope that that is clear enough.

Charlie Elphicke (Dover) (Ind): Does the Secretary of State agree that with investment in technology, and investing now, we can be ready on day one for trade to continue on the island of Ireland as it has always done, and that there will never be any need for physical infrastructure or customs checks at the border?

Karen Bradley: It would not be right for me to comment on the work that is being done within government on customs arrangements, suffice it to say that we are committed to no hard border on the island of Ireland, no border down the Irish sea, no new physical infrastructure, and no new related checks and controls.

Bob Blackman (Harrow East) (Con): Does my right hon. Friend agree that as it is our policy that there will be no hard border between the Republic and the north, there is no need for any extra officials, but that if Brussels insists that the Republic puts in a hard border, the customs officials will be required in the Republic, not in Northern Ireland?

Karen Bradley: My hon. Friend makes an interesting point. As I say, I do not want to be drawn on speculations regarding this matter. All I will say is that we are committed to no hard border.

Tony Lloyd (Rochdale) (Lab): I thank the Under-Secretary for welcoming me to the Dispatch Box earlier.

We strongly welcome the Secretary of State's words today, which are consistent with those of the Chief Constable of the Police Service of Northern Ireland when he warned that any physical infrastructure would be a potential target and could eventually put lives at risk, but if her Government are going to reject a customs union—a realistic proposal put forward by the Labour party—what proposals can she set out to the House today that will make it clear that she can make this “no hard border” work?

Karen Bradley: May I now welcome the hon. Gentleman to his post? I look forward to working with him over the next few weeks, months and, possibly, years—we never know how long each of us will last.

We have discussed this matter ourselves, and the Government are committed not only to no hard border, but to respecting the result of the referendum, which means that we are leaving the single market and the customs union. We set out possible alternative arrangements in our customs paper last summer and we are working towards them.

Leaving the EU

6. **Alex Cunningham** (Stockton North) (Lab): What assessment her Department has made of the effect on Northern Ireland of the UK leaving the EU. [905148]

8. **Karin Smyth** (Bristol South) (Lab): What assessment her Department has made of the effect on Northern Ireland of the UK leaving the EU. [905150]

The Parliamentary Under-Secretary of State for Northern Ireland (Mr Shailesh Vara): The Government are committed to delivering a Brexit that upholds the commitments we have made to the people of Northern Ireland to uphold the Belfast agreement, and to avoid a hard border and any border down the Irish sea.

Alex Cunningham: The Department for Exiting the European Union's own impact report predicts an 8% hit to economic growth in Northern Ireland—a part of the UK that has long been less economically developed than others—after we leave the EU. Why are the Secretary of State and the Minister prepared to let Northern Ireland suffer, when they could avoid that by following the Labour party's lead and committing to a new customs union?

Mr Vara: The hon. Gentleman will be aware that the economic analyses of the past have not always been exactly accurate. As far as Northern Ireland is concerned, he might wish to reflect on the fact that as well as the huge economic benefits that I outlined in answer to earlier questions, over the past year exports are up by 9%.

Karin Smyth: Paragraphs 47 and 48 of the joint report identified the commitment to north-south and east-west co-operation. The Government have still not published the results of the mapping exercise on the 140 areas of cross-border co-operation. Will the Minister tell us when we can have the list demonstrating those 140 areas of co-operation?

Mr Vara: The hon. Lady should be in no doubt that we are committed to the commitments made in the joint report.

Tom Pursglove (Corby) (Con): Is the truth not that we have seen record foreign direct investment in the United Kingdom as a whole despite Brexit, and that when we leave, Northern Ireland will continue to be a top destination of choice for investment? After all, we do have the fifth largest economy in the world.

Mr Vara: My hon. Friend is absolutely right to make the good point that we have one of the leading economies in the world. Leaving the European Union will be an opportunity for the United Kingdom to pursue a new path and trade policies that benefit us, and us exclusively. I agree entirely that we have a positive future outside the European Union. *[Interruption.]*

Mr Deputy Speaker (Sir Lindsay Hoyle): Can we have a little quiet so that I can hear the questions and the answers?

Nigel Dodds (Belfast North) (DUP): I am glad to hear what the Minister and the Secretary of State have said about the integrity of the United Kingdom. Will the Minister take this opportunity to reaffirm that whatever happens and whatever the effect of Brexit on Northern Ireland, the United Kingdom will remain together economically, politically and constitutionally?

Mr Vara: I can absolutely give the right hon. Gentleman that assurance: the economic and constitutional integrity of the United Kingdom will remain intact. There should be no doubt about that.

Nigel Dodds: Every right-thinking person should welcome that commitment, not only on the political front but economically, given that the vast bulk of sales from Northern Ireland go to the Great Britain market. Those who advocate separating out Northern Ireland into the

customs union while the rest of the United Kingdom leaves it would inflict economic misery on all our constituents. Will the Minister take the opportunity to remind Leo Varadkar that when he talks about not leaving Northern Ireland behind, what he means is sucking Northern Ireland into the institutions of the EU, which would be economically disastrous for all our citizens?

Mr Vara: Let me assure the right hon. Gentleman that the Prime Minister has made it absolutely clear that neither she nor any other Prime Minister would ever compromise the economic and constitutional integrity of the United Kingdom. That means that Northern Ireland is very much a full part of the rest of the country, along with Scotland, Wales and England. There is no question whatsoever of having a border at the Irish sea—none whatsoever.

Mr Deputy Speaker: I call Stephen Pound. [*Interruption.*]

Stephen Pound (Ealing North) (Lab): I think the House recognises that I am a beacon of stability in an ever-changing Opposition Northern Ireland team. Sadly, I am always the bridesmaid.

The European arrest warrant is vital to policing in Northern Ireland—we all accept that—and enables the Police Service of Northern Ireland to co-operate with colleagues in the south. Many have commented that no visible progress has been made on the replacement of the critical EU policing frameworks that enable vital cross-border co-operation. Will the Minister outline what discussions his Department has had with Home Office colleagues about this vital issue, and reassure not just the House but the people of Northern Ireland?

Mr Vara: It is good to see that the hon. Gentleman is still in his place and that there is some continuity in the shadow Northern Ireland team.

As far as the withdrawal agreement is concerned, a huge amount of progress has been made. The hon. Gentleman raises the very important issue of the European arrest warrant. The various Departments are all working together to ensure that we achieve the very best deal possible. Yes, the Northern Ireland Office is speaking with the Home Office to make sure that we get the very best deal in terms of protection and of the replacement framework that we will have when we leave the EU.

Mr Deputy Speaker: Order. Mr Speaker is attending the funeral of the late Michael Martin, who was Speaker of this House and a true family man who was committed to his community in Glasgow. I know that the House wants to pass on its prayers and condolences to his wife, Mary, and family.

There is important business to come in Prime Minister's questions and we want to hear from as many colleagues as possible. May I remind all Members, Front and Back Benchers, to ask succinct questions? I trust that the replies will be as pithy.

PRIME MINISTER

*The Prime Minister was asked—
Engagements*

Q1. [905230] **Drew Hendry** (Inverness, Nairn, Badenoch and Strathspey) (SNP): If she will list her official engagements for Wednesday 9 May.

The Prime Minister (Mrs Theresa May): As I said last week, the condolences of the whole House are with the family and friends of Michael Martin.

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.

Drew Hendry: Many highland businesses rely on EU national employees simply to operate. Given that the Prime Minister's Government already make a charge of up to £1,000 per year per person for non-EU nationals, will she categorically rule out any such immigration skills charge for EU nationals after the UK leaves the EU?

The Prime Minister: We recognise that, after the United Kingdom leaves the European Union, there will still be those in the EU who wish to come to work and study here in the UK, and that there will still be UK citizens who wish to work and study in the European Union. We will bring forward our proposals for those arrangements in due course.

Q7. [905236] **Maria Caulfield** (Lewes) (Con): Does the Prime Minister think that it was the Labour party voting against the abolition of stamp duty for 69,000 first-time buyers, or the Labour party voting against 50,000 extra school children getting free school meals that convinced local voters in the elections last week to vote Conservative as the only party on their side? That is why the Conservatives retained control of Westminster and Wandsworth councils, and it is why they gained control in places such as Redditch, Basildon and Barnet.

Mr Deputy Speaker (Sir Lindsay Hoyle): Order. The Prime Minister is not responsible for the Labour party, but I am sure that she will be able to respond appropriately.

The Prime Minister: I can say to my hon. Friend that she is right about votes that took place in this House where the Opposition did vote against the abolition of stamp duty for those young first-time buyers, which is proving so helpful. Last Thursday, when millions of people across England went to the polls to vote for their local councils, we saw that the real winners were ordinary people. More people are now able to get the benefit of Conservative councillors who keep their council tax lower and provide good local services.

Jeremy Corbyn (Islington North) (Lab): First, may I put on record my thanks to Mr Speaker for attending the funeral of the late Michael Martin this morning in Glasgow on behalf of this House?

Does the Prime Minister agree with her Foreign Secretary that the plan for a customs partnership set out in her Lancaster House speech is, in fact, "crazy"?

The Prime Minister: I say to the right hon. Gentleman that we are leaving the European Union and we are leaving the customs union, but, of course, for our future trade relationship with the European Union, we will need to agree customs arrangements, which will ensure that we leave the customs union, that we can have an independent free trade policy, that we can maintain no hard border between Northern Ireland and Ireland, and that we can have as frictionless trade with the

European Union as possible. I will tell him what is crazy. What is crazy is the fact that the Leader of the Opposition, who for years opposed the Transatlantic Trade and Investment Partnership, now has a policy that would mean Labour signing up to TTIP with no say in it whatsoever.

Jeremy Corbyn: Could the Prime Minister explain why she and her Cabinet wasted weeks working up proposals that the EU said were unworkable and that the Foreign Secretary described as “crazy”? Does she agree with her Business Secretary who apparently backs the “crazy” customs partnership proposal, but who made it clear that he did not back a technological alternative when he told the BBC that jobs would be at risk if we do not sort out a comprehensive customs deal?

The Prime Minister: What the Business Secretary said on Sunday was that it was absolutely right that we should be leaving the customs union. If the right hon. Gentleman wants to talk about jobs, I am happy to do so: half a million jobs lost under the last Labour Government; record employment rate under this Conservative Government.

Jeremy Corbyn: The Government say that they have two options. The Foreign Secretary says that one is “crazy”, and Sir Ivan Rogers, our former EU ambassador, said that the technological alternative is a “fantasy island unicorn model”. They have two options, neither of which is workable. The case for a new customs union with the European Union is clear, to support jobs and living standards. Why is the Prime Minister ignoring all the major business organisations and all the major trade unions backing a customs union? Is it not time that she stood up to those described last night by the Father of the House as “wild, right-wing people”?

The Prime Minister: We are leaving the customs union. What we are doing is ensuring that we deliver customs arrangements but leave the customs union, ensure no hard border between Northern Ireland and Ireland, as frictionless trade with the EU as possible, and an independent trade policy. What would Labour give us? It wants to go into a customs union with the European Union, with no say over trade policy and with Brussels negotiating trade deals in its interests, not our own. The Labour manifesto said that it wanted to strike trade deals, but now it has gone back on that policy. Typical Labour—letting Britain down once again.

Jeremy Corbyn: The Prime Minister presides over a divided Cabinet. She has had 23 months to negotiate an agreement and has not made any progress on it. The CBI says that

“a comprehensive customs union, after transition, is a practical, real-world answer”.

The TUC, on behalf of 6 million workers in this country, puts it simply:

“Ruling out a customs union risks jobs”.

The Government continue to reject a new customs union, but at the weekend the Business Secretary made it clear that neither of their options would be ready to be implemented by December 2020. Can the Prime Minister tell us her preferred option and the date on which it will be ready to be implemented?

The Prime Minister: The right hon. Gentleman talks about the length of time in the negotiations. Of course, it was not until March and the agreement to move on to the next stage of negotiations that it was possible to have discussions with the European Commission on the customs arrangements. There were two options in my Mansion House speech. Questions have been raised about both of them and further work continues.

The right hon. Gentleman has spent an entire career opposing a customs union. Now that the British people want to come out, he wants to stay in. I know that he is Leader of the Opposition, but that is going a bit far.

Jeremy Corbyn: Due to divisions within the Government, these negotiations are a shambles, and this House is being denied the opportunity to debate crucial legislation affecting the future of our economy and communities all over Britain. Can the Prime Minister now tell the House when we will debate the Trade Bill and when we will debate the customs Bill? She has had 23 months to get ready for it.

The Prime Minister: The right hon. Gentleman talks about the state of the negotiations. Before December, he was saying that the negotiations were not going to get anywhere, but what did we get? A joint report agreed by the European Council. He said before March that we would not get what we wanted in the negotiations, but what did we get? An implementation and an agreement with the European Union Council. We are now in negotiation for the best deal for the UK when we leave the EU, and we will get the best deal for the UK when we leave the European Union.

Jeremy Corbyn: I would have thought that after 23 months, we would have a better answer than that from the Prime Minister.

How can the Government negotiate in the future interests of people’s jobs and living standards when Cabinet members are more interested in putting their own futures first? Fundamentally, how can this Government negotiate a good deal for Britain to defend people’s jobs and living standards when they are unable to reach an agreement between themselves?

The Prime Minister: I will tell the right hon. Gentleman what this Government have been doing to defend jobs. We have had a balanced approach to the economy, opposed by the Labour party. We have introduced changes in legislation for more workers’ rights, often opposed by the Labour party. We have been ensuring that we see jobs being created in this country—employment is at its highest rate since records began, and unemployment is at its lowest rate for 40 years or more. This is a Government that are putting jobs first at every stage of what we are doing. Last week, what we saw up and down this country, whether in Barnet, Dudley or Peterborough, was the British people voting to reject the back-to-the-future economic policy of the Labour party and the broken promises of Labour. They do not trust Labour, and they do not trust its leader.

Q10. [905239] **Jeremy Quin** (Horsham) (Con): Under this Government, the introduction of a total cost cap on payday lending has more than halved the number of people with problem payday loans that are unmanageable.

Does my right hon. Friend agree that now is the moment for the Financial Conduct Authority to extend that successful policy to confront doorstep lending?

The Prime Minister: I know that my hon. Friend has been campaigning hard to promote financial inclusion, which is very important. We are committed to ensuring that consumers are protected from unfair lending practices. I understand that the FCA is currently conducting a review of the high-cost credit market, including doorstep lending, and will publish an update later this month. Of course, we have also given the FCA new powers to cap the cost of credit, and it will do so if it believes that necessary to protect consumers.

Ian Blackford (Ross, Skye and Lochaber) (SNP): We all woke up this morning to a much more dangerous world. Donald Trump has undermined progress towards normalisation of relationships with Iran. In the Prime Minister's representations to the President of the United States on Saturday, did she speak in the strongest terms on the lunacy of the actions that he is taking?

The Prime Minister: I have been very clear in a number of conversations with the President of the United States about the belief of the United Kingdom that the Joint Comprehensive Plan of Action—the nuclear deal with Iran—should stay. That view is also shared by Chancellor Merkel of Germany and President Macron of France, which was made clear in the joint statement that I issued last night with them. We accept that there are other issues in relation to the behaviour of Iran that need to be dealt with, such as ballistic missiles, the question of what will happen when we reach the sunset clause at the end of the nuclear deal and the destabilising activity of Iran in the region. Those issues need to be addressed, and we are working with our European and other allies to do just that.

Ian Blackford: The Prime Minister did not make any reference to sending her Foreign Secretary to appear on Fox News as part of his foreign policy initiative, pleading with the President through Fox News rather than direct intervention. The middle east is in need of stability. Conflicts are already raging in Yemen, Syria and Iraq. Meanwhile, the Foreign Secretary cannot deliver a message abroad in the correct manner, and at home, he undermines the Prime Minister on the customs union. Can the Prime Minister tell us when the Foreign Secretary will agree with his own Government's position? If he does not, will she have the backbone to send him to the Back Benches?

The Prime Minister: It is absolutely right that the Government, in addressing the issue of the Iran nuclear deal with the United States Government, have worked across all levels and made representations at a variety of levels and in a variety of ways. That is what the Foreign Secretary was doing in Washington. It is what he has done with his opposite number in the past, as I have done with President Trump and as has happened with our French and German colleagues as well. We continue to believe that the Iran nuclear deal was an important step forward in helping to keep the world safe. As I say, there are other issues that need to be worked on, and both the Foreign Secretary and I will continue to work on those with our European and other allies.

Q11. [905240] Julian Sturdy (York Outer) (Con): Over the bank holiday weekend, spectators turned out in record-breaking numbers to watch the Tour de Yorkshire, enjoying the county's finest hospitality, with images of the UK's most beautiful countryside beamed to millions around the world. Does the Prime Minister agree that major sporting events such as the Tour de Yorkshire provide significant economic benefits and investment in our regions, and will she join me in God's own county for next year's event?

The Prime Minister: It was indeed very good to see millions of people on the roads of Yorkshire, cheering on the Tour de Yorkshire as it took place this bank holiday weekend. As my hon. Friend says, not only are these events hugely enjoyable for sports fans, but they bring huge economic benefit to the area and they show off the best of Britain to the world. That is why I am delighted that in September next year we will see the cycling road world championships taking place in Yorkshire, bringing the world's best cyclists to Yorkshire—we are providing financial support for these championships—and I am always happy to visit Yorkshire.

Q2. [905231] Deidre Brock (Edinburgh North and Leith) (SNP): A constituent of mine was born in Kirkcaldy to parents who have the right to stay in the UK indefinitely and his entire life has been in Scotland—his schooling, university and now his professional work as a structural engineer—but he cannot get a British passport, and he tells me he fears the knock on the door that so many Windrush people heard. Will the Prime Minister assure my constituent and the many people like him, whose cases are analogous to those of the Windrush people, that they will get the same consideration and be assisted in obtaining citizenship, with the fees waived?

The Prime Minister: The former Home Secretary was absolutely clear about the offer that has been made to those people who were covered by the legislation—the Immigration Act 1971—who came to the United Kingdom before 1973. I am sure that the Home Secretary will ensure that the case the hon. Lady has raised is looked into carefully. Often, cases are raised in this House and there is sometimes a complexity to the cases that needs to be looked into very carefully, but I am sure the Home Secretary will ensure that that case is properly considered.

Leo Docherty (Aldershot) (Con): My constituency of Aldershot is the home of the British Army and it has a very fine tradition of military service. I am delighted that the commander of the Aldershot garrison, Colonel Mac MacGregor, and his wife Deborah have joined us in the Gallery today. Next month, Colonel Mac will leave the Army after nearly 40 years' service, so will the Prime Minister join me in thanking Colonel Mac for his service and the tremendous good works he does in the wider community of Rushmoor borough?

The Prime Minister: I am very happy not only to welcome the colonel and his wife to the Gallery to watch our proceedings today, but to thank him for the significant service he has shown our country in his time in our armed forces and for all the work he has done as commander of the garrison at Aldershot. We wish him all the very best in his retirement from the Army.

Q3. [905232] **Hannah Bardell** (Livingston) (SNP): The Life Sciences Scotland firm Tepnel Pharma Services employs 50 people in my Livingston constituency, who test the safety standards of everyday drugs to ensure that our citizens are kept safe. In its Trade Bill evidence, it expresses grave concerns about the lack of information and the plans for Brexit. I met it last week, and it is fair to say that its concerns have gone from amber to red. The life sciences in Scotland and across the UK rely on a harmonised regulatory environment. Patient safety is on the line and businesses need answers from the Prime Minister. When will they get them?

The Prime Minister: As I made clear in my Mansion House speech, the European Medicines Agency is one of those that we wish to discuss with the European Union the possibility of having associate membership of. I and the Business Secretary, as well as others, spend time with the life sciences industry and with other industries to understand their concerns. We will be looking to ensure that we can provide the same level of interaction in the future to enable our life sciences industry not just to continue at the current level, but actually to be enhanced and to grow.

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): Will the Prime Minister join me in congratulating the Bomber County Gateway Trust on the approval of its plans for a full-sized sculpture of a Lancaster bomber? In this centenary year of the RAF, does she agree that it will be a fitting tribute to the service personnel—past, present and future?

The Prime Minister: I am very happy to join my hon. Friend in congratulating those who are looking for an appropriate commemoration of the Lancaster bomber squad and to recognise all that was done by those who were involved with the Lancasters. As she says, this year is the 100th anniversary of the creation of the Royal Air Force and all of us across the House should show our gratitude and support for all those in the RAF who have contributed so bravely to the safety of our country over the years.

Q4. [905233] **Matt Western** (Warwick and Leamington) (Lab): “Cretinous”, “crazy” and certain other words beginning with “cr” are used by some Government Members to describe the Prime Minister’s proposals for a customs partnership. However, “credible” is not one of them. Will the Prime Minister please explain how she sees it, given that so many businesses, particularly those in the automotive industry, and the likes of the CBI and the chambers of commerce are so against the proposals and would prefer to see the continuation of a customs union affording truly frictionless free trade?

The Prime Minister: As I said earlier, there are two options for delivering on the objectives that we have set. We will leave the customs union, we want to ensure that there is no hard border between Northern Ireland and Ireland, we want to ensure that there is as frictionless trade as possible between the UK and the EU, and we want to ensure that we can have an independent trade policy. I say to the hon. Gentleman that what is not credible is a Labour party policy that wants us to be in a

customs union, giving all the power for negotiating our trade deals to Brussels, with no say whatsoever for the UK.

David Evennett (Bexleyheath and Crayford) (Con): Will my right hon. Friend welcome the re-election of Bexley’s Conservative council, congratulate it on its good record locally, and look forward to its continuing to implement efficient and effective Conservative policies?

The Prime Minister: I am very, very pleased to welcome the re-election of Bexley’s Conservative council. I was pleased to speak to the leader of Bexley council shortly before the elections last week, and I am very pleased that the residents of Bexley will enjoy yet more years with a good Conservative council, delivering great local services at lower cost.

Q5. [905234] **Matthew Pennycook** (Greenwich and Woolwich) (Lab): Despite the ever present threat of death from Syrian and Russian airstrikes, and in the face of smears and disinformation, the rescue workers of the White Helmets have never stopped saving the lives of their fellow Syrians. Last week, the Trump Administration froze their US funding. With thousands of civilian lives at risk, will the Prime Minister step up, pledge that the Government will plug the funding shortfall that now exists and ensure that these heroic rescue workers can continue their work?

The Prime Minister: We recognise the important and valuable work that the White Helmets do. As the hon. Gentleman says, they do it in horrendously difficult conditions and are incredibly brave to continue that work. We do support them and we will continue to support them. My right hon. Friend the Secretary of State for International Development will look at the level of that support for the future.

Rachel Maclean (Redditch) (Con): Will the Prime Minister join me in congratulating the four fantastic new Conservative councillors—[*Interruption.*] Their election takes the control of Redditch Borough Council from the Labour party to the Conservative party—[Hon. MEMBERS: “Hear, hear!”] If her diary permits, I ask her to visit Redditch at the earliest possible opportunity to back our fantastic local campaign to unlock—

Mr Deputy Speaker (Sir Lindsay Hoyle): Order. I call the Prime Minister. Let’s get on with it.

The Prime Minister: I am very happy to join my hon. Friend in congratulating the newly elected Conservative councillors. I gave a list of councils earlier where people had rejected Labour, like Barnet, Dudley and Peterborough. I can add Redditch to that list, and indeed other councils around the country. Many congratulations to her, to those councillors and to all the volunteers and activists who work so hard.

Q6. [905235] **Jeff Smith** (Manchester, Withington) (Lab): In the past year, the Trussell Trust has given out over 3,000 food parcels to my constituents in south Manchester, half of them to families with children. The trust says that the Government’s flawed roll-out of universal credit has fuelled the 13% rise in food bank use over the past year. How does the Prime Minister explain the rise?

The Prime Minister: Obviously, the hon. Gentleman knows that we do not want to see anybody having to use food banks. As we have rolled out universal credit, we have listened to the concerns raised and we have changed the arrangements as a result.

Robert Courts (Witney) (Con): Congestion on the A40 in west Oxfordshire is a blight for residents. With developments, including the Cotswold garden village, set to increase demand, will the Prime Minister work with me so that upgrades to the A40, to buses and to the Cotswold railway line ensure that we have an integrated transport structure to keep west Oxfordshire moving?

The Prime Minister: My hon. Friend raises an important issue on behalf of his constituents. I recognise that he is absolutely right to do so and how important it is to them. At the Budget, we announced £1.7 billion for the transforming cities fund to deliver transport infrastructure for the future. We have also ensured that local authorities are able to bid in to over £1 billion of discounted lending to support high-value infrastructure projects, giving power back to local people and recognising the importance of such infrastructure. He raises specific issues and I know my right hon. Friend the Transport Secretary will be happy to discuss them with him.

Q8. [905237] **Bill Esterson (Sefton Central) (Lab):** When the Prime Minister told the nation she was on the side of hardworking families struggling to make ends meet, did she have in mind a Britain divided across the generations, as described in this week's report by the Resolution Foundation?

The Prime Minister: The question of intergenerational fairness is one that we recognise and one I think the whole of society needs to recognise. We need to ensure, through Help to Buy and abolishing stamp duty for many first-time buyers, that we help young people to get their foot on the housing ladder and buy more homes. It is important that we make sure we have jobs for people, and that young people are skilled, trained and educated to take on the jobs of the future. That is what our modern industrial strategy is doing and that is the best thing we can do: ensure, as we are doing, that we have the policies, through our balanced approach to the economy, that provide the jobs and homes for those young people for the future.

Luke Graham (Ochil and South Perthshire) (Con): Yesterday, the Scottish Affairs Committee heard from Royal Bank of Scotland executives. Given this publicly funded bank's blatant disregard for the local communities it serves, will my right hon. Friend strengthen the access to banking standards to give local people more of a say when banks remove vital local services?

The Prime Minister: It is important that we put those access to banking standards in place and that there are alternative arrangements in place, which we have encouraged people to take up, to ensure that they are able to access the banking facilities they need.

Q9. [905238] **Holly Lynch (Halifax) (Lab):** *The Yorkshire Post* is this weekend taking the unprecedented step of calling on the Secretary of State for Transport to resign, accusing him of repeatedly betraying our region over

rail. Electrification is nowhere to be seen, trains are routinely overcrowded and delayed, and wheelchair users are left stranded when access lifts are broken or locked—all set against record ticket prices. Can the Prime Minister explain to passengers in Yorkshire when they will see a rail service that is truly capable of delivering the northern powerhouse?

The Prime Minister: We are putting record investment into rail across the country and that includes investment in rail in the north. We are supporting Transport for the North, which is coming forward with proposals for the north. This Government recognise not just the importance of infrastructure but the importance of infrastructure across the whole of the country.

Andrea Jenkyns (Morley and Outwood) (Con): Yesterday, with my hon. Friend the Member for Romford (Andrew Rosindell), we launched the One Britain One Nation all-party group, which will be working with schools to promote pride in our country, and respect, tolerance and inclusion regardless of one's background. Will the Prime Minister join me in paying tribute to the founder of One Britain One Nation, Kash Singh, for the hard work he is doing to promote unity in our communities and schools?

The Prime Minister: It is absolutely right that we pay tribute to those like Kash Singh who are working to promote inclusion and unity in our communities, and it is important that we see that the values of respect and inclusion, regardless of one's background, are ones that everybody recognises and practises. We have changed the law so that schools have to actively promote our fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance for those with different faiths and beliefs. I am absolutely clear that nobody's path through life should be affected by their background or where they came from. How far they go should be based on how hard they work and their talents, and not their background.

Q12. [905241] **Chi Onwurah (Newcastle upon Tyne Central) (Lab):** A successful start-up forced into bankruptcy by Government delays in paying out European regional development funds, and a tech company's expansion plans stalled because the Government will not guarantee it access to the native European language speakers that it needs—these are businesses that I have spoken to in Newcastle in the last few weeks. In the absence of any guidance from Government on businesses preparing for Brexit, will the Prime Minister agree that Tory infighting is costing us jobs in Newcastle?

The Prime Minister: No. The hon. Lady has raised a number of points. We have been clear about the support that we are giving in terms of the funds that have previously come from the European Union. We have also been clear about the issue of citizens' rights for people who are currently here in the United Kingdom from the European Union, and for those who will come here during the implementation period up to the end of December 2020. If she wants to be worried about policies that will affect jobs in Newcastle and the north-east, I will tell her the policies that would affect jobs in Newcastle and the north-east: the policies of her Front Benchers and her party.

Dr Julian Lewis (New Forest East) (Con): Does my right hon. Friend recall that the previous Secretary of State for Northern Ireland suggested that the possibility of dealing with legacy cases through a statute of limitations coupled with a truth recovery process would be included as an option in the forthcoming consultation exercise? Does she accept that that is a legitimate option for consideration, and will she therefore ensure that it is not excluded from that consultation exercise?

The Prime Minister: My right hon. Friend raises a very important issue. At its heart is the support and gratitude that we owe to all those who have served in our armed forces. Our armed forces personnel are willing to put their lives on the line for our safety day in and day out, as are our personnel who work in law enforcement. The peace we see today in Northern Ireland is very much due to the work of our armed forces and law enforcement in Northern Ireland, but we have an unfair situation at the moment, in that the only people being investigated for these issues that happened in the past are those in our armed forces or those who served in law enforcement in Northern Ireland. That is patently unfair—terrorists are not being investigated. Terrorists should be investigated and that is what the Government want to see.

Q13. [905242] **Chris Ruane** (Vale of Clwyd) (Lab): Waiting times for personal independence payment tribunals in Wales have quadrupled over the past four years. My constituent, Alan McKittrick, is suffering from prostate cancer, angina, diabetes, chronic obstructive pulmonary disease, arthritis, hernias, mental ill health, dizziness, blackouts and ulcers, yet his initial PIP claim was refused. He then waited 56 weeks for an appeal, which he won. Will the Prime Minister apologise to Alan, and when will she end this hostile environment towards sick and disabled people?

The Prime Minister: Obviously, Members across this House raise issues about the PIP process, and the Department for Work and Pensions is consistently looking at the whole PIP process. One of the issues that the hon. Gentleman raised in his question was the health of the individual concerned. As he sits for a Welsh constituency, I would have thought that, if he wants to talk about health, he should talk to the Labour Government in Wales.

Maggie Throup (Erewash) (Con): I recently visited a construction site for 85 affordable homes in Cotmanhay in my constituency, which is benefiting from a £3 million Homes England grant. Will my right hon. Friend assure me and the House that she will continue to work with the new Housing Secretary to ensure that more people, such as those in Cotmanhay, fulfil their dreams of home ownership?

The Prime Minister: I am very happy to give my hon. Friend that commitment. This is an important issue. As I mentioned in response to an earlier question about intergenerational issues, there are young people today who worry they will never be able to get a home. The Government are committed to building more homes and helping young people to get their feet on the

housing ladder. That is why we have abolished stamp duty for many first-time buyers and put more money into Help to Buy. Helping young people to get their feet on the housing ladder is a commitment of this Government and something we will continue to do in her constituency and elsewhere.

Q14. [905243] **Mr Alistair Carmichael** (Orkney and Shetland) (LD): The Government have made a decent start on tackling the problem of our overuse of plastics but, if we are to get recycling rates up to where they need to be, we have to look at the production processes, as was pointed out to me by pupils at Anderson High School in Lerwick on Monday. Will the Government work with plastics manufacturers to see what they can do to reduce the 50 different types of plastic currently in use and so make them easier to sort and recycle?

The Prime Minister: The right hon. Gentleman makes an important point. We are making progress on plastic, but we need to work with the manufacturers on its production, which is why we are doing exactly that. The Business and Environment Secretaries and others are talking to manufacturers about how to ensure that plastic is recyclable and does not end up in our oceans, with all the problems that causes.

Alex Chalk (Cheltenham) (Con): Afghan interpreters who served alongside British troops did so with skill and courage. Will my right hon. Friend confirm that those who have made their homes in our country can remain and that the ordinary fees will be waived as a small sign of our gratitude?

The Prime Minister: My hon. Friend raises an important point about Afghan interpreters, who served bravely alongside our armed forces, as he says. The Home Secretary has been looking at this issue, particularly in relation to the fees for those individuals. Some have wished and been able to return to Afghanistan and have been given opportunities by the Government to retrain and re-establish their lives there, but it is important that we recognise the debt that we owe them.

Q15. [905244] **Melanie Onn** (Great Grimsby) (Lab): Crime in north-east Lincolnshire is up more than 20%. Recently, we have had a single-punch death, a serious blade attack and an incident involving 200 hooligans that forced Grimsby families to flee our local seaside resort of Cleethorpes. Humberside police have 310 fewer frontline officers and 550 fewer support officers than in 2010. Will the Prime Minister accept that her cuts mean that residents of Grimsby and Cleethorpes no longer have the fully funded and properly staffed police force they deserve?

The Prime Minister: Since 2015, we have been protecting police funding. This year, we have made available £460 million extra to policing across the country, which is more than the Labour party was committed to in its election manifesto last year. As I have always said—and indeed as the shadow policing Minister has said—there is no direct link between the number of police officers, crime and funding.

Iran Nuclear Deal

12.38 pm

The Secretary of State for Foreign and Commonwealth Affairs (Boris Johnson): With permission, Mr Speaker, I shall make a statement on the future of the Iran nuclear agreement, officially known as the joint comprehensive plan of action.

The Government regret the decision of the United States Administration to withdraw from the deal and reimpose American sanctions on Iran. We did our utmost to prevent this outcome: from the moment that President Trump's Administration took office, we made the case for keeping the JCPOA at every level. Last Sunday, I travelled to Washington and repeated this country's support for the nuclear agreement in meetings with Secretary of State Pompeo, Vice-President Pence, national security adviser Bolton and others, and my right hon. Friend the Prime Minister spoke to President Trump last Saturday.

The US decision makes no difference to the British assessment that the constraints imposed on Iran's nuclear ambitions by the JCPOA remain vital for our national security and the stability of the middle east. Under the agreement, Iran has relinquished 95% of its low-enriched uranium, placed two thirds of its centrifuges in storage, removed the core of its heavy water reactor—thus closing off the plutonium route to a bomb—and allowed the International Atomic Energy Agency to mount the most intrusive and rigorous inspection regime ever devised, an obligation on Iran that lasts until 2040. The House should not underestimate the impact of those measures. The interval needed for Iran to make enough weapons-grade uranium for one nuclear bomb is known as the breakout time. Under the deal, Iran's breakout time has trebled, or even quadrupled, from a few months to at least a year, and the plutonium pathway to a weapon has been blocked completely.

For as long as Iran abides by the agreement—and the IAEA has publicly reported its compliance nine times so far—Britain will remain a party to the JCPOA. I remind the House that the JCPOA is an international agreement, painstakingly negotiated over 13 years under both Republican and Democratic Administrations, and enshrined in United Nations resolution 2231. Britain has no intention of walking away; instead, we will co-operate with the other parties to ensure that while Iran continues to restrict its nuclear programme, its people will benefit from sanctions relief in accordance with the central bargain of the deal. I cannot yet go into detail about the steps that we propose to take, but I hope to make that information available as soon as possible, and I spoke yesterday to my French and German counterparts.

In his statement on 12 January, President Trump highlighted important limitations of the JCPOA, including the fact that some constraints on Iran's nuclear capacity will expire in 2025. Britain worked alongside France and Germany to find a way forward that would have addressed the President's concerns and allowed the US to stay in the JCPOA, but without reopening the terms of the agreement. I still believe that that would have been the better course. Now that our efforts on this side of the Atlantic have not succeeded, it falls to the US Administration to spell out their view of the way ahead.

In the meantime, I urge the US to avoid taking any action that would hinder other parties from continuing to make the agreement work in the interests of our collective national security. I urge Iran to respond to the US decision with restraint and to continue to observe its commitments under the JCPOA.

We have always been at one with the United States in our profound concern about Iran's missile tests and Iran's disruptive role in the middle east, particularly in Yemen and Syria. The UK has acted to counter Iran's destabilising behaviour in the region, and we will continue to do so. We remain adamant that a nuclear-armed Iran would never be acceptable to the United Kingdom. Indeed, Iran's obligation not to "seek, develop or acquire" nuclear weapons appears—without any time limit—on the first page of the preamble to the JCPOA.

Yesterday, President Trump promised to work "with our allies to find a real, comprehensive, and lasting solution to the Iranian nuclear threat."

I have no difficulty whatever with that goal; the question is, how does the US propose to achieve it? Now that the Trump Administration have left the JCPOA, the responsibility falls on them to describe how they, in Washington, will build a new negotiated solution to our shared concerns—a settlement that must necessarily include Iran, China and Russia, as well as countries in the region. Britain stands ready to support that task, but in the meantime, we will strive to preserve the gains made by the JCPOA. I commend the statement to the House.

12.44 pm

Emily Thornberry (Islington South and Finsbury) (Lab): I thank the Foreign Secretary for advance sight of his statement.

I am sure that there will come a time to debate whether the Government's approach to Donald Trump since his election in 2016 has been the right one, but today is not the time, because instead I believe that the whole House, and indeed the whole world, should stand united in condemning Donald Trump for the reckless, senseless and immoral act of diplomatic sabotage that he has committed. Every independent inspection has confirmed—even the US Defence Secretary James Mattis admitted this last month—that the nuclear deal is working and Iran is complying with it in full.

Yes, there are other important matters that must be addressed with Iran—its regional activities, its ballistic missile programme, and its record on human rights—but the platform for that dialogue, and the foundation on which future arrangements could be reached, was the nuclear deal. Instead, by seeking to scupper the nuclear deal, Donald Trump has destroyed the platform for future progress and risked triggering a nuclear arms race in the middle east, handing power to the hard-line theocrats in Tehran and pushing Iran back into isolation. Donald Trump is taking all those risks without a single care, without the slightest justification and without the simplest rational thought about what will come next; and in doing so he is sending a message to North Korea that any agreement it reaches with the US will be worthless.

While we could talk all day about the recklessness and idiocy of what Donald Trump has done, the key question is this: how should the world react? And here I

[Emily Thornberry]

believe there are three challenges. First, there is the challenge for the other signatories of how to best preserve the deal. For Britain, France, Germany, China and Russia that means providing urgent legal and financial protection for companies and banks in our countries engaged in trade and financial transactions with Iran so they can continue doing so. As for Iran, it must have the patience and resolve not to respond in kind to this act of belligerence, but to continue working with the other signatories to try to keep the deal alive.

The second challenge is equally serious: how to stop a descent into conflict. Iran is a country nine times the size of Syria with a population as big as Germany's. The idea of Iran racing to develop a nuclear weapon and the US Administration seeking to stop it through military means does not bear thinking about. Yet we know that that is exactly what the Trump Administration are thinking about. In February, *The New York Times* published an important comment piece accusing the Trump Administration of employing exactly the same playbook used before the Iraq war to manufacture a pretext for war with Iran. The article was written by Lawrence Wilkerson, former chief of staff to US Secretary of State Colin Powell, and he warned simply:

"I helped sell the false choice of war once. It's happening again."

And that was before the appointment of John Bolton. So while we rightly focus our efforts now on trying to salvage the nuclear deal, we must also be alert to stop any further steps the US may take to escalate its confrontation with Iran.

The third and final challenge I want to mention today is equally profound: if we did not know it beforehand, what yesterday's announcement confirmed is that as long as Donald Trump remains President we must get used to a world without American leadership—a world where efforts to secure peace and progress on the great challenges facing the planet must be made not just without American co-operation but often in the face of the Administration's active opposition. That is the challenge we now face in relation to Iran, as it has been on climate change, the refugee crisis and the Israel-Palestine peace process. But starting with the consensus in this House today, I hope we can all play our part in ensuring Britain rises to that challenge.

Boris Johnson: I am grateful for the right hon. Lady's point that there is no merit in any reckless and counterproductive attacks on the United States today, and I am sure that she will continue that spirit when the President makes his visit in July and trust, too, that she will communicate that to the rest of those on the Labour Benches and, indeed, to the Labour party in London. She made a good point when she said that the Iranian Government and the Iranian people have not walked away from the deal. They remain in compliance, and it is our duty, as the UK Government with our European partners, to help them to remain in compliance and to assist in the survival of the JCPOA.

To be fair to the US Administration, they have decided that there is another way forward. They have decided that the limitations that they see in the deal—the sunset clauses, Iran's malign behaviour in the region and the problem of the intended Iranian acquisition of intercontinental ballistic missiles—can be met by bringing

all the problems together and having a big negotiation. The UK Government have long taken a different view that the essence of the JCPOA was to compartmentalise—to take the nuclear deal and solve that—but the President has taken another view. It is now up to Washington to come forward with concrete proposals on how exactly it intends to bring the problems together and address them collectively. Our posture should be one of support in that endeavour, although, as I say, we have been sceptical about how that is to be done.

As for North Korea, the whole House will want to wish the President of the United States every possible success in his endeavours and convey to him our admiration for the vigour with which he has tackled the matter.

Tom Tugendhat (Tonbridge and Malling) (Con): My right hon. Friend will know from his work that US leadership has often been a force for good in the world, and although many of us still support the leadership that the United States shows around the world, many of us are worried by their withdrawal from this deal. We are perhaps, however, a little more concerned by the malign activity of the Iranian regime, its theocrats, its acolytes and its useful idiots around the world, who have encouraged it and supported it in the media and in the region. Does my right hon. Friend agree that it is incumbent on us, as good Europeans and good internationalists, to work with partners around the world and around the region not just to encourage a new approach to a peace process in Iran, but to encourage the Iranian regime to change, to become a good neighbour, not a malign influence, and to cease threatening our friends and allies, such as the other countries in the region and, of course, Israel?

Boris Johnson: My hon. Friend is entirely right to point out that, as Members on both sides of the House will agree, Iran is a malign actor in the region. There is no question but that Iran has been a seriously disruptive force in Yemen, Lebanon, Syria and Iraq. He is also right to point out the cardinal importance of the Iranian people in the discussions. Ultimately, the effort behind the JCPOA was to give them the prospect of the economic benefits of participating in the global economy in exchange for denuclearisation. That is still the fundamental bargain to be struck.

Stephen Gethins (North East Fife) (SNP): I thank the Foreign Secretary for early sight of his statement. Mr Deputy Speaker, may I wish you and all Members a very happy Europe Day?

The JCPOA has illustrated the importance of our relationship with our European partners, who are after all our closest allies. This work illustrates the painstaking effort that goes into seeking a diplomatic way forward. The Foreign Secretary was right to mention the reduction in low-enriched uranium and some of the other achievements of the Iran deal, and the shadow Foreign Secretary was right to talk about the false choice of war. The process has been long and painstaking, and I pay due credit to officials and to Ministers from both sides of the House for their work over the years. This is a much more effective way to deal with concerns about weapons of mass destruction than that deployed by Iran's neighbours, for example.

Does the Foreign Secretary agree that this move by President Trump is deeply reckless and irresponsible and has undermined the importance of the diplomatic

process? Given what appears to be the UK's lack of influence and the Foreign Secretary's appeal on the President's favourite TV show, does that not illustrate even more why we have such an important relationship with the EU in tackling the issue? Will he tell me when he next plans to meet Federica Mogherini, who has shown such leadership on this?

Boris Johnson: As the hon. Gentleman knows well, we work not only hand in glove with the United States, but with our allies, friends and partners in continental Europe. Indeed, that work has intensified over the past few months because, as the Prime Minister has said many times, we may be leaving the EU, but we are not leaving Europe. As for Federica Mogherini, I expect that I shall probably see her next week.

Stephen Crabb (Preseli Pembrokeshire) (Con): While many across the House will want to continue to give the benefit of the doubt to the Foreign Secretary on the Iran deal, does he nevertheless acknowledge that there remain serious questions about what our wider policy of engagement with the Iranian regime is achieving? Has my right hon. Friend seen anything over the past two years to indicate that Iran is taking steps towards becoming a more responsible member of the international community, instead of remaining the force for chaos and terror that it continues to be?

Boris Johnson: As my right hon. Friend knows, the UK is in the lead in trying to disrupt malign Iranian behaviour in the region. Whether trying to stop Iranian missiles going to Yemen or to Hezbollah in Lebanon, the UK is doing that. Indeed, this country maintains sanctions on the entire Islamic Revolutionary Guard Corps. We are determined to bear down on Iranian malign activity, but we can do that while retaining the core achievement of the JCPOA.

Hilary Benn (Leeds Central) (Lab): Does the Foreign Secretary agree that one of the most serious consequences of President Trump's decision, which the special relationship was unable to prevent, is that it will result in hard-liners in Iran and elsewhere saying, "There is no point in doing deals on security with the United States of America, because it does not keep its word."?

Boris Johnson: If the right hon. Gentleman is correct, that is all the more reason for the UK to work to preserve the essentials of the deal. I just remind the House, which may be getting into a mood of undue pessimism, that President Trump said last night that he is committed to finding a new solution, and we should hold him to his word.

Mr Richard Bacon (South Norfolk) (Con): One of the deal's essential elements for Iran is the restoration of commercial banking relationships in return for adherence to the JCPOA—indeed, it is mentioned in the JCPOA—and Iran has adhered to the JCPOA, but we have still seen no sight of any restoration. Will the Foreign Secretary meet me and other members of the all-party parliamentary group on Iran, which has already met the deputy governor of the Bank of England to discuss the matter, to find a way to produce a non-dollar financial arrangement that works, so that Iran can retain some credence in the other partners to the JCPOA?

Boris Johnson: We have seen that deals can be done without conflicting with the extra-territorial aspects of US sanctions. As I said in my statement earlier on, we will be announcing further steps in due course.

Sir Vince Cable (Twickenham) (LD): Now that the Government have discovered the limits of sycophancy in dealing with President Trump, will the Foreign Secretary spell out some of the economic implications? Do the Government have any contingency plans to protect British industry and motorists if the withdrawal of 4 million barrels a day of Iranian oil results in an inevitable oil shock?

Boris Johnson: The right hon. Gentleman will know that the UK remains a party to the JCPOA, and we will do our utmost to protect UK commercial interests.

Mr Kenneth Clarke (Rushcliffe) (Con): I congratulate the Foreign Secretary on his unswerving loyalty to collective Government policy at the Dispatch Box this afternoon. Does he agree that one of the many dangers following the President's decision is that the so-called moderates in Iran—although they are not very moderate by our standards—will be undermined by the decision, which will strengthen even more hard-line people? While the Foreign Secretary may take steps to try to reduce Iran's malign behaviour in some areas, will he give an unswerving guarantee that Britain will stick to its commitments under the agreement so long as the Iranians are fully compliant with the commitments that they entered into and that we will not modify that in any way?

Boris Johnson: I thank my right hon. and learned Friend, and I remember getting a lot of wonderful copy when I was a political journalist from his own displays of unswerving loyalty to Government policy. By the way, I am completely in conformity with Government policy on the matters to which I believe he is referring, since that policy has yet to be decided. On his wider point, it is absolutely vital that we continue to get the message over to the moderates in Iran—I include President Rouhani in their number—that the UK remains committed to this agreement.

Mike Gapes (Ilford South) (Lab/Co-op): The Prime Minister and the Foreign Secretary have both praised the joint efforts that have been made with our French and German partners. In the light of the impetuous, destructive, unilateralist behaviour of the US President, is this not the worst possible time for us to be leaving the European Union?

Boris Johnson: No. On the contrary, what this shows to the meanest intelligence is that we do not have to be a member of the European Union in order to co-operate in the most productive way with our European friends and partners.

Sir Michael Fallon (Sevenoaks) (Con): But is not the President right in his analysis of this rather flimsy agreement, which should never have been called comprehensive, in that it does not include missiles and that, far from constraining Iranian behaviour, it has enabled the regime to use its new financial freedom to

[*Sir Michael Fallon*]

interfere in Syria, in Iraq, and above all in Yemen, and to sponsor further Houthi attacks on our friends in Saudi Arabia?

Boris Johnson: I am grateful to my right hon. Friend, but I do not recall him making those points when he was serving so well as Secretary of State for Defence when the deal was done, and I disagree with him. Of course the JCPOA has its limitations, as I have readily conceded, but its advantage is that it has at its heart the idea of preventing the Iranians from acquiring a nuclear weapon in exchange for limited economic benefits. I still think that that idea has validity, and the Iranians are still in compliance with that agreement, limited though it is.

Derek Twigg (Halton) (Lab): I am disappointed with today's statement, because it was not a big surprise when this happened, yet the Foreign Secretary has said that he will come back with some details later on. I do not know why that should be the case, because this was even signposted during the American election. The statement is also light on what we are going to do about the Iranians' behaviour in the middle east. The Foreign Secretary needs to tell us now when he intends to come back to the House.

Boris Johnson: As I have said at least twice, I will be informing the House in due course about what further economic steps we will be taking, and I have been very clear about the many things we are doing in the wider middle east to constrain the activities of Iran.

Sir Nicholas Soames (Mid Sussex) (Con): There is no doubt that Iranian interference in Syria, Yemen, Lebanon, Bahrain and elsewhere is a legitimate cause for concern, but does my right hon. Friend agree that this is a very poor decision by the President, which flies in the face of the advice of his own people and of America's most loyal allies? In trying to sustain this agreement, will he work to ensure that the inspection regime—which is, at the end of the day, the crown jewels of the agreement—will still apply?

Boris Johnson: Yes, of course we will work to ensure that the inspection regime continues. I think there have been about 400 inspections since the JCPOA began, and they have all found that Iran was in compliance. As I have said, it is now up to the United States to come forward with a plan, and if it has military options, frankly I have yet to see them.

Mrs Madeleine Moon (Bridgend) (Lab): What discussions will the Foreign Secretary and the other members of the E3 be having with NATO allies? Clearly, they also will be feeling greatly disturbed by this unilateral action by the United States, which will impact on their relationships with Iran.

Boris Johnson: I am sure that the issue will figure largely at the next meeting of the North Atlantic Council.

Dame Cheryl Gillan (Chesham and Amersham) (Con): In the same way as a nuclear-armed Iran is unacceptable to the UK, so is Iran's record on human rights. The

Foreign Secretary said in his statement that the UK will continue to “counter Iran's destabilising behaviour in the region”. What can he do to bring to an end the continuous persecution of the people of the Baha'i state, which has now spread to Yemen, where a prominent Houthi leader has placed a message on social media, threatening to butcher every Baha'i in the country? Surely we should be able to help bring that terrible persecution to an end.

Boris Johnson: I can assure my right hon. Friend that we repeatedly raise the issues of human rights, the treatment of the Baha'i and other frankly disgusting aspects, not least the death penalty—there are many disgusting aspects of the behaviour of the Iranian regime—whenever we meet our Iranian counterparts.

Sammy Wilson (East Antrim) (DUP): The Israeli Government do not believe that Iran is abiding by the terms of the agreement. Iranian opposition groups are saying that the Iranian regime is using revenue from the lifting of sanctions to finance terrorism across the middle east, and of course Iran has played an important part in the conflict in Syria and Yemen. In the light of that behaviour, does the Foreign Secretary accept that the decision by the American President has some validity, and that it will send an important message to a regime that is out of control?

Boris Johnson: On the contrary—I thought that the most powerful point about Benjamin Netanyahu's slideshow was that it showed that Iran did indeed have a nuclear weapons ambition up to 2003, and it showed, therefore, the importance of beginning a process of negotiation to get Iran to stop that ambition, and that is what the JCPOA did. I remind the hon. Gentleman and others in the House that many sanctions on Iran are currently in place, and they will abide.

Mr Andrew Mitchell (Sutton Coldfield) (Con): My right hon. Friend was surely absolutely right to go to America to seek to stop the President dismissing this agreement, in the same way as he is absolutely right to meet Nelson Chamisa, the Leader of the Opposition in Zimbabwe, today on his visit to London. In respect of Iran, surely British foreign policy should be to try and bring Iran into the comity of nations and build on the existing agreement, rather than can it.

Boris Johnson: My right hon. Friend is entirely right. That is not just the UK's ambition but the ambition of our European friends and partners, and it remains the ambition—and, by the way, I believe that eventually we will pull it off.

Kevin Brennan (Cardiff West) (Lab): Will this unilateral decision in effect mean that the United States—a country that we are setting great store by in terms of trade—will be introducing sanctions, or the threat of sanctions, against UK companies that continue to trade with Iran?

Boris Johnson: The hon. Gentleman will be familiar with the extraterritorial impact of US sanctions. There may be a staggered period of either 90 or 180 days before that extraterritorial impact is felt. We will have to see exactly how it plays out, but we will do our utmost to protect UK commercial interests.

John Redwood (Wokingham) (Con): Will the UK tell the US that we would of course be very happy to work with them to try and limit the abuses of the Iranian regime and to control the missile programme better? May I also say how much I support my right hon. Friend on the UK's need for an independent trade policy with functioning borders?

Boris Johnson: I am grateful to my right hon. Friend for shoehorning in that very important point at this juncture.

Caroline Lucas (Brighton, Pavilion) (Green): We all agree that Trump's reckless decision has made the world a more dangerous place, but does the Foreign Secretary also agree that that makes the rule of international law even more important? Does he recognise the rank hypocrisy of Britain's lecturing other countries that are seeking to acquire nuclear weapons, while we keep our own—and indeed enhance them—in direct contravention of the nuclear non-proliferation treaty? Is it not time that we joined those 122 countries that have been negotiating a nuclear-ban treaty at the UN and sought some world leadership on the world stage?

Boris Johnson: I think most people in the House understand that the UK's independent nuclear deterrent keeps the peace that other countries would want to threaten.

Robert Halfon (Harlow) (Con): I cannot say that President Trump is my cup of tea, but Iran's actions in the middle east go down like a cup of cold sick. They support terrorism, Hamas and Hezbollah, they suppress their own people at home with the death penalty, as the Foreign Secretary mentioned, and they are supporters of President Assad. I think that rather than appeasing Iran, we should be supporting our oldest ally, the United States, and recognising that it has taken this decision because the Iranians are backing down on the agreement and are continuing with ballistic missiles.

Boris Johnson: There was not a word that I could disagree with in the first half of my right hon. Friend's question, and of course it is true that Iran is up to all sorts of bad behaviour in the region; but the Iranians are not in violation of the JCPOA—on their ambition to acquire nuclear weapons, they are obeying the letter of that agreement. Yes, it is perfectly true that they are not in conformity with UN resolution 2231 in respect of ballistic missiles, but there we are holding them to account and there is the prospect of extra sanctions to bring them into line.

Liz Kendall (Leicester West) (Lab): Further to that question, does the Foreign Secretary agree that Iran's appalling destabilising behaviour in the wider region, including its support of terrorism, would be even more dangerous if its nuclear programme goes unchecked, and that it is therefore not just in Britain's national interests, but in the interests of America and the world that the JCPOA remains in place?

Boris Johnson: That was very well put.

Dr Julian Lewis (New Forest East) (Con): While the signing of treaties of this sort can lead to political advance, does my right hon. Friend agree that the history of the biological weapons convention of 1972, which

was exposed in 1992 as having been broken from day one for 20 years by the then Soviet Union, shows that in reality our security depends on the twin pillars of the independent strategic nuclear deterrent and our alliance, through NATO, with the United States of America?

Boris Johnson: My right hon. Friend is absolutely right. I would also say that the JCPOA has depended not on trust—not on believing the Iranians—but on independent verification, which has been carried out countless times.

Joan Ryan (Enfield North) (Lab): Many of us who do not support the President's decision would argue that the JCPOA contains some very serious flaws, including the lack of a clear plan—what happens when the agreement ends in 2025?—the weak inspection regime, the absence of any restraint on Iran's ballistic missile programme, and the failure to address its pernicious influence in the middle east, not least its repeated threats to annihilate Israel. I hope that the Foreign Secretary is not playing down these flaws. I urge the Government not only to stick with the agreement, but to push to mend it.

Boris Johnson: The right hon. Lady speaks a good deal of sense. It is a limitation that there is no agreement on the ballistic missile programme, or indeed on Iran's wider behaviour in the region, but it would have been impossible to get an agreement on the nuclear dossier if those had been brought in. The United States thinks differently, and the President has a global vision of bringing these dossiers together and solving the problem as one. We have yet to see the detail on how he intends to do it, but we will certainly be as supportive as we can.

Mr John Baron (Basildon and Billericay) (Con): We should not underestimate the importance of maintaining a positive direction of travel in the region, particularly given that it will take a series of steps to reach desired outcomes. Given that all the evidence suggests that Iran has adhered to the agreement, has the time come for the international community to act in concert in pursuing and maintaining this agreement, even if that means isolating the US for the time being, not just diplomatically but when it comes to sanctions against Iran, where possible?

Boris Johnson: I must say that, speaking as somebody who was born in New York, now I come to think of it, I see absolutely no advantage in isolating the United States, our closest and most important ally. Our job of work on the Government side of the House is to bring the United States back into agreement and to get a successor deal that the President wants to achieve.

Tulip Siddiq (Hampstead and Kilburn) (Lab): The Foreign Secretary is well aware of the case of my constituent Nazanin Zaghari-Ratcliffe, who has now been in prison in Iran for two years, one month and seven days. Nazanin has been told explicitly by sources in the judiciary that her imprisonment is linked to the unpaid debt that our country owes Iran. Will the Foreign Secretary assure me that when he is negotiating with Iran in the coming days he will talk about paying back that debt and bringing my constituent back home to West Hampstead?

Boris Johnson: I pay tribute to the hon. Lady for the work she has done for her constituent. As I have said to her many times, we have a number of very tough consular cases with Iran—alas, the number is growing—and they do not necessarily benefit from day-to-day discussions, as she knows.

Sir Desmond Swayne (New Forest West) (Con): The economic advantages of the agreement have been used by the hard-liners to project malign power throughout the region, so will my right hon. Friend agree to support proportionate measures brought forward by the President to constrain that power?

Boris Johnson: Yes, if he comes back into the deal.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): This very worrying decision by President Trump could lead to at least three cataclysmic scenarios: first, the takeover of the Iranian regime by hard-liners; secondly, the eventual development of an Iranian nuclear bomb; and thirdly, ultimately, another war in the middle east. Which scenarios does the Foreign Secretary consider to be most likely?

Boris Johnson: As the hon. Gentleman knows, Iran remains in compliance. Iran has not elected to proceed to enrichment or to break out of the agreement, and the UK will be working to ensure that remains the case.

Michael Fabricant (Lichfield) (Con): The agreement has unfortunately enabled Iran to spend over \$100 billion over the past five years on its operations in Syria, and it is spending even more on its intercontinental ballistic missile programme. Many people believe that a country does not spend billions on an ICBM programme merely to put a \$100 TNT warhead on it. Can my right hon. Friend not at least understand the motivation of the United States Administration and perhaps work with them on this?

Boris Johnson: We are of course working hand-in-glove with the United States, but we do believe that there were advantages in maintaining the discrete deal at the heart of the JCPOA and stopping Iranian breakout. We thought that was a good idea. We certainly share the general ambition across the House to constrain Iran's malignant activity.

Geraint Davies (Swansea West) (Lab/Co-op): France, Germany and the United Kingdom have stood shoulder to shoulder in supporting the nuclear peace deal, and the US has walked away. Does that not show that it is not the customs union that is crazy, but the idea that we can instead have a trade deal with the United States that we think will put mutual interests before Trump's and the US's self-interest?

Boris Johnson: I am sure that in due course we will get a great trade deal with the United States, so I am not quite sure what that has to do with the JCPOA.

Andrew Percy (Brigg and Goole) (Con): The truth is that there are no moderates in the Iranian regime, and the use of the word "moderates" leads to conclusions that are simply not the case. It is a regime that murders its own people, including minorities, that is an exporter

of terrorism, and that is destabilising the middle east. Perhaps the fact that none of that is covered under the JCPOA explains why Iran may indeed be compliant with it. I therefore urge the Foreign Secretary to work with the United States on a replacement to the deal, that deals with Iran's increasingly malign and dangerous influences elsewhere in the middle east.

Boris Johnson: I hope that my hon. Friend will use his good offices to encourage the United States to come forward with detail on such plans at its earliest convenience.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): In terms of practicalities, what is the Department's assessment of a successor trade deal with the United States when that country might punish UK companies that are legitimately conducting business in Iran under international agreements?

Boris Johnson: As I have said several times, we will do everything that we can to protect legitimate commercial activity by UK concerns.

Zac Goldsmith (Richmond Park) (Con): Is it the case that International Atomic Energy Agency inspectors are still being denied access to key sites across Iran? If so, how can we have any confidence at all that Iran is honouring its commitments?

Boris Johnson: Mr Amano has told me that the IAEA is getting all the access it needs. Indeed Mike Pompeo, the head of US intelligence, has confirmed that Iran is now in compliance with the JCPOA.

Thangam Debbonaire (Bristol West) (Lab): The Foreign Secretary said that he has no difficulty with President Trump's goal of working with our allies to find a real, comprehensive and lasting solution to the Iranian nuclear threat. The Foreign Secretary then asked how the US proposes to achieve that. What suggestions does he have for the United States President?

Boris Johnson: I thought that we made a series of very fruitful suggestions, and we will continue to make such suggestions. The central idea is that, around the core of the JCPOA, we build a superstructure—a follow-on agreement—that addresses the problems of the sunset clauses and the issues of the ICBMs, and satisfies the anxieties of the President and of many colleagues in the House today.

Richard Drax (South Dorset) (Con): My right hon. Friend is obviously much better briefed than I am but, as I understand it, Iran is not in compliance with all the letter of the agreement. Can he assure me that Israel, which the Iranians have sworn to wipe off the earth, will not now strike Iran in a counter-attack to prevent any further escalation in building nuclear missiles?

Boris Johnson: As I have said several times, to the best of my knowledge Iran is in compliance with the JCPOA. It would be rash of me to seek to pronounce on behalf of the Israeli Government at this stage.

Catherine West (Hornsey and Wood Green) (Lab): What assessment has the Foreign Office made of Mr Trump's announcement in February 2018 that the

US will develop a batch of new smaller nuclear weapons? Mr Trump reportedly asked his foreign policy advisers why the US does not use nuclear weapons. Will the Foreign Secretary please make it clear to the House that it is never in any country's interest to use nuclear weapons?

Boris Johnson: I think that the President of the United States understands the logic of nuclear deterrence as well as anyone, and that logic is to avoid the use of nuclear weapons.

James Cleverly (Braintree) (Con): The JCPOA was rushed and flawed, and it was never ratified by Congress, which is one of the reasons why it was vulnerable to being changed by President Trump. Will my right hon. Friend ensure that whatever structure replaces the JCPOA is built on firmer foundations and goes through Congress, and is therefore sustainable, to ensure that Iran does not continue to flout international laws and norms and does not abuse its own people and others, and to minimise the danger of a nuclear-armed Iran?

Boris Johnson: The JCPOA took 13 years to negotiate, so to say it was rushed is perhaps a slight exaggeration. I want the House to remember the crucial point that the JCPOA has not gone. The JCPOA is there, and the UK is a party to it, as are France, Germany, Russia, China, the EU and Iran, and that will continue. We will do our level best, around that core, to build a superstructure or entablature—whatever we want to call it—to allay my hon. Friend's understandable concerns.

Peter Grant (Glenrothes) (SNP): Although I appreciate that the Foreign Secretary cannot go into detail here, can he assure us that the Intelligence and Security Committee will be briefed on what reassessments now need to be done of the global threat to United Kingdom citizens so that this Parliament can be assured that our security services are taking cognisance of the increased risk we now face as a result of the premature and stupid actions of our so-called closest ally?

Boris Johnson: For the hon. Gentleman's reassurance, I refer him to the answer I have given several times today. Iran has decided, for the time being at least, to remain in compliance with the JCPOA, and the UK will work to try to perpetuate that agreement.

Bob Blackman (Harrow East) (Con): One of the problems faced under the agreement is that Iran has continued to develop nuclear facilities, such as the one discovered at Fordow and that recently discovered at Natanz—Natanz was discovered only by opposition groups in Iran. Can my right hon. Friend confirm that those facilities, which were not included in the original agreement, have been inspected and are in conformance with the deal? Is not one of the problems that the deal does not constrain Iran from developing further nuclear facilities?

Boris Johnson: My hon. Friend speaks on this matter with a great deal of interest and authority. The IAEA has conducted 400 inspections and confirmed nine times that Iran is in compliance. Iran has reduced its number

of centrifuges by two thirds and its stock of enriched uranium by 95%. On that basis alone, the agreement must be counted a success.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): First the Paris agreement and now the Iran deal—does this show that the USA's signature is not worth the paper it is written on? Our Government must show that we honour our agreements. We must particularly protect British interests and British companies against forthcoming US sanctions that will affect us. Will the Secretary of State build an alliance with the remaining partners in the Iran deal, whose collective GDP is twice the USA's, and use the EU sanctions-blocking regulations that were first used in 1996? Just as we have on the Paris agreement, will we strengthen our resolve to thwart this retrograde step by the Trump Administration?

Boris Johnson: We will certainly work with our friends and partners to keep the deal going and to protect the interests of UK companies and people.

Mr Philip Hollobone (Kettering) (Con): The nuclear deal with Iran does not end Iran's nuclear weapons programme. At best, it just pauses the programme until 2025. By the Foreign Secretary's own admission, Iran will then be capable of developing a deliverable nuclear weapon within a year. The price for all that, in the meantime, is that the sanctions relief is funding a campaign of terror throughout the region. We complain frequently in the House about the fact that millions of people are living in misery in Yemen. Well, that is because of the Iranian-backed Houthi rebellion, which is funded by this sanctions relief. There are hundreds of thousands of rockets on Israel's northern border. Appeasement did not work in the 1930s, and it will not work now.

Boris Johnson: I am absolutely at one with my hon. Friend in his desire to be tough on Iran. The question is whether we can achieve that by getting rid of the JCPOA. If we get rid of the JCPOA, what would our subsequent plans be? What would be the options, really, for being tough on Iran in the way he wants? The right hon. Member for Islington South and Finsbury (Emily Thornberry) suggested bombing but, after closely interrogating everybody I could find in the White House, I would say that there is no enthusiasm in the United States for a military option, and there is no such plan. What we want to hear now is the successor plan.

Rehman Chishti (Gillingham and Rainham) (Con): I refer the Secretary of State to the Prime Minister's statement at the Gulf Co-operation Council summit in 2016:

"I am clear-eyed about the threat that Iran poses to the Gulf and the wider Middle East."

She said that we will work with our GCC partners to "counter that threat." Can the Secretary of State clarify what tangibly has been done to counter that threat? Apart from all the countries named today, another country, Morocco, expelled the Iranian ambassador this May in relation to Iran's aggressive behaviour in Morocco. The deal was defective, so do we carry on with a defective deal, or do we stand by our principles and say that enough is enough?

Boris Johnson: What we do is recognise that the deal itself is not defective, but that we have other challenges in countering Iranian malign behaviour. As my hon. Friend knows, we have 214 separate sanctions regimes, and the UK is in the lead in trying to halt the distribution of Iranian missiles and other malign activity across the region. That is the way to do it.

Dr Matthew Offord (Hendon) (Con): The breadth and scope of the Iranian nuclear programme indicates that it is not exclusively for civilian use. What assessment has the Secretary of State made of the Prime Minister of Israel's comments that Iran has already taken steps to revive its nuclear programme and is very likely to do so, particularly in 2025?

Boris Johnson: As I say, the show and tell by Benjamin Netanyahu indicated that Iran did have a nuclear ambition in the run-up to 2003. I thought that his logic indicated that it was a good idea to have a JCPOA and to stop Iran going ahead with a nuclear weapon. I must say to all those who have alternative ideas for restraining Iran in its acquisition of a nuclear weapon that if they have a military solution and if they have alternative ideas, now is the time for them to come forward with those ideas.

Mrs Pauline Latham (Mid Derbyshire) (Con): My right hon. Friend has made it clear that he believes that the agreement is being upheld by Iran. What is his view on encouraging legitimate trade between it and our country to help to foster good relations?

Boris Johnson: It is important that we continue to do that, in the spirit of the agreement and to support legitimate UK business activity.

Alec Shelbrooke (Elmet and Rothwell) (Con): Nobody is in any doubt that the Iranian regime is responsible for great terror and often war, certainly in the region and in other areas of the world. My right hon. Friend, as a scholar of Churchill, will recognise the phrase, "Jaw-jaw is better than war-war," so may I congratulate him on going out to Washington? He will also recognise that this is about not just the White House, but Capitol Hill. As we try to lead America to work on the deal and see how it can be adjusted, he should therefore also give attention to the House of Representatives.

Boris Johnson: I thank my hon. Friend for his work in building our relationships with Capitol Hill. As he knows, in Congress there is a very wide measure of support for the JCPOA and a great deal of confusion about the exact motives of the White House in choosing to walk away from it.

Helen Whately (Faversham and Mid Kent) (Con): My right hon. Friend would have preferred America to stay in the nuclear agreement, but given that it has not, will he say what scope he sees in working with the US to constrain Iran's wider activities, which are destabilising the region?

Boris Johnson: America is our No. 1 friend, ally and partner, and we will continue to work with it to constrain Iran's malign behaviour in the region in every possible way.

James Heappey (Wells) (Con): The Foreign Secretary has my support for the line he has taken, but he probably has less support from the Israelis, Saudis, Emiratis and other key partners in the region. What steps has he taken over the weekend to reassure those friends of ours in the region of our commitment to supporting them against the malign threat of Iran?

Boris Johnson: I am grateful to my hon. Friend for his question. We have made it very clear to our good friends in the Gulf that we do not share entirely their perspective on this matter and that we do think there are merits in the nuclear deal—they understand that. I must say to all those who want an alternative future in the Gulf and elsewhere that it is incumbent on them to show us a better way of constraining Iran's nuclear ambitions, specifically.

Julian Knight (Solihull) (Con): Does my right hon. Friend agree that whereas some may disagree with what the President has done, it is a mistake to indulge in any anti-American rhetoric, as the US is, and remains by a country mile, our most important ally?

Boris Johnson: I thank my hon. Friend, salute his sentiments, and wish that they were more widely shared across the House.

Kevin Foster (Torbay) (Con): When the House considered this deal a couple of years ago, I said that it was about one issue and not about taking our eye off the range of appalling issues the Iranian regime is responsible for, not least its appalling human rights record. Does my right hon. Friend agree that although it is regrettable that the US has pulled out, Iran still needs to stick to this deal and, ultimately, it will be up to Iran whether it has a nuclear programme or not?

Boris Johnson: That is completely right and, as all hon. Members will recall, it is in the preamble of the JCPOA that Iran forswears nuclear weapons and Iran is still a signatory of the non-proliferation treaty.

Ross Thomson (Aberdeen South) (Con): From Beirut to Basra, Iran is a malign influence in the region, with its destabilising activities and its hegemonic ambitions. I agree with, and welcome, the statement from my right hon. Friend at the weekend that there are flaws in the deal. What reassurance can he give the House about steps he will be taking, alongside our ambassador in Iran, to cover those flaws? What tangible progress is being made to curtail Iran's activities?

Boris Johnson: The most important thing we can do, as I have said several times, is to deal with the problem of the sunset clauses, which has been identified repeatedly across the House, and with the ICBMs—I think we have dealt with the issue of inspection—and then to constrain Iran's wider activity in the region. As I have said repeatedly, we are working closely with the Americans and others to do so.

Points of Order

1.36 pm

Anna McMorris (Cardiff North) (Lab): On a point of order, Madam Deputy Speaker. I seek your advice, after trying to raise this matter with the Prime Minister today. A constituent of mine's wife and seven-year-old daughter are facing a deportation order next Tuesday. Having fled Saddam's Iraq in 1998, Sarbast Hussain has served this country loyally and is a British citizen, but he has been waiting for a new passport since last summer. In view of the extreme urgency of this case, what recourse is there for me to help them urgently to turn this around?

Madam Deputy Speaker (Dame Rosie Winterton): The matter that the hon. Lady raises is not a point of order, but I understand her concerns. She has put them on the record and those on the Treasury Bench will have heard them. I suggest she raises this matter directly with Ministers or through other channels, and I am sure she will do so.

Sir Mike Penning (Hemel Hempstead) (Con): On a point of order, Madam Deputy Speaker. I wonder whether you have had any notification that the Secretary of State for Health and Social Care will come to the House to explain to me and my constituents why my local urgent care centre, which looks after my community, was closed at night 18 months ago without consultation, and now board papers have gone forward to permanently close it following a bogus consultation. I wonder whether the Secretary of State is around. Might you let us know when he will be here so that we can ask that question?

Madam Deputy Speaker: I have not received any notification that the Secretary of State is about to make an appearance but, again, I am sure that those on the Treasury Bench will have heard the right hon. Gentleman's concerns, and I am absolutely convinced that he will find ways of raising them with Ministers directly.

Afzal Khan (Manchester, Gorton) (Lab): On a point of order, Madam Deputy Speaker. The Committee to consider my Parliamentary Constituencies (Amendment) Bill met this morning, but it could not consider any clauses as they all require a money resolution. During

the sitting, the Parliamentary Secretary, Cabinet Office, the hon. Member for Norwich North (Chloe Smith) made it clear that the Government had no intention of bringing one forward. She said, "It would not be appropriate to proceed with the Bill at this time by providing it with a money resolution. The Government will keep this Bill under review, but we believe it is right that we allow the Boundary Commission to report its recommendations before carefully considering how to proceed."

Members gave the Bill its Second Reading almost unanimously—by 229 votes to 44—but it appears that the Government are trying to frustrate the will of the House and circumvent democracy by preventing the Bill's consideration in Committee. What is the best way to ensure that the Government table a money resolution before the Committee next meets on Monday?

Madam Deputy Speaker: I thank the hon. Gentleman for giving me notice that he intended to raise this matter. When to bring forward a money resolution is in the hands of the Government. I appreciate that on this particular occasion the situation is rather unsatisfactory for the hon. Gentleman. I suggest that he encourages his Front-Bench colleagues to pursue this matter through the usual channels, and he might also raise it himself at business questions on Thursday.

BILL PRESENTED

PLASTICS BILL

Presentation and First Reading (Standing Order No. 57)

Geraint Davies, supported by Zac Goldsmith, John Mc Nally, Layla Moran, Mary Creagh, Steve Double, Chris Williamson, Mr Alistair Carmichael, Yasmin Qureshi, Daniel Zeichner, Susan Elan Jones and Mr Tanmanjeet Singh Dhesi, presented a Bill to require the Secretary of State to set, measure, enforce and report on targets for the reduction and recycling of plastic packaging; to require that such targets following the United Kingdom's withdrawal from the European Union at least match such targets set by the European Union; to establish enforcement mechanisms in respect of such targets and associated provisions; to make provision for support for the development of sustainable alternatives to plastic packaging; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 15 June, and to be printed (Bill 207).

European Union Withdrawal Agreement (Public Vote)

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

1.40 pm

Gareth Thomas (Harrow West) (Lab/Co-op): I beg to move,

That leave be given to bring in a Bill to provide that any Withdrawal Agreement between the United Kingdom and the European Union shall not have effect without a vote by the electorate of the United Kingdom and Gibraltar to that effect; to make arrangements for the holding of such a public vote; and for connected purposes.

There should be a democratic public vote on whether to accept the deal that the Government achieve to leave the European Union. A people's vote would allow the public, rather than just us in the House of Commons, to make the final decision about whether to accept the Brexit deal. The 2016 referendum determined that Britain should negotiate the country's departure from the European Union, and I have always respected that decision—I voted for article 50 to be triggered—but the terms on which we leave and on Britain's future relationship with the European Union were never clearly defined or put to the public in 2016.

New facts about Brexit have emerged that could never have been known at the time of the referendum. We now know that the promises made about Brexit—such as £350 million a week extra for the NHS and a deal with the exact same benefits—will not be kept. Who knew that Brexit negotiators would be willing to hand over £40 billion to leave the European Union, and for a much worse relationship? With negotiations obviously not going well and the Cabinet not able to agree among itself, even on future customs arrangements and what to do about the Northern Ireland border, it is more and more likely that the Government will present us with a poor deal. In those circumstances, why should our country—our fellow citizens—have to accept it without having had any chance to influence the hard Brexit that the Government look like they are going to deliver?

We have gone from being the fastest-growing economy in the G7 to the slowest. Indeed, according to the Bank of England, Brexit has cost us more than £200 million a week in lost growth. The pound has plummeted, investment is down, inflation is higher and wages have stagnated—and we have not even left yet. Even the Government agree that Brexit will damage the economy: their own leaked impact analysis shows that we will be worse off under every possible Brexit deal. On immigration, fishing and new trade deals, we were told a series of statements that, two years on, are looking distinctly threadbare.

On immigration, how are the Government going to secure access to the single market without accepting freedom of movement? Why would the European Union sign off a trade deal that does not include the right for EU nationals to come back and forth? There has been not a single sign that EU Ministers are willing to shift on this issue or—tellingly—that the Government really, deep down, want them to. There are various measures that the Government could bring in now, but strikingly they have chosen not to ensure that free movement is not a free for all.

It is now clear that it is Ministers, and not the European Union, holding back our fishermen from expanding their operations. As a former trade Minister, I know that many of the much-heralded new trade deals that Ministers want to negotiate will involve significant immigration to the UK—a truth that Ministers have been reluctant to explain. It is already clear that when big trading nations like the US sit down to negotiate with us on our own, they will expect us to lower the environmental, health and safety standards that we have in the UK. Chlorinated chicken would be just the start; of course, it is well known that private American healthcare chains have ambitions to be allowed to expand into our NHS.

The Prime Minister has said emphatically that the country will have full details about the deal that has been negotiated before we leave the European Union, and I take her at her word. We already know the details of the divorce deal and the transition. We know some key parts of the deal that the Government are negotiating—notably that they want to leave the customs union and the single market. The Government decided that only after the referendum was held; it was not on the ballot paper. If, despite what the Prime Minister has promised, the Government try to fob the country off with only vague plans about leaving—if much of our future relationship remains unclear—it will be even more important to have a people's vote, because of the danger that we will be charging off into the unknown.

This is the greatest country in the world, and I want it to be greater still. The Brexit deal is bigger than any piece of legislation, more significant than any budget, and will have more impact than any current Government Minister on the future of our country. On something as big as the Brexit deal, why should it be only us, here in this House, who get to decide what is good enough? Why cannot my neighbours—the people in my community who shop in the supermarkets that I use, and who walk the same streets as I do—have a vote on the deal, too? Why am I set to be the only person living in Harrow who will get a say on whether the Brexit deal is any good? Why will people in Belfast, Shropshire, Lincoln, Stirling or Aberystwyth not get a vote on the deal that will have such a big impact on their lives and those of their children?

Whatever we think of Brexit—whether we voted remain or leave; whether we think we will get a good deal or a bad deal—we can all surely agree that it is a huge deal. That means that it is much too important to be left to the 650 of us here in Westminster to decide on our own. The 65 million people of this great country deserve to have their voices heard on the Brexit deal as well. That is why I support a people's vote on the terms of Brexit, and that is what I will be campaigning on over the coming months. That is also why I urge the House to support the Bill.

Question put and agreed to.

Ordered,

That Gareth Thomas, Stephen Timms, Dr Rupa Huq, Andy Slaughter, Stephen Doughty, Anna Turley, Susan Elan Jones, Tom Brake, Jonathan Edwards, Caroline Lucas, Daniel Zeichner and Paul Flynn present the Bill.

Gareth Thomas accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 6 July, and to be printed (Bill 208).

Jeremy Quin (Horsham) (Con): On a point of order, Madam Deputy Speaker. Will you please inform us about the timing of today's proceedings? I am trying to get my head around whether there is a 90-minute —[*Interruption.*] I think I have confirmed my own assumptions on the timing, Madam Deputy Speaker. I am most grateful for the indulgence of the House.

DATA PROTECTION BILL [LORDS] (PROGRAMME) (NO. 2)

Ordered,

That the Order of 5 March 2018 (Data Protection Bill [Lords] (Programme)) be varied as follows:

- (1) Paragraphs 4 and 5 of the Order shall be omitted.
- (2) Proceedings on Consideration and up to and including Third Reading shall be taken in one day in accordance with the following provisions of this Order.
- (3) Proceedings on Consideration—
 - (a) shall be taken in the order shown in the first column of the following Table, and
 - (b) shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

Table

Proceedings	Time for conclusion of proceedings
New Clauses, new Schedules and amendments relating to the processing of personal data for the purposes of journalism	4.00 pm, or two hours after the commencement of proceedings on the Motion for this Order, whichever is the later.
Remaining proceedings on Consideration	6.00 pm.

(4) Proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion at 6.00 pm.

(5) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at 7.00 pm.—(*Nigel Adams.*)

Data Protection Bill [Lords]

Consideration of Bill, as amended in the Public Bill Committee

New Clause 19

GUIDANCE ABOUT HOW TO SEEK REDRESS AGAINST MEDIA ORGANISATIONS

“(1) The Commissioner must produce and publish guidance about the steps that may be taken where an individual considers that a media organisation is failing or has failed to comply with the data protection legislation.

(2) In this section, ‘media organisation’ means a body or other organisation whose activities consist of or include journalism.

(3) The guidance must include provision about relevant complaints procedures, including—

- (a) who runs them,
- (b) what can be complained about, and
- (c) how to make a complaint.

(4) For the purposes of subsection (3), relevant complaints procedures include procedures for making complaints to the Commissioner, the Office of Communications, the British Broadcasting Corporation and other persons who produce or enforce codes of practice for media organisations.

(5) The guidance must also include provision about—

- (a) the powers available to the Commissioner in relation to a failure to comply with the data protection legislation,
- (b) when a claim in respect of such a failure may be made before a court and how to make such a claim,
- (c) alternative dispute resolution procedures,
- (d) the rights of bodies and other organisations to make complaints and claims on behalf of data subjects, and
- (e) the Commissioner's power to provide assistance in special purpose proceedings.

(6) The Commissioner—

- (a) may alter or replace the guidance, and
- (b) must publish any altered or replacement guidance.

(7) The Commissioner must produce and publish the first guidance under this section before the end of the period of 1 year beginning when this Act is passed.”.—(*Matt Hancock.*)

This new clause would be inserted after Clause 172. It requires the Information Commissioner to produce guidance about how individuals can seek redress where a media organisation (defined in subsection (2) of the new clause) fails to comply with the data protection legislation, including guidance about making complaints and bringing claims before a court.

Brought up, and read the First time.

1.49 pm

The Secretary of State for Digital, Culture, Media and Sport (Matt Hancock): I beg to move, That the clause be read a Second time.

Madam Deputy Speaker (Dame Rosie Winterton): With this it will be convenient to discuss the following:

Government new clause 22—*Review of processing of personal data for the purposes of journalism.*

Government new clause 23—*Data protection and journalism code.*

New clause 18—*Data protection breaches by national news publishers—*

“(1) The Secretary of State must, within the period of three months beginning with the day on which this Act is passed, establish an inquiry under the Inquiries Act 2005 into allegations of data protection breaches committed by or on behalf of national news publishers and other media organisations.

[Madam Deputy Speaker]

(2) Before setting the terms of reference of and other arrangements for the inquiry the Secretary of State must—

- (a) consult the Scottish Ministers with a view to ensuring, in particular, that the inquiry will consider the separate legal context and other circumstances of Scotland;
- (b) consult Northern Ireland Ministers and members of the Northern Ireland Assembly with a view to ensuring, in particular, that the inquiry will consider the separate legal context and other circumstances of Northern Ireland;
- (c) consult persons appearing to the Secretary of State to represent the interests of victims of data protection breaches committed by, on behalf of or in relation to, national news publishers and other media organisations; and
- (d) consult persons appearing to the Secretary of State to represent the interests of news publishers and other media organisations (having regard in particular to organisations representing journalists).

(3) The terms of reference for the inquiry must include requirements—

- (e) to inquire into the extent of unlawful or improper conduct by or on behalf of national news publishers and other organisations within the media in respect of personal data;
- (f) to inquire into the extent of corporate governance and management failures and the role, if any, of politicians, public servants and others in relation to failures to investigate wrongdoing at media organisations within the scope of the inquiry;
- (g) to review the protections and provisions around media coverage of individuals subject to police inquiries, including the policy and practice of naming suspects of crime prior to any relevant charge or conviction;
- (h) to investigate the dissemination of information and news, including false news stories, by social media organisations using personal data;
- (i) to consider the adequacy of the current regulatory arrangements and the resources, powers and approach of the Information Commissioner and any other relevant authorities in relation to—
 - (i) the news publishing industry (except in relation to entities regulated by Ofcom) across all platforms and in the light of experience since 2012;
 - (ii) social media companies;
- (j) to make such recommendations as appear to the inquiry to be appropriate for the purpose of ensuring that the privacy rights of individuals are balanced with the right to freedom of expression.

(4) In setting the terms of reference for the inquiry the Secretary of State must—

- (k) have regard to the current context of the news, publishing and general media industry;
- (l) must set appropriate parameters for determining which allegations are to be considered;
- (m) determine the meaning and scope of references to national news publishers and other media organisations for the purposes of the inquiry.

(5) Before complying with subsection (4) the Secretary of State must consult the judge or other person who is likely to be invited to chair the inquiry.

(6) The inquiry may, so far as it considers appropriate—

- (n) consider evidence given to previous public inquiries; and
- (o) take account of the findings of and evidence given to previous public inquiries (and the inquiry must consider using this power for the purpose of avoiding the waste of public resources).

(7) This section comes into force on Royal Assent.”

This new clause would require the establishment of an inquiry under the Inquiries Act 2005 as recommended by Lord Justice Leveson for Part two of his Inquiry.

New clause 20—Publishers of news-related material: damages and costs (No. 2)—

“(1) This section applies where—

- (a) a relevant claim for breach of the data protection legislation is made against a person (‘the defendant’),
- (b) the defendant was a relevant publisher at the material time, and
- (c) the claim is related to the publication of news-related material.

(2) If the defendant was a member of an approved regulator at the time when the claim was commenced (or was unable to be a member at that time for reasons beyond the defendant’s control or it would have been unreasonable in the circumstances for the defendant to have been a member at that time), the court must award costs against the claimant unless satisfied that—

- (d) the issues raised by the claim could not have been resolved by using an arbitration scheme of the approved regulator, or
- (e) it is just and equitable in all the circumstances of the case, including, for the avoidance of doubt—
 - (i) the conduct of the defendant, and
 - (ii) whether the defendant pleaded a reasonably arguable defence, to make a different award of costs or make no award of costs.

(3) If the defendant was not an exempt relevant publisher and was not a member of an approved regulator at the time when the claim was commenced (but would have been able to be a member at that time and it would have been reasonable in the circumstances for the defendant to have been a member at that time), the court must award costs against the defendant unless satisfied that—

- (f) the issues raised by the claim could not have been resolved by using an arbitration scheme of the approved regulator (had the defendant been a member), or
- (g) it is just and equitable in all the circumstances of the case, including, for the avoidance of doubt—
 - (i) the conduct of the claimant, and
 - (ii) whether the claimant had a reasonably arguable claim, to make a different award of costs or make no award of costs.

(4) This section is not to be read as limiting any power to make rules of court.

(5) This section does not apply until such time as a body is first recognised as an approved regulator.”

This new clause would provide that court costs of non-abusive, non-vexatious, and non-trivial libel and intrusion claims would be awarded against a newspaper choosing not to join a Royal Charter-approved regulator offering low-cost arbitration, but that newspapers who do join such a regulator would be protected from costs awards even if they lose a claim.

New clause 21—Publishers of news-related material: interpretive provisions (No. 2)—

“(1) This section applies for the purposes of section (Publishers of news-related material: damages and costs (No. 2)).

(2) “Approved regulator” means a body recognised as a regulator of relevant publishers.

(3) For the purposes of subsection (2), a body is “recognised” as a regulator of relevant publishers if it is so recognised by any body established by Royal Charter (whether established before or after the coming into force of this section) with the purpose of carrying on activities relating to the recognition of independent regulators of relevant publishers.

(4) “Relevant claim” means a civil claim made in respect of data protection under the data protection legislation, brought in England or Wales by a claimant domiciled anywhere in the United Kingdom.

(5) The “material time”, in relation to a relevant claim, is the time of the events giving rise to the claim.

(6) “News-related material” means—

- (a) news or information about current affairs,
- (b) opinion about matters relating to the news or current affairs, or
- (c) gossip about celebrities, other public figures or other persons in the news.

(7) A relevant claim is related to the publication of news-related material if the claim results from—

- (d) the publication of news-related material, or
- (e) activities carried on in connection with the publication of such material (whether or not the material is in fact published).

(8) A reference to the “publication” of material is a reference to publication—

- (f) on a website,
- (g) in hard copy, or
- (h) by any other means,

and references to a person who “publishes” material are to be read accordingly.

(9) A reference to “conduct” includes a reference to omissions; and a reference to a person’s conduct includes a reference to a person’s conduct after the events giving rise to the claim concerned.

(10) “Relevant publisher” has the same meaning as in section 41 of the Crime and Courts Act 2013.

(11) A relevant publisher is exempt if it satisfies Condition A or B.

(12) Condition A is that the publisher has a constitution which—

- (a) requires any surplus income or gains to be reinvested in the publisher, and
- (b) does not allow the distribution of any of its profits or assets (in cash or in kind) to members or third parties.

(13) Condition B is that the publisher—

- (a) publishes predominantly in Scotland, or predominantly in Wales, or predominantly in Northern Ireland or predominantly in specific regions or localities; and
- (b) has had an average annual turnover not exceeding £100 million over the last five complete financial years.”

This new clause would provide that the penalty incentives in New Clause 20 would not apply to companies which publish only on a regional or local basis and have an annual turnover of less than £100m. It sets out that only data protection claims are eligible, and provides further interpretive provisions.

Amendment (a), line 33 leave out subsection (10) and insert—

“(10) ‘Relevant publisher’ has the same meaning as in section 41 of the Crime and Courts Act 2013, subject to subsection (10A).

(10A) For the purposes of this Act, a publisher shall only be a ‘relevant publisher’ if—

- (a) it has a registered address in England or Wales; and
- (b) its publications are published in, or in any part of, England or Wales.

(10B) A relevant claim may be made under the data protection legislation only in respect of material which is published by a relevant publisher (as defined by subsections (10) and (10A)) and which is read or accessed in England or Wales.”

Government amendments 146 to 150 and 145.

Amendment 144, page 122, line 10, in clause 205, leave out “Section 190 extends” and insert—

“Sections (Publishers of news-related material: damages and costs (Amendment 2)), (Publishers of news-related material: interpretive provisions (Amendment 2)) and 190 extend”.

Amendment 14, page 156, line 4, in schedule 2, at end insert—

“(d) any code which is adopted by an approved regulator as defined by section 42(2) of the Crime and Courts Act 2013.”

This amendment would give the Standards Code of an approved press regulator the same status as the other journalism codes recognised in the Bill (The BBC and Ofcom Codes, and the Editors’ Code observed by members of IPSO).

Matt Hancock: The Data Protection Bill sets out a full new data protection regime for Britain, giving people more control over their data.

First, I wish to address new clauses 20 and 21, before turning to the other new clauses. These new clauses are essentially the provisions contained in sections 40 and 42 of the Crime and Courts Act 2013, although they would apply only to breaches of data protection law and only in England and Wales.

Let me first set out exactly what these new clauses would mean and then our approach to them. They would set new cost provisions for complaints against the press, which means that any publication not regulated by IMPRESS would have to pay the legal costs for any complaint against it, whether it won or lost. Many would object to that and say that it goes against natural justice. It is grounds enough to reject these new clauses on the basis that the courts would punish a publication that has done no wrong, but that is not the only reason. Let us consider the impact of these new clauses on an editor. Faced with any criticism, of any article, by anyone with the means to go to court, a publication would risk having to pay costs, even if every single fact in a story was true and even if there was a strong public interest in publishing. Let us take, for example, Andrew Norfolk, the admirable journalist who uncovered the Rotherham child abuse scandal. He said that section 40 would have made it “near impossible” to do his job. He went on to say that it would have been “inconceivable” to run the front page story naming one of the abusers in a scandal that had ruined the lives of 1,400 innocent young people with disgusting crimes that had gone on for years and years and years. Without Andrew Norfolk’s story, the scandal would have gone on for years and years more.

Ian C. Lucas (Wrexham) (Lab): If the Secretary of State is so opposed to section 40, why did he support it?

Matt Hancock: I will come on to what has changed in the many years since 2013, not least of which is the fact that we now have a full-blown independent press regulator, the Independent Press Standards Organisation, which did not exist back then.

Bill Wiggin (North Herefordshire) (Con): I am most grateful to my right hon. Friend for giving way. First, IPSO is not a press regulator, because it does not comply with the requirements to be a regulator; it is merely a complaints handler. Secondly, he may have inadvertently misled the House, because it is not necessary to join IMPRESS as he said earlier on. It is necessary for regulators to comply with the rules, which is slightly different.

Matt Hancock: There is no recognised press regulator other than IMPRESS. As many journalists have pointed out, the truth is that these new clauses would have made it near impossible to uncover some of the stories of abuse, including the abuse of all those children in Rotherham. Another example is that of Mark Stephens, who represented phone hacking victims. He wrote today that the new clauses would

“return Britain to the legal Dark Ages and make it easier for wealthy people to suppress negative stories.”

The impact on local newspapers, too, risks being catastrophic. I say do not just take my word for it. The editor of the *Express & Star*, well known to the hon. Member for West Bromwich East (Tom Watson), said that the new clauses could spell the end of newspaper printing in this country on a large scale and are a

“ludicrous and patently unfair...piece of legislation.”

Liam Byrne (Birmingham, Hodge Hill) (Lab): Will the Secretary of State confirm to the House that the BBC, Channel 4 and every other broadcaster operates under much more stringent rules, and yet nothing seems to have got in the way of their powers of interrogation and investigation? Does he think that they are operating second-class investigations today?

Matt Hancock: We have three separate systems of media regulation in this country: a separate system for broadcasters; an essentially self-regulated system under IPSO for newspapers; and then there is the issue of how we make sure that what happens online is properly regulated as well. I will come on to that last point, because it is a very important part of the debate. The impact of the new clauses on the local press should not be underestimated. Two hundred local newspapers have already closed since 2005, and these new clauses would accelerate that decline. However, there is one national newspaper that is carved out in the small print of the new clauses as it only covers newspapers run for profit. Which newspaper is exempted? It is *The Guardian*. If those who tabled these new clauses thought that they were making friends with *The Guardian*, they were wrong. *The Guardian* has said that

“the Data Protection Bill should not be used as a vehicle for imposing an unfair and partial system on publishers.”

It did not ask for the measures, and it, too, opposes them. Indeed, in a recent consultation, 79% of direct responses favoured full repeal of section 40, compared with just 7% who favoured full commencement.

Chris Philp (Croydon South) (Con): The Secretary of State quoted *The Guardian*. In fact, its statement released this morning went even further. The Guardian News and Media said that these new clauses would

“further erode press freedom and have a chilling effect on the news media.”

Matt Hancock: It did, yes. I am trying to ensure that we have a debate on these measures that takes into account the fact that, yes, we want a free press that can hold the powerful to account, but also that it is fair. I know—as does everyone in this House—that there has been irresponsible behaviour by the press. Although I want to see a press that is free to report without fear or favour, to uncover wrongdoing and to hold the powerful to account, I also want to see a press that is fair and

accurate. I am determined that we have a strengthened system so that people have recourse to justice when things go wrong.

Tom Tugendhat (Tonbridge and Malling) (Con): Does my right hon. Friend agree that, in many ways, there are two forms of media already operating in this country? One is printed, published and broadcast from reputable sources, which have assets in this country that we can take action against, or not, and the other form is websites that have either very low assets or no assets in this country with very different accountability. Bizarrely, could we not find ourselves in a position under this system where the only people who can get justice are those who are rich enough, such as Peter Thiel, to destroy the website Gawker, in this case, because it was acting against him, rather than those of us on more modest means who would have absolutely no recourse against these organisations, but yet all the news would have gone online because these regulations would force out our newspapers?

Matt Hancock: My hon. Friend is completely right about the gap between online and print in terms of standards of regulation. That is because IPSO was brought into force—I was glad to see it being introduced in 2014. He is also right that tackling the problems online is critical. Our internet safety strategy, which will be published in the next couple of weeks, will address that matter directly. I know that there are many Members who have concerns about the impact of content online, of abuse online, and of the ability to get redress online, and we will not let that rest. We will ensure that we take action to tackle the problems online in the same way that IPSO deals with the press and indeed that these new clauses deal with publications in the press.

I am glad that IPSO now has the power to require front page corrections as it did, for instance, just a couple of weeks ago with *The Times*. As the House knows, I have pushed IPSO to bring in further measures. It recently introduced a system of compulsory low-cost arbitration. This means that ordinary people who do not have large sums of money can take claims to newspapers for as little as £50. Almost all of the major national newspapers have signed up to it. That means that anyone who has been wronged by a national newspaper can, for the first time, ask for arbitration and the newspaper cannot refuse. The scheme applies not just to words, but to images. This must be the start of a tougher regime, and not the conclusion.

Mr Peter Bone (Wellingborough) (Con): Is not one of the problems that the scheme does not include everyone? It is compulsory, but does not include everyone. When MailOnline is excluded, does that not leave a whacking great hole in it?

Matt Hancock: I have a lot of sympathy with the views of my hon. Friend. MailOnline is, of course, an online publication, and we are looking at that as part of our internet safety strategy. I am very happy to talk to him about how that can be done. Only in the past week, however, many publications have joined the IPSO low-cost arbitration scheme, which is binding on them, and I very much hope that more will join in the future.

Mrs Anne Main (St Albans) (Con): Will my right hon. Friend also confirm that the new scheme will allow for a higher maximum level of damages of up to £60,000 and that it can be run for as little as £100?

Matt Hancock: That is absolutely right. The minimum access cost will be £50, which means that everybody has access to justice at low cost. There is more to it than that, however. Some people argue that the £60,000 limit on damages is too low, but the arbitration scheme does not stop somebody going to court, so there is access to justice where damages should be higher. The arbitration scheme is an addition to, rather than a replacement for, going to court. It introduces a robust and fair system that is easy for everybody to access, so everyone can have access to justice.

The section 40 amendments would, ironically, have the opposite effect, because anybody with the means to take small newspapers to court could stop them publishing stories for fear of having to pay the costs, even if they get everything right.

Dr Andrew Murrison (South West Wiltshire) (Con): Is it not the case that IPSO proposed its arbitration scheme only when a number of colleagues had tabled amendments that were distinctly unhelpful to the print media? Can we trust that organisation? Will my right hon. Friend be extremely careful about removing the boot from the neck of IPSO, particularly in relation to the review period? I know that he will come on to talk about that shortly, but will he consider tightening the review period, because at the moment it gives IPSO the best part of a decade before there is any prospect of further change if the industry does not behave itself?

Matt Hancock: I agree with the sentiment, which is that we have to ensure that the press remains free but also fair and reasonable, and that is the purpose of the amendment proposing a review period of four years. We will not let matters lie.

Some have asked, "What happens if newspapers pull out of the IPSO scheme?" I think that would send a terrible signal of the newspaper industry's attitude to the standards that it rightly ought to sign up to. The review is there precisely to address my hon. Friend's concerns.

Vicky Ford (Chelmsford) (Con): I am pleased to hear the Secretary of State refer to a low-cost scheme. People have told me about their concern that £60,000 may be too low because there needs to be a deterrent. Will the four-year review also cover that £60,000 cap?

Matt Hancock: Given that this is a Data Protection Bill, the review will consider data protection issues, but I would expect it to be as broad as necessary, to ensure that all those matters are considered.

We have listened to concerns raised during the passage of the Bill, including in this debate.

Liam Byrne: I am grateful to the Secretary of State for giving way just before he moves off the subject of IPSO. He has set out arguments in IPSO's defence. It is not just MailOnline that is outside the arbitration scheme; that is also true of Newsquest and Archant, so a significant chunk of the press is outside it. Brian Leveson said that

the regulator needed to have independent board members, independence of operation, fair remedy for complaints, the ability to carry out investigations, the ability to issue fines, and universal arbitration. None of those conditions is put in place by IPSO, so which of those principles does the Secretary of State think should be retired?

Matt Hancock: On the contrary, the scheme introduces new, compulsory, low-cost arbitration to ensure that people can have exactly the recourse to justice mentioned by the right hon. Gentleman. In order to address some of the concerns, we have tabled two new clauses. First, new clause 19 requires the Information Commissioner to publish information on how people can get redress. The point is to ensure that there is a plain English guide to help anyone with a complaint to navigate the system. Secondly, new clause 22 requires the Information Commissioner to create a statutory code of practice, setting out standards on data protection. The point is that, when investigating a breach of data protection law, the commissioner has to decide whether a journalist acted reasonably. When making that judgment, a failure to comply with the statutory code will weigh heavily against the journalist.

Mr Jim Cunningham (Coventry South) (Lab): How binding is the arbitration, and how binding is the code of practice?

Matt Hancock: The arbitration is binding on the newspapers, meaning that anybody who wants to get redress from a newspaper in the scheme can do so up to a limit of £60,000, and then the recourse is through the courts. The Information Commissioner's statutory code of practice is binding with respect to data protection standards; after all, this is a Data Protection Bill, so that is what is in scope.

Taken together, the changes from IPSO and the new clauses mean that Britain will have the most robust system we have ever had of redress for press intrusion and it will be accessible to all. It will achieve that and the benefits of high-quality journalism, without the negative effect that section 40 would have.

Joanna Cherry (Edinburgh South West) (SNP): I thank the Secretary of State for giving way; he is being very generous in taking interventions. Before he finishes his peroration on the new clauses, will he confirm that they are purely procedural and will give members of the public, including our constituents, absolutely no new rights whatsoever?

Matt Hancock: No, that is not right. The statutory code of practice for journalists must be a consideration in the Information Commissioner's judgments, and a failure to comply with the statutory code will weigh against the journalist in law. It has precisely the impact that we are trying to bring about.

New clause 18, tabled by the former Leader of the Opposition, the right hon. Member for Doncaster North (Edward Miliband), requires the Government to, in effect, reopen the Leveson inquiry, but only in relation to data protection. I want to say something specific and technical about the new clause. Even on its own terms, it would not deliver Leveson 2 as envisaged. It focuses on

[*Matt Hancock*]

data protection breaches, not the broad question of the future of the press. The new clause, therefore, is not appropriate for those who want to vote for Leveson 2.

The first Leveson inquiry lasted more than a year and heard the evidence of more than 300 people, including journalists, editors and victims. The inquiry was a diligent and thorough examination of the culture, practices and ethics of our press, in response to illegal and improper press intrusion. There were far too many cases of terrible behaviour, and having met some of the victims, I understand the impact that had. The inquiry was followed by three major police investigations, leading to more than 40 criminal convictions. More than £48 million was spent on the police investigations and the inquiry.

Liam Byrne: This is probably a good point for the Secretary of State to remind the House about Brian Leveson's view of the future of the inquiry. Will he set that out for us?

Matt Hancock: Sir Brian was very clear in his letter to me. He stated that he wanted the inquiry to continue on a different basis. I think, having considered his view and others, that the best approach is to ensure that we do the work necessary to improve the standards of the press, but we do it based on what is needed now to improve things in the future. I will come back to that.

Robert Neill (Bromley and Chislehurst) (Con): I am glad that my right hon. Friend acknowledges the diligence and hard work of Sir Brian Leveson in the inquiry. He highlighted the particular vice of corrupt police officers giving the names of persons—perhaps whose premises are being searched—to corrupt journalists who publish them before charge, and very often those people are never charged. No amount of redress can undo that damage. Will my right hon. Friend meet me and other concerned Members to consider revisions and what additional legal protection can be given to people post-charge to prevent this trade in muck and dirt, sometimes without anybody ever coming before a criminal court, which undermines the presumption in favour of innocence?

Matt Hancock: Yes, I will. My hon. Friend makes a very important point. We are discussing the rules around the disclosure of the names of people who are under investigation before arrest. This is a sensitive area, and we have got to get it right. I want to work with colleagues and others to explore the reporting restriction rules further, and I look forward to meeting him and any others who share those concerns.

Anna Soubry (Broxtowe) (Con): I am grateful to the Secretary of State for giving way; it is very generous of him. Some years ago, I put forward a private Member's Bill calling for anyone who was accused to keep their anonymity until they were charged. It is all there—it is effectively good to go. I too would very much like to meet the Secretary of State, because this is the right thing to do. People should not be named before they are even charged, unless a judge orders otherwise.

Matt Hancock: I am aware of my right hon. Friend's proposals, and I look forward to meeting her. Getting the details of this right is incredibly important, and I am happy to take that forward.

Mr Kenneth Clarke (Rushcliffe) (Con): To go back to the key question of holding an inquiry, the Secretary of State rather implies that the first Leveson inquiry is closed and we now face the possibility of starting a new one. Does he not accept that, from the moment it was set up, the Leveson inquiry was always going to be in two parts? That was the commitment of the Government in which he and I served. It was only suspended so that police operations could take place, and it was quite clearly agreed that part 2 of the inquiry would then resume. The case he has to make is: why is he cancelling a previously promised inquiry endorsed by Leveson? What on earth is the reason for stopping investigations into the kind of things we are all talking about? No one would stop investigations of this kind against any other body in this country.

Matt Hancock: I have a huge amount of respect for my right hon. and learned Friend. I was about to come on to precisely the reason for that. The reason is that inquiries are not costless, and not just in terms of taxpayers' money; that is one consideration, but inquiries also take hours of official time and ministerial time. They divert energy and public attention—[*Interruption.*] Hold on. The question for the House is this: given all the other challenges facing the press, is this inquiry the right use of resources?

There is something in the calls to reopen the inquiry that implies that the problem is that we do not know what happened, but we do know what happened, and then we had police investigations and the convictions. It is fundamental that we get to the bottom of the challenges that the press face today. I want to divert our attention and resources to tackling and rising to the problems of today and ensuring we have a press that is both free and fair.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): In answer to the point made by my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), surely the question here is not that further issues should not be settled, such as those that have been raised, but how one should go about it. An open-ended continuation of this inquiry will not necessarily resolve those issues but could travel into all sorts of areas, which would take time. Will the Secretary of State commit to dealing with all these issues raised in a more effective way, rather than just opening a further point in the inquiry? That is the point.

Matt Hancock: Yes, and my right hon. Friend has pre-empted what I was about to say, which is that the choice is not between doing something and doing nothing, but between doing something and doing something better. New clause 18 calls on us to go into a backward-looking inquiry when what we need to do is ensure that we allow the press to rise to the challenges we face today.

Paul Farrelly (Newcastle-under-Lyme) (Lab): I thank the Secretary of State for giving way, not least in view of what I am going to say. Is the truth not that he has broken promises to the victims, ignored the opinions of Sir Brian Leveson and ridden roughshod over the cross-party, unanimous opinion of the Digital, Culture, Media and Sport Committee? Much has happened since Leveson 1, and one thing that Leveson 2 could establish is who told

Sir Brian the truth and nothing but the truth the first time round. Why is the Secretary of State afraid of establishing the truth?

Matt Hancock: I want to focus on the challenges we face now. That is my job as Secretary of State, and it is my judgment as to what the proposals I have put forward do, and do in a better way than re-establishing the inquiry.

2.15 pm

Mr Jacob Rees-Mogg (North East Somerset) (Con): Has this not been decided in the jewel of our legal system—that is to say, in front of a jury? Some people accused of things that would have been part of Leveson 2 have been acquitted, and a very few have been convicted, but once someone has been tried in front of a jury, it is fundamentally unfair, unjust and a question of double jeopardy if they are then brought before another tribunal and put once more on oath to repeat evidence that they have given before and then been acquitted for. It would be against British justice to proceed in that way.

Matt Hancock: The police inquiries and the prosecutions that followed were exhaustive, so much so that in 2015, the Director of Public Prosecutions said that the end had been reached of the need to inquire further into those criminal acts. Of course, the criminal acts were punished, and people were convicted and went to prison.

Crucially, the arrival of the internet has fundamentally changed the landscape. That was not addressed at the core of the first Leveson inquiry, but it must be addressed. Later this month we will publish our internet safety strategy, as I mentioned, in which we will set out the action we need to take to ensure that the online world is better policed. Many colleagues have raised with me huge concerns about online abuse and the inability to get redress. That is a significant challenge for the future, and we must address it.

However, the internet has also fundamentally undermined the business model of our printed press. Today's core challenge is how to ensure a sustainable future for high-quality journalism that can hold the powerful to account. The rise of clickbait, disinformation and fake news is putting our whole democratic discourse at risk. This is an urgent problem that is shaking the foundations of democracies worldwide. Liberal democracies such as Britain cannot survive without the fourth estate, and the fourth estate is under threat like never before. These amendments would exacerbate that threat and undermine the work we are doing through the Cairncross review and elsewhere to support sustainable journalism.

The terms of reference of part 2 of the inquiry have already largely been met. Where action is needed, I do not back down from taking it. The culture that allowed phone hacking to become the norm has changed fundamentally and must stay that way. We have already seen reforms of police practices, with a new code of conduct for the College of Policing. As I said, we are discussing rules around disclosure. I can confirm that we have asked Her Majesty's inspectorate of constabulary to undertake a new review of how police forces are adhering to new media relations guidance, as recommended by Sir Brian, and we will not hesitate to strengthen the rules further if that is needed.

Andy Slaughter (Hammersmith) (Lab): The Secretary of State has talked about victims of abuse, but he seems to have forgotten that Leveson was set up because of the victims of press harassment and abuse in the first place. Many of those victims have written to Members on both sides of the House, rejecting the ridiculous IPSO scheme and asking for part 2 of Leveson to proceed. He has heard concerns from Members on both sides of the House today, so why will he not think again? What has changed his mind about those victims over the last three or four years?

Matt Hancock: In the period in which people have raised concerns and said that they must be looked into in Leveson 2, every one that has been raised with me was covered in Leveson 1. Leveson 1 was exhaustive, and there were then police investigations, which went further. My judgment is about what is right now, and the challenges the press face now are fundamentally different.

Christine Jardine (Edinburgh West) (LD): Does the Secretary of State accept that many of the challenges that the press face now are the result of the behaviour that led to Leveson 1 and undermined public confidence? The fact that the victims are not perceived as having had justice further undermines the press, and we would be helping the future of the press in this country if we continued along the lines of Leveson 2 and looked at how best to implement the recommendations of Leveson 1.

Matt Hancock: I think the representations from the press themselves show that they are not looking for help of that sort. Let us, however, look at the public: there is not a great public cry for this. In response to the consultation, 79% of direct responses favoured the full repeal of section 40. It is my job to address what we face now and the needs of the country now.

Ian Paisley (North Antrim) (DUP): The Secretary of State has made the very interesting point that he will try to address some of the grievances and outcomes by way of a review. Doing so specifically in relation to Northern Ireland was in effect precluded by the first part of Mr Leveson's inquiry. Will the Secretary of State tell us how he will try to resolve this problem in Northern Ireland?

Matt Hancock: Through new clause 23, as I have mentioned, we will require the Information Commissioner to conduct a statutory review of media compliance with the new law over the next four years. Alongside that review, we propose to have a named person review the standards of the press in Northern Ireland, and we will take that forward as part of and alongside new clause 23.

Ian Paisley: I thank the Secretary of State for his generosity. Would it be fair for me to characterise that review as a Leveson for Northern Ireland?

Matt Hancock: I would characterise it as a review aligned with new clause 23, which we are bringing in for the whole country, specifically to look at the effects in Northern Ireland. The crucial point is that we will make sure, through the review in new clause 23, that the future of the press is both free and reasonable, that its

[*Matt Hancock*]

behaviour is reasonable, and yet that it is not subject to statutory regulation. I want to see a press that is both free and fair.

Edward Miliband (Doncaster North) (Lab): This is an extraordinary way to make policy. Will the Secretary of State explain to us why there can be a Leveson for Northern Ireland, but not for the rest of the United Kingdom?

Matt Hancock: I have explained that new clause 23, which I hope the right hon. Gentleman supports, will in the future bring in a review of behaviour following the new system that we are putting into place. That is true here, and it is true right across the country.

Ian C. Lucas: May I bring the Secretary of State back to the United Kingdom and to Manchester last year? The Kerslake review said:

“The panel was shocked and dismayed by the accounts of the families of their experiences with some of the media.”

That happened last year, so the Secretary of State should not represent the threats posed by press misbehaviour as being from the past; this is a real and pressing problem now. Will he keep his promise to the victims who have suffered from this in the past and are continuing to suffer from it?

Matt Hancock: New clause 23 is for the whole of the UK, which includes Northern Ireland. On the hon. Gentleman's broader point, I have read the Kerslake review, and we asked to see all the evidence that fed into it, but we have not received specific allegations. The crucial point is that the low-cost IPSO arbitration is precisely to make sure that everybody has access to justice and that the press improves the way in which it behaves so that it is both free and fair, and that is what we want to achieve.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): The Secretary of State may not be aware of this, but my daughter, aged seven, was spoken to and recorded by a journalist in 2016. The incident, which was in our own garden, traumatised her greatly, as has been stated by her school and by her doctor, but it was ignored by IPSO. Will he meet me and my daughter to explain how children like her will be protected by his amendments and what he is trying to do, because she has no faith in the system?

Matt Hancock: Yes, I absolutely will. This is the sort of thing that I am trying to put right. It is about making sure that the system is right now: rather than going over the past—there is an enormous amount of evidence of what happened in the past—this is about making sure that we look to the future.

The hon. Member for North Antrim (Ian Paisley) mentioned Northern Ireland and the review I have committed to in Northern Ireland will take place at the same time as the review under new clause 23 for the UK that is before the House.

Tom Watson (West Bromwich East) (Lab): Further to the point made by the hon. Member for North Antrim (Ian Paisley) about the special review for Northern

Ireland, may I ask the Secretary of State in reference to the Hurst case—the former Army intelligence officer whose computers were hacked by newspaper journalists working for newspapers in England about his activities protecting our state in Northern Ireland—whether his review will also examine such criminal activity?

Matt Hancock: If there are allegations of criminal activity—the hon. Gentleman has just made such an allegation—then that is a matter for the courts.

Tom Watson: A newspaper group has admitted liability for criminally hacking the computers of a former Army intelligence officer.

Matt Hancock: In a way, the hon. Gentleman has summed up my case. My case is that we want a press that is free and that is fair. Statutes already exist to ensure that, when there are cases of wrongdoing, people can be brought to account through the courts. That already exists, and we now also have a system of compulsory, low-cost arbitration to make sure everybody can get recourse.

I am focused on ensuring that we have high-quality political discourse and a press that can survive and thrive, with high-quality journalists who can hold the powerful to account, and on ensuring that we face the challenges of today rather than those of yesterday. That is what we want to work towards, and new clauses 18, 20 and 21 would make it harder to find solutions to today's real problems.

Ian Paisley: The Secretary of State will correct me if I am wrong, but new clause 23, to which he has referred at the Dispatch Box, looks at cases going forward; it is not retrospective—I hope I am correct. Therefore, it addresses some of the deficiencies in the other new clauses before the House about having just a consultation process on what has happened previously.

Matt Hancock: New clause 23 is about ensuring that in the future there is a review of activity from now onwards, and alongside it we will ensure that there is a named person to ensure that the issues in Northern Ireland are looked into properly.

Overall, I want to ensure that the law that applies to the press is applied fairly, and that we have a free press and one that is responsible. I therefore oppose new clauses 18, 20 and 21, which would make that more difficult, not easier, and I urge every Member of the House to do the same.

Liam Byrne: I rise to support in particular new clause 18, in the name of my right hon. Friend the Member for Doncaster North (Edward Miliband), and indeed our new clause 20 and the consequential amendments.

The background to this is fairly well rehearsed, but it is worth remembering the level of shock we all felt when the revelations about phone hacking first became public. It is worth remembering the shock we felt when we heard that Milly Dowler's phone had been hacked. It does not often happen in this House that Members on both sides unite to try to construct a shared way forward through an extremely difficult problem, yet that is exactly what we managed to do with the Leveson inquiry.

That was very difficult, but it was always going to be a game of two halves. There were too many cases coming to court at the time; there was too much evidence still under wraps; and there was too much that had to be left in the dark. As the Father of the House so rightly pointed out, it was never a question of opening a new inquiry; this is about letting the existing inquiry actually finish its work.

When the previous Prime Minister, Mr Cameron, having spoken to victims, made a statement, the point he wanted to impress on Members on both sides of the House was the need for Leveson to finish the job:

“One of the things that the victims have been most concerned about is that part 2 of the investigation should go ahead—because of the concerns about that first police investigation and about improper relationships between journalists and police officers. It is right that it should go ahead, and that is fully our intention.”—[*Official Report*, 29 November 2012; Vol. 554, c. 458.]

The then Prime Minister was not speaking simply on his own behalf; he was speaking on behalf of Government Members, including members of today’s Government Front Bench such as the Chief Whip, the right hon. Member for Skipton and Ripon (Julian Smith), who wrote not too long ago to one of his constituents:

“The Government has been clear all along that the status quo is not an option and I, personally, am determined to see Lord Justice Leveson’s principles implemented.”

Where has that commitment gone this afternoon?

2.30 pm

Paul Farrelly: May I add another voice? There is no journalist more respected on these shores than Sir Harold Evans, the former editor of *The Sunday Times*. He wrote to everybody today in support of the previous Government’s promises:

“Whatever your party, I and many of my associates, look to you to honour that commitment. To renege would be an affront to every citizen who suffered intrusion, but also the many independently-minded journalists of talent and integrity.”

Is it not time today for fair and independently minded MPs to vote as Sir Harry advises?

Liam Byrne: My hon. Friend makes an excellent point. What strengthens his argument is the way in which the Secretary of State has sought to bring forward one argument after another, all of which have been knocked down.

When we were first told that Leveson 2 could not proceed, we were told that there had been a day, sometime in about 2010, when magically, all of a sudden, all the abuse that we had ever heard about before categorically, unequivocally and without doubt ceased. We were all quite surprised about that. We were even more surprised, therefore, when John Ford presented his evidence to the Digital, Culture, Media and Sport Committee on 13 March. It is worth setting out what Mr Ford said, because not everyone luxuriates in membership of that Committee:

“I illegally accessed phone accounts, bank accounts, credit cards, and other personal data of public figures... My targets included politicians of all parties. In most cases, this was done without any legitimate public interest justification.”

Mr Ford goes on to reflect on whether the practice had magically ended, as the Secretary of State asserted, or whether it was ongoing. He was asked directly to

reflect on the Secretary of State’s assertion that it was all over—nothing more to see; time to walk on by. Mr Ford writes in his letter:

“I am sorry to inform you that Mr Hancock is totally wrong”.

Who can imagine such a thing? He goes on to say that “having spent 15 years in the business, it is no surprise... that I still know people in the illegal data theft industry, and specifically,”—this is the nub of the argument—

“that I know individuals who are still engaged in these activities on behalf of newspapers.”

The idea that magically this bad behaviour suddenly stopped and is not ongoing is argument one that has been knocked down.

Peter Heaton-Jones (North Devon) (Con): As reprehensible as those activities are, the fundamental point is that they are criminal acts. They are against the law. The right hon. Gentleman is wrong to conflate that point with the question of press regulation. Those are criminal acts to be dealt with by the courts.

Liam Byrne: Actually, it is not wrong to conflate press regulation with these matters, because the purpose of press regulation, in case the hon. Gentleman has not spotted it, is to try to stop such offences happening again. That is how public policy tends to be made in this country.

Ian C. Lucas: Is it not extremely relevant that one of the main aims of Leveson 2 was to investigate the relationship between the police and the press, because the police are the people who look into illegal acts and there has been evidence in the past of corruption involving the exchange of information between the police and the press, some of which has affected how Government Members have been presented? Independent-minded Members of the House should be looking into that, not suppressing it. Is it not right that that is looked into?

Liam Byrne: My hon. Friend is precisely right. We heard a couple of different arguments from the Secretary of State this afternoon, but they boil down to this: “Inquiries are expensive and time consuming, and officials have a lot of better work to do, unless you live in Northern Ireland, in which case we will crack on with the job now.”

Hannah Bardell (Livingston) (SNP): Are not culture and criminality very closely linked in these matters and the changes proposed by Opposition Members fair and proportionate? I was disappointed to hear the Secretary of State’s very loose sense of history—of what is more recent and what is in the past. The families of Kirsty Maxwell and Julie Pearson, two of my constituents who were both killed abroad, were harassed by the press. In the case of Kirsty Maxwell, a particular tabloid harassed the family to the detriment of other good and decent journalists, because the family were too scared to speak to the press. Any fair-minded and decent journalist will support these changes.

Liam Byrne: That point is well put by the hon. Lady. If there is one ambition that we share in this House, it should be not only for a free press, but for a clean press. The idea that there is nothing to see and that we should all walk on by has collapsed.

Simon Hoare (North Dorset) (Con): I am following what the right hon. Gentleman is saying with great interest. I think he is saying that he appreciates that a lot of the activities that he is talking about are illegal, but that they have still been done by journalists and others. Where I am not joining the dots, as he clearly is, is on why Leveson 2, were it to reopen, would make journalists and others more cognisant of those things that are already illegal and change their behaviours.

Liam Byrne: For a very simple reason: we have evidence that bad behaviour is still ongoing. When the Secretary of State originally decided to cancel Leveson 2, he said that the bad behaviour was in the past. Actually, the evidence is that it is ongoing. What is more, there was much evidence that could not be considered by Lord Leveson because of the court cases that were ongoing. Crucially, that evidence included allegations of collusion between the press and the police. I would have thought that we should scrutinise that to bits in this House, not just walk on by.

Simon Hoare: It is obviously me; I still do not get why the reopening of Leveson—

Kevin Brennan (Cardiff West) (Lab): It is not a reopening.

Simon Hoare: Sorry, the reconvening. I do not get why the reconvening of Leveson would make things that are currently illegal any more illegal than they already are. The courts and the prosecution services have the power to bring those cases when illegality takes place. We do not need Leveson 2 to achieve that, surely.

Liam Byrne: The point of inquiries is to get to the nub of the truth. There was much that the first half of the Leveson inquiry could not consider because of the courts cases that were ongoing. As a Member of this House, I want to know whether the press regulation system that we are setting up takes account of what we have learned about the sins of the past. I do not think that those sins should be buried and forgotten, and that we should walk on by—unless, of course, people are lucky enough to live in Northern Ireland.

Ian Paisley: I know that the right hon. Gentleman thinks that people in Northern Ireland can be treated with the back of his hand with comments like that, but I should make it clear that the Northern Ireland press were exempt from proper scrutiny by Leveson. That is why people feel aggrieved. Many Members whose phones were hacked, like myself, were completely ignored by that process. Now, perhaps, we will have the chance of fairness. Quite frankly, there has been no fairness up until this point.

Liam Byrne: I am listening very jealously to the hon. Gentleman. I would like the privileges he has just secured for Northern Ireland for the rest of the country, because the victims who live in England and Wales deserve the same rights.

Ian Paisley: I understand that new clause 23 applies to the whole United Kingdom. I live in the United Kingdom.

Liam Byrne: The hon. Gentleman may be assured by the process that he has been offered by the Secretary of State this afternoon, but the Opposition are not. We want Lord Leveson to be given the right to finish the job and do the work that he was commissioned to do by the last Prime Minister.

Mr Duncan Smith: I am grateful to the right hon. Gentleman for being so generous in giving way. I want to follow up on the point made by my hon. Friend the Member for North Dorset (Simon Hoare). What I do not understand about the Labour new clauses is what he and those in his party who want phase 2 of Leveson, if we want to call it that, think they will learn that they have not learned and could not learn from the court cases and all the evidence that is already in the open. Is there not enough evidence for us to make the necessary changes, without going through the interminable process of opening it up? Is there some specific area of the criminal law he does not understand that Lord Leveson may be able to explain to him?

Liam Byrne: What I want to learn is the truth. I want to learn the truth about police-press collusion and I want to know how we improve our press regulation in the future, so that we have not just a free press but a clean press.

Let me make some progress. The Secretary of State offered us a second line of argument that has now collapsed. I am not quite sure of the exact words he used when he came to the House, but most of us walked away thinking that Lord Leveson was pretty content that the whole thing was going to be shuttered. The House can therefore imagine our surprise when Sir Brian Leveson said that he “fundamentally disagreed” with the Government’s decision to end part two of the inquiry. When Lord Leveson said that he wanted the terms to be revised, he meant that he wanted them to be expanded, not cancelled all together. The Secretary of State says that malpractice is in the past and that there is nothing more to see, officials are busy, inquiries are expensive and so we must move on. He intimated that Lord Leveson agreed with him when that was not in fact the case.

A third line of attack from the Secretary of State was that the review looked to the past and ignored the challenges for the press in the future. That was a legitimate challenge and if he studies carefully the words of the amendment tabled by my hon. Friend the Member for West Bromwich East (Tom Watson), he will see that there is a new ambition to get into some of the challenges around fake news that were looked at by Brian Leveson. That was not enough to satisfy the Secretary of State, however. In a letter to Conservative Members—I did not receive a copy—he offered some more objections, each one of which we can knock down.

The Secretary of State, in his letter to his colleagues, says that the first half of Leveson was “full and broad” when in fact it was partial and incomplete. He says that newspaper margins are under pressure, as if economic hardship is now some sort of defence against the full glare of justice. He says that the effect of the proposals will be “chilling”, when he knows that our fine broadcasters in this country operate under far more rigorous regulation than newspapers and that does not stop them pursuing the most extraordinarily brilliant investigations. He says that Sir Joe Pilling has “cleared” the IPSO scheme, but Joe Pilling was appointed by IPSO and IPSO itself says

it does not comply with Leveson. He says that IPSO now has a low-cost arbitration scheme, but as the hon. Member for Wellingborough (Mr Bone) pointed out, *MailOnline*, Newsquest and Archant are all outside it, so it is not a universal scheme in the way the Secretary of State has tried to present it to the House this afternoon.

The final line of argument is that officials are very busy and inquiries are very expensive, and we should therefore just walk on by. I just do not think that that is good enough.

Matt Hancock *rose*—

Liam Byrne: I am happy to hear from the Secretary of State why he thinks I am wrong.

Matt Hancock: The right hon. Gentleman is not making much progress. He is implying that broadcasters are under regulation but there is no chilling effect. The description of a chilling effect, raised by my hon. Friend the Member for Croydon South (Chris Philp), is the expected impact of section 40, under which anybody would be able to take a newspaper to court and get costs awarded against the newspaper even if they did not have anything in their case. The broadcasters do not have to deal with anything like that. On the point about things being brought to light, will he confirm that the case of Mr Ford, which he raised and was raised in an argument for Leveson 2, was in fact raised in the original Leveson inquiry and was therefore covered?

Liam Byrne: Mr Ford's activity was, but not Mr Ford's allegations that the activity is already under way.

Let me come on to the point the Secretary of State made about the future of press regulation. The scheme he voted for—it was elegantly designed, I think, by the right hon. Member for West Dorset (Sir Oliver Letwin)—was a good scheme. There have been a couple of important objections to it made by many of our constituents, but more importantly by many journalists in our local media. The first objection is that a royal charter is somehow tantamount to a state authorised, state-operated regulator, which will somehow impede free speech. Royal charters have for centuries been the basis by which we have given stature to universities and learning societies like the Royal Society. None of them confront restrictions on free speech in any way whatever. That argument, frankly, is fanciful.

2.45 pm

There was then the argument about the dangers of cost shifting. That is why new clause 20 would create a threshold of about £100 million, along with other proposals, to ensure that good newspapers, which would not necessarily be able to withstand these kinds of risks, are protected. We have listened hard to the debate.

Mrs Main: On a point of clarification, does the right hon. Gentleman know of any other scenario within the civil courts where the costs have to be paid regardless?

Liam Byrne: The point is that this was well debated at the time and the argument presented by those on the Treasury Bench was that there was no point in setting up a new regulator and then doing nothing to create incentives to join that regulator. That was the proposal the Secretary of State voted for the first time around.

Joanna Cherry: I was not in the House at the time, so correct me if I am wrong. Am I right in thinking that Brian Leveson recommended that incentivisation to encourage the publishers to sign up to an independent regulator?

Liam Byrne: Absolutely. It was a very delicate job. The structure put in place was designed to minimise any dangers to free speech but create incentives for the press to move to a scheme that gave low-cost arbitration and access to justice for victims. That is at the core of this debate.

I want to conclude with two points. The first is, I suppose, a plea to the House. If we have learned one thing from the scandals of the past 10 to 12 years—whether the expenses scandal, Hillsborough or Orgreave—it is that it is never the right thing to look at a scandal and decide that it is too expensive or that we are too busy to get to the bottom of what happened. That is the core of the argument to let Brian Leveson finish his job.

I want to give the last word to the father of Madeleine McCann. When Gerry McCann found out that the Government were proposing to scrap the second half of the Leveson inquiry, he said:

“This Government has abandoned its commitments to the victims of press abuse to satisfy the corporate interests of large newspaper groups... This Government has lost all integrity when it comes to policy affecting the press.”

I hope that we can reflect on those harsh words this afternoon and rescue the integrity that is currently endangered by the Government's determination to sweep aside the lessons of history.

Several hon. Members *rose*—

Madam Deputy Speaker (Dame Rosie Winterton): Order. Before I call the next speaker, I remind colleagues that this debate has to end at four o'clock and I know a lot of people want to speak.

Mr John Whittingdale (Maldon) (Con): Thank you, Madam Deputy Speaker. I will take heed of your reminder about the time limit.

It is now over 10 years since the Culture, Media and Sport Committee, of which I was Chair at the time, first conducted an inquiry into phone hacking. We conducted several subsequent inquiries, which helped to bring out the truth about the extent of phone hacking and other illegal practices. Without the work of the Committee, those would not have been revealed, although I pay tribute to *The Guardian's* brilliant piece of investigative journalism. A lot of this debate concerns investigative journalism.

I think all of us were shocked by the revelation of phone hacking and we were determined that action should be taken to prevent anything like that happening again. In the 10 years that have passed, however, a lot has changed. The *News of the World* closed down as a result of the revelations. There were prosecutions, with 10 journalists convicted for illegal practices, although it is worth bearing in mind that 57 were cleared.

Obviously, we had the Leveson inquiry. Even if it did not complete all that it originally wanted to complete because of the ongoing criminal cases, it still took over a year and cost £49 million. It produced a swathe of recommendations, although the royal charter was not one of them. My right hon. Friend the Member for

[Mr John Whittingdale]

West Dorset (Sir Oliver Letwin) had the brainchild of the royal charter and, accompanying that, sanctions in the Crime and Courts Act 2013 for newspapers that did not sign up to a regulator recognised under the royal charter.

Since that time, two major changes have taken place. When the royal charter was designed and the recognition panel was established, I do not think anybody in Parliament ever expected that not a single newspaper—certainly no national newspaper and virtually no local newspaper—would be willing to sign up to a regulator that applied for recognition under the royal charter. It was not just the usual whipping boys; the News International papers, the *Daily Mail*, the *Daily Mirror*, the *Financial Times*, the *Guardian*, the *Independent* and all the local newspapers refused. I have met the publications that have agreed to join IMPRESS, but they are micro-publishers. No major publisher was willing to go along with the royal charter. We originally invented the idea of sanctions with the view that one newspaper, or perhaps two, might stand out against the rest. We never intended to bring in a sanction that would punish, in what seems an incredibly unjust way, every single publisher. Their refusal to join is on a matter of principle, and we have to respect that.

What did happen was that they created a new regulator called IPSO, which has steadily evolved. To begin with, it was deficient in some ways. I had talks with IPSO and pointed out to it the areas where I felt that it needed to make changes, particularly through the introduction of an arbitration scheme, which was one of the key requirements under Leveson and which did not exist. However, IPSO has now made a lot of changes, including, as my right hon. Friend the Secretary of State pointed out, the inclusion of an arbitration scheme, which is compulsory for members who sign up to it. Those that are outside it are the local newspapers, against which virtually no complaint has ever been made, and which face the greatest peril from the economic situation that exists for newspapers.

Paul Farrelly: The Select Committee, of which the right hon. Gentleman was a wonderful Chair, recently recommended unanimously, cross-party, the partial commencement of section 40 to give those publications protections—to protect investigative journalism—if they joined the approved regulator. That was one of the options in the consultation. What is wrong with that course?

Mr Whittingdale: The hon. Gentleman is an old friend—we sat together on the Committee for 10 years—and I have some sympathy with what he says. When I talked to the publications that had joined IMPRESS, they said that one reason they had done so was the possible protection offered if they were part of a recognised regulator, in that they would not have to pay costs even if they lost. That is a separate matter, but in this debate we are talking about the introduction of an amendment to provide not the carrot, but the stick—the punishment for newspapers that do not wish to sign up to a Government-approved regulator.

Mr Bone: Does my right hon. Friend think, deep in his heart, that anything has changed since IPSO was introduced?

Mr Whittingdale: Deep in my heart, yes I do. As I was about to say, I believe that there is a different climate. Of course, it does not mean that no newspaper ever does something that is a cause for complaint or invades people's private lives—I have suffered at the hands of the press, but that is the price we pay in this place. However, I believe that the imposition of sanctions of the type that are proposed under the amendments would be deeply damaging to a free press.

In terms of what has changed, I challenge those who criticise IPSO to say where it now fails to meet the requirements under the royal charter. I have been through the royal charter, and there are perhaps three tiny sections where we could say that the wording of the IPSO codes is not precisely in line with the royal charter, but those are incredibly minor. They make no substantial difference whatever. IPSO has not applied for recognition under the royal charter, not because it does not comply, but because there is an objection in principle on the part of every single newspaper to a Government-imposed system, which this represents.

Peter Heaton-Jones: The fundamentally worrying thing is that this seeks to make a connection between local media organisations having to join the state regulator and their facing, if they do not, the awful costs that they might have to pay even if they win a court case. The right hon. Member for Birmingham, Hodge Hill (Liam Byrne) described that as an incentive, but it is not—it is coercion. It is only an incentive inasmuch as a condemned man on the gallows has an incentive not to stand on the trapdoor.

Mr Whittingdale: Of course, I agree entirely with my hon. Friend, and I am glad that he focused on local newspapers, because I referred to two changes. The first is the establishment of IPSO, which I believe in all serious respects is now compliant with what Lord Leveson wanted. The second is the complete change in the media landscape that has taken place in the last 10 years.

My right hon. Friend the Secretary of State mentioned the number of local newspapers that have gone out of business. We are seeing more continue to do so. There is likely to be further consolidation within the newspaper industry and the economics are steadily moving against newspapers. That is a real threat to democracy, because newspapers employ journalists who cover proceedings in courts, council chambers and, indeed, in this place. The big media giants who now have the power and influence—Google, Facebook and Twitter—do not employ a single journalist, so my right hon. Friend is absolutely right to have established the examination into the funding and future of the press. It is about looking forward, and that is where the House should be concentrating its efforts. It should not be looking backwards and going over again the events of more than 10 years ago; the world has changed almost beyond recognition.

Damian Collins (Folkestone and Hythe) (Con): My Digital, Culture, Media and Sport Committee colleague, the hon. Member for Newcastle-under-Lyme (Paul Farrelly)—I call him my hon. Friend—raised the recommendations of the Committee last year. One was that for IPSO to be considered compliant in any way with the spirit of Leveson, it should have a compulsory industry-funded arbitration scheme. While IPSO might not be perfect, does my right hon. Friend the Member

for Maldon (Mr Whittingdale) agree that this is one of the most significant areas where IPSO has responded to pressure to try to make itself more compliant?

Mr Whittingdale: I agree very much with my hon. Friend. Indeed, I would have found it far harder to make the argument that IPSO was basically now compliant with Lord Leveson had it not introduced the scheme that is now in place. That was the biggest difference between the system as designed by my right hon. Friend the Member for West Dorset in the royal charter and IPSO, and that, as my hon. Friend the Member for Folkestone and Hythe (Damian Collins) said, has rightly been removed.

What we do in this debate is being watched around the world. This country is seen as a bastion of freedom and liberty, and a free press is an absolutely essential component of that. I say to those who are proposing these amendments: do not just listen to the newspaper industry, which is, as I say, united against this—that includes *The Guardian*, despite the efforts of Labour Front Benchers to somehow exclude them. Listen to the Index on Censorship, Reporters Without Borders, the Committee to Protect Journalists—campaigning organisations that are fighting oppression of the press around the world. They say that if this House brings in this kind of measure, it would send a terrible signal to those who believe in a free press. I therefore hope that the amendments will be rejected.

Edward Miliband: I shall speak in support of new clause 18, which stands in my name and that of the right hon. and learned Member for Rushcliffe (Mr Clarke) and four Members from four other parties across the House. I have tabled the new clause for one overriding reason: to keep a promise that everyone in this House made to the victims of phone hacking and other unlawful conduct.

I well remember the day when I, David Cameron and Nick Clegg went to meet the victims—the McCanns, the Dowlers and all the others. You know what we said to them? We said, “This time it will be different. This time we won’t flinch. We promise you we’ll see this process through.” Painstakingly, with the victims, we designed a two-part Leveson process—let us be under no illusions about that. The first part was to look at the general issues around the culture and ethics of the press and the relationship with politicians, and the second part, promised back then, was to look, after the criminal trials were over, at, in the words of Sir Brian, who did what to whom and why it happened. Who covered it up? Did the police? Did politicians? Did other public servants?

3 pm

Leveson was to be a two-part process, and here is what David Cameron said, when part 1 of Leveson was completed in November 2012:

“One of the things that the victims have been most concerned about is that part 2 of the investigation should go ahead...It is right that it should go ahead, and that is fully our intention.”—[*Official Report*, 29 November 2012; Vol. 554, c. 458.]

No ifs, no buts, no maybes—a clear promise to victims of the press. And here we come today, and we have the Government saying, “Let’s dump this promise. It’s too expensive—it’s a distraction.” How dare they? How dare they say that to the McCanns, the Dowlers and all

the other victims? How can we be here? I say to Members across the House, in whatever party, that this is about our honour—this is a matter of honour, of a promise we made.

Mr Rees-Mogg: The right hon. Gentleman mentions what David Cameron, Nick Clegg and he did. It seems to have escaped his attention that David Cameron is no longer Prime Minister, that Nick Clegg is no longer Deputy Prime Minister, and that two former MPs and one still-existing MP cannot bind their successors. A new Parliament has the right to consider these matters afresh, and that is what is rightly being done today after countless police investigations and prosecutions, many of which ended in acquittal.

Edward Miliband: I give way to the hon. Gentleman’s constitutional knowledge, but I do not give way to him on morality—and this is a question of morality and of promises we made. Remember the furore about all these events? Remember how people looked at us? Remember how all of us—Labour Governments too—were too close to the press, and how we said we would learn lessons? I take my responsibility too. We should have acted earlier. All Governments should take responsibility. To break this promise would be contemptible.

Anna Soubry: The right hon. Gentleman is making a powerful case, and he is right about morality and the promises made, most importantly, to victims. I am struggling to support him, however, because while those are powerful arguments, I am actually more interested in the outcome. Is there a genuine purpose that can be achieved other than—and it is a strong argument—keeping a promise to victims? It will be a hollow promise if it is nothing more than a talking shop.

Edward Miliband: Other people have asked, “Why can’t the police just do it?” That suggests that whenever there is a police inquiry there cannot be a public inquiry. My answer is this: there is no substitute for the breadth of a public inquiry and its ability to see what happened. A lot has emerged even since Leveson 1. At that time, people said the hacking and improper behaviour were just at the *News of the World*. There have now been revelations at *The Sun*, allegations about *The Sunday Times* and a decade of blagging by John Ford—a whole range of allegations that we need to get to the bottom of. Crucially, we need to learn lessons for the future. The useful thing that can come out of this is to prevent there being future victims like the McCanns and the Dowlers. That is why so many victims have written to the Prime Minister, saying it is important to get to the truth—not just for them but to prevent it from ever happening again.

Ian Paisley: The right hon. Gentleman is making a very compelling argument—one that I am not turned off by—but when I read new clause 18 dispassionately, I see that it offers me a consultation process with parties in Northern Ireland and an Assembly that is not functioning. It offers me very little, although it promises me something. In new clause 23, the Government from the Dispatch Box today have offered me an actual inquiry. I ask him, then, to put himself in my shoes: should we take what we have or a promise of what we might get?

Edward Miliband: If the new clause was agreed today, the Secretary of State would within three months have to trigger an inquiry covering Northern Ireland. The point about consultation is precisely to consult with Members of the Assembly, Ministers, if they are in place, and those in Scotland as well. That is simply a point about consultation. I know the hon. Gentleman cares passionately about these issues.

I believe that the case is stronger, not weaker, than it was when a two-part inquiry was envisaged. Sir Brian says we should go ahead. When else do we put a presiding judge in charge of an inquiry and then ignore his advice? Frankly, it is extraordinary. As I said to the right hon. Member for Broxtowe (Anna Soubry), the wrongdoing turned out to be more widespread than we thought. I urge hon. Members, in the time left before the vote, to look at the Kerslake report on what happened in Manchester, because it is a shocking indictment of what a minority—I emphasise that it is a minority besmirching the good name of the whole press—did. I quote from it briefly:

“One mother, who was herself seriously injured as was her daughter, spoke of the press ringing her on her mobile whilst she was recovering in hospital...The child of one family was given condolences on the doorstep before official notification of the death of her mother.”

This is what some of the relatives of the victims said:

“By far the worst thing was the press”,

“They...are a disgrace, they don’t take no for an answer, they have a lack of standards and ethics,”

“The press were not respectful of grief.”

It is all very well people saying, “Everything’s changed”, but to my mind, I’m afraid, that report is proof that not enough has changed, because the same intrusion into the lives of innocent people is carrying on.

Mr Bone: I remember David Cameron, as I do the right hon. Gentleman, on this subject. It was one of David Cameron’s best moments. I have not yet heard an argument from the Government to explain why we cannot have Leveson 2. If it is money, that argument is ridiculous. Why does he think the Government do not want Leveson 2?

Edward Miliband: That is a very good point, and I will come to it in a moment, because it is important to answer it.

I want to make another point about the case for carrying on with Leveson 2. I do not believe, I am afraid, that the regulator we have, IPSO, is nearly good enough. It bears too much resemblance to its predecessor, the Press Complaints Commission. Just think about this regulator: it has not imposed a single fine, demanded a single equal-prominence front page correction or launched a single systematic inquiry, as it has the power to do. The Home Affairs Select Committee heard testimony in February on Islamophobia, and I think I am right in saying that under section 12 of the editors code, on discrimination, hate speech and so on, IPSO has received 8,000 complaints and upheld one. The Chair of the Committee and its members seemed rather shocked by that.

I return now to the very pertinent question from the hon. Member for Wellingborough (Mr Bone). Why might the Government not be going ahead with Leveson 2? Let us look at their issues briefly. They say it is about press freedom. I believe that a free critical press is an

essential part of our society, and that includes being critical of politicians, but, as everyone agreed after Milly Dowler, that freedom does not include the ability to barge into the lives of innocent people. The press themselves said that was wrong. On press freedom and Leveson 2, the National Union of Journalists said in March that the decision not to allow Lord Leveson to complete his task was

“bad for politics, bad for journalism and bad for the public.”

The NUJ says it is not an attack on press freedom!

The Government have also said that the inquiry would go over ground already coved by the police, but as I said, it was always understood that Leveson 2 could only start after the police inquiries had been completed, and that there was no substitute for a broad public inquiry. It is claimed that it misses the big important issues of Facebook and fake news, but those are in the terms of reference as recommended by Sir Brian Leveson. It is said that local papers will be affected, but we have specifically written the terms of reference to exclude local papers, so that there can be no question of their being affected. It is said that this is all backward-looking, but in any other area of public life, would the press really be saying that the truth is time-limited, and that we do not need to get to the truth because it was all a few years ago? Lastly, there is the argument about cost, which I think is a terrible argument. Leveson 1 cost £5 million. That is a substantial sum, but I have to say that, given decades of abuse and broken promises in relation to the press, I think that it is worth spending such a sum to get to the truth.

Now I will answer the question asked by the hon. Member for Wellingborough. I set out the reasons adduced by the press and, indeed, the Government for the cancellation of this inquiry, but let us be absolutely honest: there is one overriding reason for the Government’s decision to abandon it, and that needs to be discussed. It is quite simple. It is fear: fear about the wrath of the press. That is why the Government have made this decision. The press do not want the inquiry to go ahead, and the Government fear attacks on them by the press. That is why the last Labour Government did not take action against the press: they too feared the consequences. But what did we also say after 2011? We said, “Never again will we succumb to fear and make the wrong decisions, which are not in the public interest.”

Fear of the powerful is not a good reason to allow them to trample on the powerless when we have it in our hands to do something about it. It goes against everything that we promised in 2011. It goes against everything that we said to the victims and everything that we told the public. We should remember the words of the current Prime Minister—the current Prime Minister—who said on the steps of Downing Street:

“When we take the big calls, we’ll think not of the powerful, but you.”

I say, “Think of the public, not the powerful, today.” There is still a chance that this time it will be different. We can learn the lessons of failed reform and no change. We can keep our promises to the victims and make change happen, and the way to do that is by voting for new clause 18.

Mr Kenneth Clarke: I rise to support new clause 18, and I shall try to do so as briefly as possible as we are running out of time. I have also put my name to amendment 14, which I hope the hon. Member for

Sunderland Central (Julie Elliott) will press to a Division if she catches your eye, Madam Deputy Speaker. However, new clause 18 and Leveson 2 are my main concern because, as the then Justice Secretary, I was personally involved in setting up the Leveson inquiry.

I have the highest regard for Sir Brian Leveson, and I share his indignation that the House is going back on previous commitments about the completion of that inquiry. Sir Brian is now the president of the Queen's Bench division. He is the head of criminal justice in this country. He does not think that his inquiry completed its work or inquired into all the matters into which it was supposed to be inquiring. He said in his public letter that he "fundamentally" disagreed with the proposal to cancel the inquiry now and prevent it from going any further. I share his views, and I do not think that the House should lightly set them aside.

It was always clear when the inquiry was established that there would have to be a second part. In his statement when the inquiry was first announced, the then Prime Minister said:

"The second part of the inquiry will examine the extent of unlawful or improper conduct at the *News of the World* and other newspapers, and the way in which management failures may have allowed it to happen. That part of the inquiry will also look into the original police investigation and the issue of corrupt payments to police officers, and will consider the implications for the relationships between newspapers and the police."—[*Official Report*, 13 July 2011; Vol. 531, c. 312.]

Those are the things that we are saying that we perhaps do not want to inquire into any further, for what seem to me—with great respect to my right hon. Friend the Secretary of State, who made a valiant effort to put forward the case on behalf of the Government—to be quite inadequate reasons.

When the first part of Leveson was completed, the then Government recommitted to holding the second part. I cannot recall anyone in the House objecting to the idea that we were waiting for the inquiry to be completed once the police inquiries were over. On 29 November 2012, the then Prime Minister said:

"When I set up the inquiry, I also said that there would be a second part to investigate wrongdoing in the press and the police, including the conduct of the first police investigation. That second stage cannot go ahead until the current criminal proceedings have concluded, but we remain committed to the inquiry as it was first established."

That was the commitment of the Government of which I was a member, of which my right hon. Friend was a member, and of which half the present Government were members. No one objected to that in the House. Indeed, I think that my right hon. Friend took pride in rebutting what was eloquently described by the right hon. Member for Doncaster North (Edward Miliband) as the fear—the craven fear—that most Governments have felt of Her Majesty's press during much of the time that I have been in Parliament.

3.15 pm

When the Prime Minister announced that there was to be a second inquiry, he quoted Lord Leveson as saying:

"over the last 30-35 years and probably much longer, the political parties of UK national Government and of UK official Opposition, have had or developed too close a relationship with the press in a way which has not been in the public interest."—[*Official Report*, 29 November 2012; Vol. 554, c. 446.]

He rejected that, and I do not think the House should put aside that rejection too lightly.

In the present mad climate of political debate, I think that quite a lot of people—for one reason or another, as has always been the case in politics—are currying favour with the proprietors and editors of newspapers, or are fearful of those proprietors and editors. It is difficult to deny that that may have played a part in the sudden decision that we do not want to know any more about matters such as relationships between the police and the press.

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

Mr Clarke: I do not want to take too long, but I will give way.

Mr Bone: What my right hon. and learned Friend has said was the crux of David Cameron's point. Political parties have got too close to the press. The only reason I can see for abandoning Leveson 2 would be if that had stopped. Does my right hon. and learned Friend think that it has stopped?

Mr Clarke: I fear that my hon. Friend is probably right, although I should give some credit to my right hon. and hon. Friends in government. I would like to give them the benefit of the doubt, but my suspicions are as strong as those of my hon. Friend.

Paul Farrelly: The Government also asked the public what they thought. When they announced the results of the consultation, it quickly became clear that the Secretary of State had set aside two petitions signed by more than 200,000 people who were in favour of Leveson 2, but counted 62,000 pro forma newspaper coupons that were against it, just because they had been returned in envelopes. Does the right hon. and learned Gentleman think that that is a rather odd way in which to judge the outcome of a consultation, and perhaps a little biased?

Mr Clarke: I personally will give my right hon. and hon. Friends the benefit of the doubt—I am sure that every representation was considered extremely carefully—but, in the end, it is for the House to decide what goes on.

The first argument that seems to be raised is about the lapse of time and the fact that we are talking about such a long time ago—2012; 2011—that we cannot spend public money on reopening former issues. It has already been said that quite a lot has happened since then. At the time of Leveson 1, I do not think that anyone knew that *The Sun* was involved in hacking. I do not think that anyone realised that Trinity Mirror was as mired in criminality as News International, and that it had gone in for hacking. They have tried to cover up the details since then by settling every civil claim that has been brought against them because they do not wish to give any evidence in public, or to have any evidence heard in public against them.

The other issue that has not gone away, about which the right hon. Member for Doncaster North, the former Leader of the Opposition, spoke very eloquently, is the treatment of the victims. There have been other incidents since that time. The Manchester bombing is a plain and obvious example. Victims of tragic occasions such as terrorist outrages still find, far too often, that their gardens fill with photographers. Weeping relatives find

[Mr Kenneth Clarke]

that their doors are being knocked on so that they can be asked for comment. They are interviewed when they are plainly still badly shaken up, and probably not yet able to cope with the pressures.

I think that quite a lot has happened, but it has taken some time. It is not actually that long, in my aged recollection, since 2012. This consideration has never been applied to any other public inquiry, and we have lots of public inquiries. When trying to refute the moves against them, the press go back to 1961 in order to attack Mr Mosley and resurrect his activities as a student—they were fairly startling—with his notorious father.

The sexual offences inquiry—a very important inquiry—is making very slow progress. It is inquiring into allegations against public figures now dead, going back for decades. In any other context, shock would be expressed about a scandal of the scale we had in the case of the behaviour of the press. To say, “Oh, that’s too late now; it’s all gone by and we do not wish to know any more about it,” would be greeted with outrage and treated as a ridiculous argument, and I really do not think that we should accept it.

The Independent Press Standards Organisation is a big improvement on what we had before, but it is plainly not an independent regulator. If we had a group of people with the authority of those involved in part one of the Leveson inquiry recommending a new independent regulator, no other public body—none of the utilities, for instance—would be allowed to turn around and say, “We refuse to comply. We will be regulated, but only by a regulator whom we appoint and can change at any stage.” That would be dismissed.

The Government can address all the unworthy suspicions we have that their decision is motivated by a combination of fear and desire to curry favour. They should recover their courage and let the process go ahead, and we will see whether the press really have anything much to fear. I do not think that legitimate journalism and the very many honest journalists have anything to fear. As has been said—I am sure this is true in the House of Commons—everybody in public life in this country thinks that a free and fearless press is a key part of our liberties, and it is a joke to start presenting any moves to investigate as a threat to the freedom of the press.

The final argument that has been used against the proposal is that as the press are under great commercial pressures and face lots of challenges, we should not allow this to go ahead. I cannot think of any other body of organisations of such public importance that could claim, “We are under a bit of pressure, and there is a lot of competition; it is worse than it was a few years ago.” We should certainly tackle the digital market. I think it is quite obvious that Facebook and others are publishers. We should get away from the fiction that they are not publishers, and they should be subject to the same regulation as publishers, but that is another issue.

I supported Leveson when it was set up and I believe it should be completed. Leveson should not be cancelled. There are probably policemen still serving who are hoping that their corrupt relationship with the media will not be investigated further because they have got away with it so far. There are probably journalists still working—editors, even, still in post—who knew perfectly well that they were acting illegally in sourcing private

information about public figures not just in politics, but in sport and theatre—anybody who achieves B-list celebrity status in this country. It is still the case that nothing sells newspapers like celebrity sex and scandal—no doubt long may that continue—but we must have a look at the ethical standards that should be applied to every possible sort of story.

This is not just about the law; it is also about ethics. We want more respect for our free press, and a proper Leveson 2 could eventually lead to that being achieved.

Julie Elliott (Sunderland Central) (Lab): It is a real pleasure to follow the right hon. and learned Member for Rushcliffe (Mr Clarke) and my right hon. Friend the Member for Doncaster North (Edward Miliband), with whom I agree entirely on Leveson 2. I shall address my remarks to amendment 14, which stands in my name and those of colleagues.

First, let us consider the situation now. We have two self-regulatory bodies for the British press and news publishers: IPSO and IMPRESS. These regulators each have standards codes that apply to their members in the news publishing industry. One of the standards codes is listed in the Bill. The Government are happy to give publishers following that code a qualified exemption from the laws that apply to most other professions and industries. Those publishers are, in short, more free to process people’s personal data. That is right, and it allows for, and supports, investigative journalism in the public interest. The other code is not in the Bill, and publishers following that code are less free to process personal data, to conduct investigations and to hold the powerful to account.

People might be surprised to learn which regulator has that statutory recognition. It is not IMPRESS, the new regulator that meets all the requirements of the royal charter on press regulation in the way that this Parliament hoped for after Leveson. The regulator to which the Government are giving these privileges is IPSO, the regulator that has set its face against Parliament and will have nothing to do with statutes or charters.

The cross-party amendment 14 has been tabled in the spirit of the consensus in the House five years ago. It simply says that there must be fair and equal rights for members of IMPRESS. As the first and only regulator approved under the framework that Parliament supported, IMPRESS has worked hard to meet the standards that Leveson set. It has an independently appointed board. It wrote its own code, after extensive public consultation, and it receives funding from a charity, the Independent Press Regulation Trust. IPSO’s arrangements have been subject to no such scrutiny.

IMPRESS is open to the world. Its funding arrangements, appointments, code and regulatory scheme have been published and pored over. In October 2016, the Press Recognition Panel, an arm’s length public body established by royal charter, confirmed that IMPRESS does indeed meet the Leveson standards. That decision was challenged in the courts by the News Media Association, and every single objection that it made was thrown out. That was not widely reported, because most national newspapers choose only to publish bad news, smears and innuendoes about IMPRESS. I believe that the Government have been influenced by those news reports and have chosen to adopt a non-co-operation attitude to IMPRESS.

Chris Philp: Will the hon. Lady give way?

Julie Elliott: No; there is not enough time.

It is because of the Government's intransigence that we are debating the amendment. I wish that we did not need to take up parliamentary time with this issue. I wish that the Government had dealt with it long before now. However, as the Secretary of State says, we are where we are: the odd situation in which IPSO, the regulator that turns its back on Parliament and the public, is listed in the Data Protection Bill, but IMPRESS, the regulator that is publicly accountable, is not. The Government have stonewalled every attempt by IMPRESS for inclusion in the list of journalism codes in schedule 2 or existing legislation since 2016. For a long time, they refused even to consider the issue. Last September, they finally accepted IMPRESS's application. Since then, they have simply said that the issue is "under consideration". I now ask the Government to give the case that has been made in this debate proper consideration. I will not press amendment 14 to a Division, but I would be grateful for a full response from the Minister.

Mr Andrew Mitchell (Sutton Coldfield) (Con): I draw the House's attention to my entry in the Register of Members' Financial Interests. I want to make a few general comments, particularly on new clause 18, where the House faces a fine judgment on which way to proceed.

The arguments in favour of new clause 18 are strong. David Cameron promised what it proposes. I was in the Cabinet at the time and remember him making that promise and it was unequivocal, which is reflected in the new clause. Brian Leveson has confirmed his belief that another inquiry should go ahead. In the House of Lords, Lady Hollins set out persuasively the three reasons why the inquiry should proceed. There was also Lord Kerslake's powerful testimony following the Manchester tragedy that lessons have still not been learned about press intrusion. While Lord Kerslake appears to have found a new role adjacent to the Labour Front-Bench team, he remains one of Britain's most senior and distinguished former civil servants and his views cannot be idly dismissed. In addition, as has been alluded to by several Members, the victims affected by what we are trying to address today may find it, frankly, rather distasteful that a bunch of politicians appear to be rushing to ingratiate ourselves with the media for fear that they will persistently trawl through our dustbins.

3.30 pm

Those arguments seem to be valid reasons in support of new clause 18, but there are other points that have not yet been adequately weighed up by some of those who so eloquently proposed the new clause. We need to consider whether another all-singing, all-dancing inquiry, with the enormous public expense of teams of lawyers, will tell us much that we do not already know. We must also disaggregate issues affecting the police from those affecting the press. They are different things, and in some ways they are mutually contradictory.

First, the written media is already facing serious financial challenges, and I am not only talking about the national newspapers. My right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) made too light of that point. On the "Today" programme this

morning, we heard from Marc Reeves, the editor of the *Birmingham Mail*. Sutton Coldfield used to have two excellent local newspapers. Our constituents trust the veracity of the local media far more than the national media, but they do not buy local newspapers. The Royal town of Sutton Coldfield lost its second newspaper some time ago, and the *Royal Sutton Coldfield Observer*, which is owned by Trinity Mirror, has been seriously cut. This week, the paper sees the departure of the distinguished, award-winning editor, Mr Gary Phelps, who has been in post for 16 years, and I genuinely fear for the paper's future. The question is whether the media has learned its lessons, whether there is anything seriously new to be learned and whether yet further digging up of issues by the roots holds real public benefit.

Secondly, it is worth bearing in mind the importance to all citizens of the preservation of the right to a free press, and I do not think that the House has adequately reflected on that. In all the time that I have been involved in international development, in government and in opposition, I have learned that the key ingredient for development, good governance, stability and accountability is transparency. Last week, the House agreed that the overseas territories must accept open registers of ownership, and the information that was critical to convincing many of us came through British investigative journalism exposing corruption and dishonesty through the Panama and Paradise papers. Across the developing world, Britain has championed and strongly supported, with taxpayers' money, the development of a free media, but it matters here in Britain, too. I think it was a US President who said that if he had to choose between democracy and a free press, he would go for the latter. I conclude that a disrespectful, raucous, cynical, irreverent, suspicious media is the ineluctable price that we pay for our freedoms and rights and also the way in which we hold the rich and the powerful to account.

There is a final point that cuts across new clause 18: a powerful press is all too often itself the way in which we hold the police to account. In Britain, we give the police great power and great trust. We also—unwisely in my view—leave them largely to police themselves. All too often it is the media that exposes police corruption, rather than the organs of the state, and there are numerous examples of that. We should remember the role of the media in exposing the truth behind the shooting of Jean Charles de Menezes, the appalling events at Hillsborough and the heartbreaking way in which the Lawrence family were treated by the police. *The Times* played a role in exposing the Rotherham child abuse scandal, and *The Guardian* revealed sexual predators in the police both in 2012 and more recently. Journalists and, indeed, Members of this House played a role in exposing the appalling police corruption in the fitting up of the Birmingham Six, an event which is still to achieve closure in Birmingham as the families strive to achieve justice through the ongoing coroner's inquiry.

It is the role of the free media fearlessly to expose wrongdoing, and we would not be serving the interests of our constituents if, by our action today, we took steps that could diminish their ability to do that. Members of the House will make up their own minds on the new clause. This seems to be the nub of the issue, but it is a very fine judgment as to which way our votes should fall.

Christine Jardine: I rise to speak in support of new clause 18, which my friend the right hon. Member for Doncaster North (Edward Miliband) has so eloquently described. I would like to bring three words to the House's attention: fairness, justice and honour. I say this not as a politician—although I hope that we would all hold those things in high regard—but because they were the things that originally attracted me to a career in journalism. That career involved challenging the establishment, questioning power and holding politicians, big business and powerful vested interests in the media to account. Standing here today, I do not believe that any good ethical journalist or publication in this country has anything to fear from revisiting the Leveson 2 inquiry. Indeed, I feel that they have much to gain.

The right hon. Member for Doncaster North talked about going with David Cameron and Nick Clegg to speak to the victims of hacking, and about the promise that was made to them. I respect the fact that this Parliament should not be held by promises made by another Parliament, but it would say a lot about this House if we were to hold to that promise. It would disappoint the public who are watching us today, hoping that we will live up to those standards of fairness, justice and honour, if we did not do so. That promise was about redressing the balance of power between the vested interests of the press and the ordinary public in this country. The ordinary public deserve the right of redress, and they deserve to have the confidence that everything has been done to safeguard their rights.

We have heard from the Secretary of State that time has moved on and that we live in a different culture, but the fact that we have moved on should not prevent us from learning the lessons of the past. If history teaches us nothing else, it teaches us that if we do not learn the lessons of the past, we will repeat our mistakes in the future. Today, we have an opportunity to ensure that we do not repeat the mistakes that led to the hacking of phones, to the intrusion into the lives of innocent members of the public and to the hounding of people who were already suffering, such as the family of Madeleine McCann.

More than that, this is an opportunity to reassure members of the public who, as we have heard time and again over the past few years, feel detached from politics. They feel that we have somehow let them down and that we are not listening to them, but this is an opportunity to tell them that we are listening and that we hear their outrage at the way in which members of the public have been treated by the press—not all the press, but certain elements of it. I also understand the pressures on the press, as a former journalist and the wife of a journalist. I lived through my late husband's employer announcing redundancies five years in a row, every year at Christmas. That is the reality of life in the modern media, but that is an economic pressure. It is not a pressure brought about by any ethical standard. It is the modern reality of the changes in technology that the industry is learning to deal with.

The Secretary of State said that we had moved on and that the culture had changed, but I would like to remind him of the Kerslake inquiry, and of the behaviour in Manchester that we have heard about. Unfortunately, the truth is that there are unethical individuals in every walk of life and in every profession. However, every other profession in this country—dentistry, medicine,

the law—has a regulatory body that is underpinned by statute and that holds its members to a standard. Why should newspapers be exempt? I say that not as somebody who wants any restriction on freedom of the press; I believe that the fourth estate is a fundamental pillar of a free and democratic society. But it also has to be answerable, because freedom of the press should not mean freedom to intrude, to harass or to manufacture stories about individuals; it should mean freedom to be responsible and to be held to account, by the law and by the politicians who make the law.

Friends, the victims of the hacking scandal will be watching today to see whether we live up to the promise that was made to them by the right hon. Member for Doncaster North, by David Cameron and by Nick Clegg. I appeal to Members, please do not be found wanting.

Bill Wiggin (North Herefordshire) (Con): May I say what a sad day this is? I pay tribute to the Government Chief Whip, who has worked exceptionally hard to try to protect the Government, which is particularly difficult, given that in 2013, 530 MPs voted for section 40 and only 13 voted against it. That vote was for the Courts and Crime Act 2013, which enshrined in law the low-cost access to justice that Lord Justice Leveson had agreed was necessary. That was first suggested by Lord Justice Leveson and then agreed to almost unanimously by all parties in Parliament. However, it was never commenced. Successive Secretaries of State have refused to commence the cost-shifting provisions that are so necessary for access to justice.

Section 40 is not about punishing newspapers that do not sign up to IMPRESS; it is about ensuring low-cost access to justice for vulnerable victims of press abuse. The first part of the Leveson inquiry uncovered the horrific scale of abuse, which was endemic in the press, and there have been many court cases and convictions since. Section 40 ensures that publishers that are members of an independently approved regulator that provides low-cost arbitration do not face expensive court costs. It also ensures that victims of press abuse who have been attacked by publications that are not members of an independently approved regulator can access justice via the courts without having to be extremely wealthy.

There are myths about section 40. The first myth is that it would damage the freedom of the press. That is not true. The press recognition panel is independent and was created by royal charter. The charter enshrines press freedom in law. Criterion 8 states that any regulator

"must take into account the importance of freedom of speech, the interests of the public... the need for journalists to protect confidential sources of information, and the rights of individuals."

Criterion 17 states that such a regulator's board

"should not have the power to prevent publication of any material, by anyone, or at any time".

The only way to change the charter would be by a 66% super-majority in both Houses, plus the unanimous agreement of the press recognition panel's board. This is not state regulation of the press, or even state regulation of the press regulators; it is the creation of an independent body that will apply Leveson's criteria for a press regulator to potential self-funded press regulators.

The second myth is that it would threaten the existence of local newspapers. Again, that is not true. New clause 20 would protect all local newspapers that have a turnover of less than £100 million and exempt them from section

40. Local newspapers were generally omitted from the criticisms of Leveson 1, and they are rightly protected from costs shifting, which they might be unable to afford.

Mike Wood (Dudley South) (Con): Does my hon. Friend recognise that condition B would still leave 85% of local newspapers covered by the cost-shifting provisions, directly threatening their ability to conduct the investigative journalism that so many of them do so well?

Bill Wiggin: I am grateful to my hon. Friend for that intervention. What he is saying is that businesses with a turnover of over £100 million should be protected, which I think is probably not quite right.

Richard Drax (South Dorset) (Con): Does my hon. Friend find it odd that the lesser-off papers, as I think he phrased it, get away with some things and the better-off papers do not? Is that not discriminatory and completely against British justice?

3.45 pm

Bill Wiggin: No, it is not, because it is designed to ensure that victims get access to justice. My hon. Friend will find the local papers that may come under section 40 are owned by large companies. The exemption is designed for the charitable sector, which I will come to in just a moment.

One myth is that *The Guardian* would not be covered. The *Daily Mail* claimed that *The Guardian* would be exempt from the section 40 provisions, which is not true. *The Guardian* would not be covered by condition A, which is necessary to protect the not-for-profit publications that cannot afford cost-shifting—that is the sector my hon. Friend is interested in protecting. *The Guardian* would be covered because it declares dividends to its members, so it would not be exempted as the *Daily Mail* suggested.

The next myth about section 40 is that newspapers would have to sign up to IMPRESS, which again is simply not true. The press are at liberty to create their own regulator, which would simply have to fulfil all 29 of Leveson's criteria in order to become approved. Becoming approved does not require any sort of Government or political approval. It is entirely independent, and there is nothing to stop IPSO applying to become an approved regulator, except that it does not want to provide the low-cost access to justice that is so necessary. IPSO is a press protector, not a press regulator. I say that because it has introduced what it calls a compulsory low-cost arbitration scheme, but that is not right. IPSO's scheme is voluntary, and the *Financial Times*, MailOnline and other newspapers not regulated by IPSO have not signed up. Newspapers may leave the scheme whenever they choose. Although I am delighted that IPSO has admitted that low-cost arbitration is necessary, to add to the express view of both Houses and the recommendation of Lord Leveson, this version of it is not right.

If we choose not to vote for section 40 today, we will once again be trusting the newspapers to reform themselves. They say we should trust them and that IPSO is reforming, coincidentally at exactly the same time as we vote on this important new clause. The newspapers have shown again and again that they cannot be trusted, and we must vote to ensure that all victims have access to

low-cost justice, which is so necessary. Lord Leveson, both Houses of Parliament and, now, IPSO have all agreed this is necessary. Section 40 has been on the statute book for five years, and it is now time it was commenced.

Brendan O'Hara (Argyll and Bute) (SNP): Time is tight, so I will be brief. I rise to speak in support of new clause 18 because the Scottish National party has been clear throughout that all individuals should be able to seek redress when they feel they have been the victim of press malpractice. It benefits each and every one of us to have a media that is both transparent and accountable.

The Scottish National party is committed to ensuring that the practices that led to the Leveson inquiry never happen again. We have been equally clear, however, that if there is to be a second part of the Leveson inquiry, the distinct Scottish legal context must be taken into account and the Scottish Government must be consulted on the scope and scale of any future inquiry.

Both my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) and I raised that on Second Reading and again in Committee, and we put on record our dismay at the wholly inappropriate, indeed lazy, amendments made in the other place that sought to impose a blanket, one-size-fits-all, Truro-to-Thurso policy without any cognisance of the devolution settlement or of the fact that matters of press regulation and criminal justice are wholly devolved to the Parliament in Holyrood. I do not think it unreasonable to expect the House of Lords to know that both criminal justice and press regulation, and all the associated issues of the culture, practice and ethics of the press, fall under devolved competence, and that any blanket UK-wide proposal could only negatively impact on devolution.

Scottish National party Members have said repeatedly that, as long as the Scottish Government are consulted and the Scottish legal system is taken into account, we would be happy to support a Leveson inquiry.

Liam Byrne: I am following the hon. Gentleman's argument closely. He is right to say that we need to ensure the sins of the past are not repeated, which is why we need new clause 20. Can he confirm whether his party's position is to support new clause 20 today or, as I have heard, to abstain on it?

Brendan O'Hara: The right hon. Gentleman may push that to the vote, but new clause 20 seeks to impose on Scotland a system of press regulation from Westminster, even though this is wholly devolved. I appreciate the work that he and others in Hacked Off have tried to do to square that circle, but it has not been squared. Therefore, we cannot support a system of press regulation that will be imposed from Westminster on Holyrood. That is why I am so pleased that new clause 18 is presented in such a way that it takes on board all of our concerns. I am extremely grateful for the efforts made by the right hon. Member for Doncaster North (Edward Miliband) in fashioning the new clause in a way that allows the second part of the Leveson inquiry to take place while recognising the devolution settlement and the distinct position in Scotland. I commend the passion with which he put across his argument this afternoon.

[Brendan O'Hara]

There will be some who will say that part 2 of Leveson is now out of date—indeed, the Secretary of State said as much when he announced his plans to scrap it. People are right to say that much has changed since 2011, which was before Brexit or the fake news agenda dominated the newspapers, but we need to ask ourselves how much has really changed since the height of the phone hacking scandal. The Government are convinced that a step change has taken place, but I question whether it really has. The Secretary of State has pointed out that the world has changed, but these concerns are as relevant now as they were then.

We have seen how social media is now part and parcel of everyday life. Surely the time is right, with this second part of Leveson, to investigate the role of social media companies—Facebook, Twitter and others—in spreading fake news and disinformation. I would like to think that this inquiry would look to build on the outstanding work being done by the hon. Member for Folkestone and Hythe (Damian Collins) and his Select Committee in pursuing fake news and the spread of disinformation.

On behalf of the Scottish National party, I am delighted to have added my name to new clause 18 because I believe any reasonable person would agree that the terms of reference for this part of the Leveson inquiry have not yet been met.

Mr Rees-Mogg: The freedom of the press is so overwhelmingly precious that we should preserve it even if sometimes the press upsets us. It is amazing how many people who have had run-ins with the press have suddenly found that they think it should be more tightly regulated. Fascinatingly, the *Daily Mail* carried out a survey of their lordships House and discovered that more than a third of those who voted to shackle the press had been embarrassed by the press. May I therefore pay all the greater tribute to my right hon. Friend the Member for Sutton Coldfield (Mr Mitchell) for his impressive speech? He has suffered at the hands of the press, yet he recognises that the value of the free press is one of the great jewels in the crown of our constitutional settlement. But it is a jewel that has become tarnished because of actions taken by us; in four years, we have fallen in the rank of free nations from 30th to 40th, so that now we are behind Trinidad and Tobago, and, perhaps most insultingly, even below the French in freedom of the press. The clauses before us today should fill us with shame because they go to the heart of what we should believe in, in terms of our liberties, our freedoms and the rule of law.

New clause 18 seeks to have double jeopardy. Why did Leveson 2 not go ahead in the first place? It was because of a fear that trials could be made unfair by an inquiry going ahead at the same time. But those trials have now gone ahead and juries have returned verdicts. Interestingly, what verdicts did they return? It was not the ones the establishment expected. By and large, the journalists were found not guilty—not guilty of misusing any public office—but the police who gave them information were found guilty.

Was that not proper justice at work? The receiving of information as a journalist is your job, but the giving of information as a policeman is against the law. They

have had justice, they have had the inquiry and they have been through the process, but now people want to put those found innocent through it again. They want to call them in front of a tribunal, to put them on oath, to put them in the stocks, and to let them be quizzed, questioned and interrogated so that the freedom of the press can be undermined and pressurised by those who have sometimes had the sharp lash of the press's tongue against them. It reeks of self-interest.

Richard Drax: Will my hon. Friend give way?

Mr Rees-Mogg: I will not because time is so short.

Let me move on to new clause 20, the Max Mosley amendment. A man more cynical than I am might think that £540,000 donated to a certain political party might have had some influence on the desire to support IMPRESS—on the desire to support the creation of a known racist, a man who went on anti-Semitic rallies with his father. A party suffering from accusations of anti-Semitism wishes to be in bed with a man who gave it £540,000 to pursue his cause, which is to make IMPRESS the regulator of our free press, in the pocket of one of the most disreputable figures in this nation. IPSO has made leaps and bounds to ensure that it is a proper self-regulator. It is a self-regulator free from the taint of state approval, state authorisation and state regulation—

Bill Wiggin: And from responsibility.

Mr Rees-Mogg: The freedoms and liberties that we hold so dear should be preserved, even when they are inconvenient to us. The House may not have heard what my hon. Friend next to me just said. Baldwin's line was that the press had the "prerogative of the harlot"—power without responsibility. That was his line, but I would rather have a free press in that condition than a Government-approved, propagandised press that took away all our ancient liberties. These new clauses must be wiped out and cut from the legislative book. We must preserve our freedoms.

Ian C. Lucas: This has been an excellent debate. I wish to tell the House about a victim of press intrusion. Twenty-one years ago, I represented the bodyguard who survived the crash that killed the Princess of Wales. I made it clear to the press at the time that neither he nor his family wished to be pressured, followed or traced by journalists. They completely disregarded my advice and treated someone who was gravely ill, and his family, appallingly.

When I saw the statements in the Kerslake inquiry last year, I saw that, contrary to what the Secretary of State has said, the situation has not changed. Individuals who were the victims of grave crimes were abused, their privacy invaded and their lives turned around by press intrusion. That was after Sir Brian Leveson had conducted his inquiry, and after he, a greatly respected judge, had told the Government that he fundamentally disagreed with their decision not to proceed with the second part of the Leveson inquiry.

Earlier, I intervened on the Secretary of State and asked him why the Conservative party previously supported the terms of section 40 of the Crime and Courts Act 2013, which it now opposes. For all the eloquence we have just heard, the position is that the Conservative party is breaking a promise that was made to victims of crime by a Prime Minister of this great country, the United

Kingdom. Anyone who supports the Government today should be ashamed of themselves, because those victims of crime are the powerless who need protection from the powerful. The powerful are the people who are too close to those who have governmental power.

As my right hon. Friend the Member for Doncaster North (Edward Miliband) said, we know why this decision is being made—why the Conservative party is backing away from the promise made by a Conservative Prime Minister: it is frightened of the press and its influence. It is a shameful step that it is taking. I appeal to all individual and independent Members of this House to stand up for the powerless against the powerful and to support new clause 18. I implore the Secretary of State to be straightforward with the House.

Question agreed to.

New clause 19 accordingly read a Second time, and added to the Bill.

4 pm

Proceedings interrupted (Programme Order, this day).

The Deputy Speaker put forthwith the Questions necessary for the disposal of business to be concluded at that time (Standing Order No. 83E).

New Clause 22

REVIEW OF PROCESSING OF PERSONAL DATA FOR THE PURPOSES OF JOURNALISM

“(1) The Commissioner must—

- (a) review the extent to which the processing of personal data for the purposes of journalism complied with the data protection legislation during the review period,
- (b) prepare a report of the review, and
- (c) submit the report to the Secretary of State.

(2) “The review period” means the period of 4 years beginning with the day on which Chapter 2 of Part 2 of this Act comes into force.

(3) The Commissioner must—

- (a) start the review within the period of 6 months beginning when the review period ends, and
- (b) submit the report to the Secretary of State before the end of the period of 18 months beginning when the Commissioner started the review.

(4) The report must include consideration of the extent of compliance (as described in subsection (1)(a)) in each part of the United Kingdom.

(5) The Secretary of State must—

- (a) lay the report before Parliament, and
- (b) send a copy of the report to—
 - (i) the Scottish Ministers,
 - (ii) the Welsh Ministers, and

(iii) the Executive Office in Northern Ireland.”).—(*Matt Hancock.*)

This new clause would be inserted after Clause 172. It requires the Information Commissioner to carry out a review of, and report on, the extent to which the processing of personal data for the purposes of journalism complied with the data protection legislation during the first 4 years of its operation. The Secretary of State must lay the report before Parliament and send a copy of the report to the Scottish Ministers, the Welsh Ministers and the Executive Office in Northern Ireland (formerly the office of the First Minister and deputy First Minister in Northern Ireland).

Brought up, and added to the Bill.

New Clause 23

DATA PROTECTION AND JOURNALISM CODE

“(1) The Commissioner must prepare a code of practice which contains—

- (a) practical guidance in relation to the processing of personal data for the purposes of journalism in accordance with the requirements of the data protection legislation, and
- (b) such other guidance as the Commissioner considers appropriate to promote good practice in the processing of personal data for the purposes of journalism.

(2) Where a code under this section is in force, the Commissioner may prepare amendments of the code or a replacement code.

(3) Before preparing a code or amendments under this section, the Commissioner must consult such of the following as the Commissioner considers appropriate—

- (a) trade associations;
- (b) data subjects;
- (c) persons who appear to the Commissioner to represent the interests of data subjects.

(4) A code under this section may include transitional provision or savings.

(5) In this section—

“good practice in the processing of personal data for the purposes of journalism” means such practice in the processing of personal data for those purposes as appears to the Commissioner to be desirable having regard to—

- (a) the interests of data subjects and others, including compliance with the requirements of the data protection legislation, and
- (b) the special importance of the public interest in the freedom of expression and information;

“trade association” includes a body representing controllers or processors.”).—(*Matt Hancock.*)

This new Clause would be inserted after Clause 123. It requires the Commissioner to prepare a code of practice giving guidance about the processing of personal data for the purposes of journalism. Clauses 124 to 126 (approval, publication and effect) would apply to the code (see amendments 146, 147, 148, 149 and 150).

Brought up, and added to the Bill.

New Clause 18

DATA PROTECTION BREACHES BY NATIONAL NEWS PUBLISHERS

“(1) The Secretary of State must, within the period of three months beginning with the day on which this Act is passed, establish an inquiry under the Inquiries Act 2005 into allegations of data protection breaches committed by or on behalf of national news publishers and other media organisations.

(2) Before setting the terms of reference of and other arrangements for the inquiry the Secretary of State must—

- (a) consult the Scottish Ministers with a view to ensuring, in particular, that the inquiry will consider the separate legal context and other circumstances of Scotland;
- (b) consult Northern Ireland Ministers and members of the Northern Ireland Assembly with a view to ensuring, in particular, that the inquiry will consider the separate legal context and other circumstances of Northern Ireland;
- (c) consult persons appearing to the Secretary of State to represent the interests of victims of data protection breaches committed by, on behalf of or in relation to, national news publishers and other media organisations; and

- (d) consult persons appearing to the Secretary of State to represent the interests of news publishers and other media organisations (having regard in particular to organisations representing journalists).

(3) The terms of reference for the inquiry must include requirements—

- (a) to inquire into the extent of unlawful or improper conduct by or on behalf of national news publishers and other organisations within the media in respect of personal data;
- (b) to inquire into the extent of corporate governance and management failures and the role, if any, of politicians, public servants and others in relation to failures to investigate wrongdoing at media organisations within the scope of the inquiry;
- (c) to review the protections and provisions around media coverage of individuals subject to police inquiries, including the policy and practice of naming suspects of crime prior to any relevant charge or conviction;
- (d) to investigate the dissemination of information and news, including false news stories, by social media organisations using personal data;
- (e) to consider the adequacy of the current regulatory arrangements and the resources, powers and approach of the Information Commissioner and any other relevant authorities in relation to—
 - (i) the news publishing industry (except in relation to entities regulated by Ofcom) across all platforms and in the light of experience since 2012;
 - (ii) social media companies;
- (f) to make such recommendations as appear to the inquiry to be appropriate for the purpose of ensuring that the privacy rights of individuals are balanced with the right to freedom of expression.

(4) In setting the terms of reference for the inquiry the Secretary of State must—

- (a) have regard to the current context of the news, publishing and general media industry;
- (b) must set appropriate parameters for determining which allegations are to be considered;
- (c) determine the meaning and scope of references to national news publishers and other media organisations for the purposes of the inquiry.

(5) Before complying with subsection (4) the Secretary of State must consult the judge or other person who is likely to be invited to chair the inquiry.

(6) The inquiry may, so far as it considers appropriate—

- (a) consider evidence given to previous public inquiries; and
- (b) take account of the findings of and evidence given to previous public inquiries (and the inquiry must consider using this power for the purpose of avoiding the waste of public resources).

(7) This section comes into force on Royal Assent.” —(*Edward Miliband.*)

This new clause would require the establishment of an inquiry under the Inquiries Act 2005 as recommended by Lord Justice Leveson for Part two of his Inquiry.

Brought up.

Question put, That the clause be added to the Bill.

The House divided: Ayes 295, Noes 304.

Division No. 152]

[4.1 pm

AYES

Abbott, rh Ms Diane	Antoniazzi, Tonia
Alexander, Heidi	Ashworth, Jonathan
Ali, Rushanara	Austin, Ian
Allin-Khan, Dr Rosena	Bailey, Mr Adrian
Amesbury, Mike	Bardell, Hannah

Barron, rh Sir Kevin	Elmore, Chris
Beckett, rh Margaret	Esterson, Bill
Benn, rh Hilary	Evans, Chris
Berger, Luciana	Farrelly, Paul
Betts, Mr Clive	Farron, Tim
Black, Mhairi	Fellows, Marion
Blackford, rh Ian	Fitzpatrick, Jim
Blackman, Kirsty	Fletcher, Colleen
Blomfield, Paul	Flint, rh Caroline
Blunt, Crispin	Fovargue, Yvonne
Bone, Mr Peter	Foxcroft, Vicky
Brabin, Tracy	Frith, James
Bradshaw, rh Mr Ben	Furniss, Gill
Brake, rh Tom	Gaffney, Hugh
Brennan, Kevin	Gapes, Mike
Brock, Deidre	Gardiner, Barry
Brown, Alan	George, Ruth
Brown, Lyn	Gethins, Stephen
Brown, rh Mr Nicholas	Gibson, Patricia
Bryant, Chris	Gill, Preet Kaur
Buck, Ms Karen	Glendon, Mary
Burden, Richard	Godsiff, Mr Roger
Burgon, Richard	Grady, Patrick
Butler, Dawn	Grant, Peter
Byrne, rh Liam	Gray, Neil
Cable, rh Sir Vince	Green, Kate
Cadbury, Ruth	Greenwood, Lilian
Cameron, Dr Lisa	Greenwood, Margaret
Campbell, rh Mr Alan	Grieve, rh Mr Dominic
Campbell, Mr Ronnie	Griffith, Nia
Carden, Dan	Gwynne, Andrew
Carmichael, rh Mr Alistair	Haigh, Louise
Champion, Sarah	Hamilton, Fabian
Chapman, Jenny	Hardy, Emma
Charalambous, Bambos	Harman, rh Ms Harriet
Cherry, Joanna	Harris, Carolyn
Clarke, rh Mr Kenneth	Hayes, Helen
Clwyd, rh Ann	Hayman, Sue
Coaker, Vernon	Healey, rh John
Cooper, Julie	Hendry, Drew
Cooper, Rosie	Hepburn, Mr Stephen
Cooper, rh Yvette	Hermon, Lady
Corbyn, rh Jeremy	Hill, Mike
Coyle, Neil	Hillier, Meg
Creasy, Stella	Hobhouse, Wera
Cruddas, Jon	Hodge, rh Dame Margaret
Cryer, John	Hodgson, Mrs Sharon
Cummins, Judith	Hollern, Kate
Cunningham, Alex	Hollobone, Mr Philip
Cunningham, Mr Jim	Hopkins, Kelvin
Dakin, Nic	Hosie, Stewart
Davey, rh Sir Edward	Howarth, rh Mr George
David, Wayne	Huq, Dr Rupa
Davies, Geraint	Hussain, Imran
Day, Martyn	Jardine, Christine
De Cordova, Marsha	Jarvis, Dan
De Piero, Gloria	Johnson, Diana
Dent Coad, Emma	Jones, Darren
Dhesi, Mr Tanmanjeet Singh	Jones, Gerald
Docherty-Hughes, Martin	Jones, Graham P.
Dodds, Anneliese	Jones, Helen
Doughty, Stephen	Jones, Mr Kevan
Dowd, Peter	Jones, Sarah
Drew, Dr David	Jones, Susan Elan
Dromey, Jack	Kane, Mike
Duffield, Rosie	Keeley, Barbara
Eagle, Ms Angela	Kendall, Liz
Eagle, Maria	Khan, Afzal
Edwards, Jonathan	Killen, Ged
Efford, Clive	Kinnock, Stephen
Elliott, Julie	Kyle, Peter
Ellman, Mrs Louise	Laird, Lesley

Lake, Ben
 Lamb, rh Norman
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 Lee, Karen
 Leslie, Mr Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Lewis, Mr Ivan
 Linden, David
 Lloyd, Stephen
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 Lynch, Holly
 MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mann, John
 Marsden, Gordon
 Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCabe, Steve
 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
 O'Mara, Jared
 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, Emma
 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
 Sheerman, Mr Barry
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Cat
 Smith, Eleanor
 Smith, Laura
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Streeting, Wes
 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:
Thangam Debbonaire and
Jeff Smith

NOES

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
 Boles, Nick
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Sir Graham
 Braverman, Suella
 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, Sir Christopher
 Churchill, Jo
 Clark, Colin
 Clark, rh Greg
 Clarke, Mr Simon
 Cleverly, James
 Clifton-Brown, Sir Geoffrey
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Docherty, Leo
 Dodds, rh Nigel
 Donaldson, rh Sir Jeffrey M.
 Donelan, Michelle
 Dorries, Ms Nadine
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Duddridge, James
 Duguid, David
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Ellwood, rh Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evennett, rh David
 Fabricant, Michael
 Fallon, rh Sir Michael
 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 Dame Cheryl
 Girvan, Paul
 Glen, John
 Goldsmith, Zac
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Luke
 Graham, Richard
 Grant, Bill
 Grant, Mrs Helen
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Griffiths, Andrew
 Grogan, John
 Gyimah, Mr Sam
 Hair, Kirstene
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harris, Rebecca
 Harrison, Trudy
 Hart, Simon
 Hayes, rh Mr John
 Heald, rh Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hinds, rh Damian
 Hoare, Simon
 Hollingbery, George
 Hollinrake, Kevin
 Howell, John
 Huddleston, Nigel
 Hughes, Eddie
 Hunt, rh Mr Jeremy

Hurd, rh Mr Nick
 Jack, Mr Alister
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 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, rh 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
 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
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Moore, Damien
 Mordaunt, rh Penny
 Morgan, rh Nicky
 Morris, Anne Marie
 Morris, James
 Morton, Wendy
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, rh 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, rh Claire
 Philp, Chris
 Pincher, Christopher
 Prentis, Victoria
 Prisk, Mr 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, 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
 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

Williamson, rh Gavin
 Wilson, rh Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:

**Nigel Adams and
 Amanda Milling**

Question accordingly negated.

Clause 124

APPROVAL OF DATA-SHARING, DIRECT MARKETING AND
 AGE-APPROPRIATE DESIGN CODES

Amendments made: 146, page 69, line 21, leave out
 “or 123” and insert

“,123 or (*Data protection and journalism code*)”.

See the explanatory statement for NC23.

Amendment 147, page 69, line 32, leave out “or 123”
 and insert

“,123 or (*Data protection and journalism code*)”.

See the explanatory statement for NC23.

Amendment 148, page 69, line 39, leave out “or 123”
 and insert

“,123 or (*Data protection and journalism code*)”.

See the explanatory statement for NC23.

Amendment 149, page 70, line 5, leave out “and 123”
 and insert

“,123 and (*Data protection and journalism code*)”.—(*Matt
 Hancock.*)

See the explanatory statement for NC23.

Clause 125

PUBLICATION AND REVIEW OF DATA-SHARING, DIRECT
 MARKETING AND AGE-APPROPRIATE DESIGN CODES

Amendment made: 150, page 70, line 18, leave out “or
 123(2)” and insert—

“,123(2) or (*Data protection and journalism code*)(2)”.—(*Matt
 Hancock.*)

See the explanatory statement NC23.

Clause 196

GENERAL INTERPRETATION

Amendment made: 145, page 115, line 42, at end
 insert—

“() section (*Review of processing of personal data for the
 purposes of journalism*)(2);”.—(*Matt Hancock.*)

*This amendment provides that EU Regulation No. 1182/71
 determining the rules applicable to periods, dates and time limits
 does not apply for the purposes of the 4 year period described in
 subsection (2) of NC22.*

New Clause 13

INFORMATION ORDERS

“(1) This section applies if, on an application by the
 Commissioner, a court is satisfied that a person has failed to
 comply with a requirement of an information notice.

(2) The court may make an order requiring the person to provide to the Commissioner some or all of the following—

- (a) information referred to in the information notice;
- (b) other information which the court is satisfied the Commissioner requires, having regard to the statement included in the notice in accordance with section 141(2)(b).

(3) The order—

- (a) may specify the form in which the information must be provided,
- (b) must specify the time at which, or the period within which, the information must be provided, and
- (c) may specify the place where the information must be provided.’—(Margot James.)

This new clause would be inserted after Clause 143. It provides that, where a person has failed to comply with an information notice (given under Clause 141), the Information Commissioner may seek a court order requiring the person to provide the information referred to in the notice or other information which the Commissioner requires for a reason specified in the notice. See also Amendments 57, 58 and 60.

Brought up, and read the First time.

The Minister for Digital and the Creative Industries (Margot James): I beg to move, That the clause be read a Second time.

Madam Deputy Speaker (Mrs Eleanor Laing): With this it will be convenient to discuss the following:

Government new clause 14—*Destroying or falsifying information and documents etc.*

Government new clause 15—*Applications in respect of urgent notices.*

Government new clause 16—*Post-review powers to make provision about representation of data subjects.*

Government new clause 17—*Reserve forces: data-sharing by HMRC.*

New clause 3—*Bill of Data Rights in the Digital Environment—*

‘Schedule [Bill of Data Rights in the Digital Environment] shall have effect.’

This new clause would introduce a Schedule containing a Bill of Data Rights in the Digital Environment.

New clause 4—*Bill of Data Rights in the Digital Environment (No. 2)—*

‘(1) The Secretary of State shall, by regulations, establish a Bill of Data Rights in the Digital Environment.

(2) Before making regulations under this section, the Secretary of State shall—

- (a) consult—
 - (i) the Commissioner,
 - (ii) trade associations,
 - (iii) data subjects, and
 - (iv) persons who appear to the Commissioner or the Secretary of State to represent the interests of data subjects; and
- (b) publish a draft of the Bill of Data Rights.

(3) The Bill of Data Rights in the Digital Environment shall enshrine—

- (a) a right for a data subject to have privacy from commercial or personal intrusion,
- (b) a right for a data subject to own, curate, move, revise or review their identity as founded upon personal data (whether directly or as a result of processing of that data),
- (c) a right for a data subject to have their access to their data profiles or personal data protected, and

(d) a right for a data subject to object to any decision made solely on automated decision-making, including a decision relating to education and employment of the data subject.

(4) Regulations under this section are subject to the affirmative resolution procedure.’

This new clause would empower the Secretary of State to introduce a Bill of Data Rights in the Digital Environment.

New clause 6—*Targeted dissemination disclosure notice for third parties and others (No. 2)—*

‘In Schedule 19B of the Political Parties, Elections and Referendums Act 2000 (Power to require disclosure), after paragraph 10 (documents in electronic form) insert—

‘10A (1) This paragraph applies to the following organisations and individuals—

- (a) a recognised third party (within the meaning of Part 6);
- (b) a permitted participant (within the meaning of Part 7);
- (c) a regulated donee (within the meaning of Schedule 7);
- (d) a regulated participant (within the meaning of Schedule 7A);
- (e) a candidate at an election (other than a local government election in Scotland);
- (f) the election agent for such a candidate;
- (g) an organisation or individual formerly falling within any of paragraphs (a) to (f); or
- (h) the treasurer, director, or another officer of an organisation to which this paragraph applies, or has been at any time in the period of five years ending with the day on which the notice is given.

(2) The Commission may under this paragraph issue at any time a targeted dissemination disclosure notice, requiring disclosure of any settings used to disseminate material which it believes were intended to have the effect, or were likely to have the effect, of influencing public opinion in any part of the United Kingdom, ahead of a specific election or referendum, where the platform for dissemination allows for targeting based on demographic or other information about individuals, including information gathered by information society services.

(3) This power shall not be available in respect of registered parties or their officers, save where they separately and independently fall into one or more of categories (a) to (h) of sub-paragraph (1).

(4) A person or organisation to whom such a targeted dissemination disclosure notice is given shall comply with it within such time as is specified in the notice.”

This new clause would amend the Political Parties, Elections and Referendums Act 2000 to allow the Electoral Commission to require disclosure of settings used to disseminate material where the platform for dissemination allows for targeting based on demographic or other information about individuals.

New clause 10—*Automated decision-making concerning a child—*

‘(1) Where a data controller expects to take a significant decision based solely on automated processing which may concern a child, the controller must, before such processing is undertaken—

- (a) deposit a data protection impact assessment with the Commissioner, and
- (b) consult the Commissioner (within the meaning of Article 36 of the GDPR), regardless of measures taken by the controller to mitigate any risk.

(2) Where, following prior consultation, the Commissioner does not choose to prevent processing on the basis of Article 58(2)(f) of the GDPR, the Commissioner must publish the part or parts of the data protection impact assessment provided under subsection (1), relevant to the reaching of that decision.

(3) The Commissioner must produce and publish a list of safeguards to be applied by data controllers where any significant decision based solely on automated processing may concern a child.

(4) For the purposes of this section, the meaning of “child” is determined by the age of lawful processing under Article 8 of the GDPR and section 9 of this Act.’

New clause 11—Education: safe use of personal data—

‘(1) The Children and Social Work Act 2017 is amended as follows.

(2) In section 35 (other personal, social, health and economic education), after subsection (1)(b) insert—

‘(1A) In this section, “personal, social, health and economic education” shall include education relating to the safe use of personal data.’

This new clause would enable the Secretary of State to require that personal information safety be taught as a mandatory part of the national PSHE curriculum.

New clause 12—Health bodies: disclosure of personal data—

‘(1) In section 261 of the Health and Social Care Act 2012 (Health and Social Care Information Centre: dissemination of information) after subsection (5) insert—

‘(5A) A disclosure of personal data may be made under subsection (5)(e) only if it is made—

- (a) to and at the request of a member of a police force, and
- (b) for the purpose of investigating a serious offence.

(5B) In subsection (5A)—

“personal data” has the meaning given by section 3 of the Data Protection Act 2018;

“police force” means—

- (a) a police force within the meaning of section 101 of the Police Act 1996, and
- (b) an equivalent force operating under the law of any Part of the United Kingdom or of another country; and

“serious offence” means—

- (a) a serious offence within the meaning of Part 1 of Schedule 1 to the Serious Crime Act 2007,
- (b) an offence under the Offences Against the Person Act 1861, the Sexual Offences Act 2003, the Explosive Substances Act 1883, the Terrorism Act 2000 or the Terrorism Act 2006, and
- (c) the equivalent of any of those offences under the law of any Part of the United Kingdom or of another country.’

(2) In section 13Z3 of the National Health Service Act 2006 () at the end insert—

‘(3) A disclosure of personal data may be made under subsection (1)(g) only if it is made—

- (a) to and at the request of a member of a police force, and
- (b) for the purpose of investigating a serious offence.

(4) In subsection (3)—

“personal data” has the meaning given by section 3 of the Data Protection Act 2018;

“police force” means—

- (a) a police force within the meaning of section 101 of the Police Act 1996, and
- (b) an equivalent force operating under the law of any Part of the United Kingdom or of another country; and

“serious offence” means—

- (a) a serious offence within the meaning of Part 1 of Schedule 1 to the Serious Crime Act 2007,

(b) an offence under the Offences against the Person Act 1861, the Sexual Offences Act 2003, the Explosive Substances Act 1883, the Terrorism Act 2000 or the Terrorism Act 2006, and

(c) the equivalent of any of those offences under the law of any Part of the United Kingdom or of another country.’

(3) In section 14Z23 of the National Health Service Act 2006 (clinical commissioning groups: permitted disclosure of information) at the end insert—

‘(3) A disclosure of personal data may be made under subsection (1)(g) only if it is made—

- (a) to and at the request of a member of a police force, and
- (b) for the purpose of investigating a serious offence.

(4) In subsection (3)—

“personal data” has the meaning given by section 3 of the Data Protection Act 2018;

“police force” means—

- (a) a police force within the meaning of section 101 of the Police Act 1996, and
- (b) an equivalent force operating under the law of any Part of the United Kingdom or of another country; and

“serious offence” means—

- (a) a serious offence within the meaning of Part 1 of Schedule 1 to the Serious Crime Act 2007,
- (b) an offence under the Offences against the Person Act 1861, the Sexual Offences Act 2003, the Explosive Substances Act 1883, the Terrorism Act 2000 or the Terrorism Act 2006, and
- (c) the equivalent of any of those offences under the law of any Part of the United Kingdom or of another country.’

(4) In section 79 of the Health and Social Care Act 2008 (Care Quality Commission: permitted disclosures) after subsection (3) insert—

‘(3A) A disclosure of personal data may be made under subsection (3)(g) only if it is made—

- (a) to and at the request of a member of a police force, and
- (b) for the purpose of investigating a serious offence.

(3B) In subsection (3A)—

“personal data” has the meaning given by section 3 of the Data Protection Act 2018;

“police force” means—

- (a) a police force within the meaning of section 101 of the Police Act 1996, and
- (b) an equivalent force operating under the law of any Part of the United Kingdom or of another country; and

“serious offence” means—

- (a) a serious offence within the meaning of Part 1 of Schedule 1 to the Serious Crime Act 2007,
- (b) an offence under the Offences against the Person Act 1861, the Sexual Offences Act 2003, the Explosive Substances Act 1883, the Terrorism Act 2000 or the Terrorism Act 2006, and
- (c) the equivalent of any of those offences under the law of any Part of the United Kingdom or of another country.’

This new clause would prevent personal data held by the NHS from being disclosed for the purpose of the investigation of a criminal offence unless the offence concerned is serious, which is consistent with the NHS Code of Confidentiality and GMC guidance on confidentiality. It would also mean that any such disclosure could only be made to the police, and not, for example, to Home Office immigration enforcement officials.

New clause 24—*Safeguards on the transfer of data for lethal force operations overseas*—

‘(1) A transferring controller may not make any transfer of personal data outside the United Kingdom under Part 4 of this Act where—

- (a) the transferring controller knows, or should know, that the data will be used in an operation or activity that may involve the use of lethal force, and
- (b) there is a real risk that the transfer would amount to a breach of domestic law or an internationally wrongful act under international law.

(2) Where the transferring controller determines that there is no real risk under subsection (1)(b), the transfer is not lawful unless—

- (a) the transferring controller documents the determination, providing reasons, and
- (b) the Secretary of State has approved the transfer in writing.

(3) Any documentation created under subsection (2) shall be provided to the Information Commissioner and the Investigatory Powers Commissioner within 90 days of the transfer.

(4) A “transferring controller” is a controller who makes a transfer of personal data outside the United Kingdom under Part 4 of this Act.

(5) For the purposes of subsection (1)(b),

- (c) “domestic law” includes, but is not limited to,
 - (i) soliciting, encouraging, persuading or proposing a murder contrary to section 4 of the Offences Against the Person Act 1861,
 - (ii) conspiracy to commit murder contrary to section 1 or 1A of the Criminal Law Act 1977,
 - (iii) aiding, abetting, counselling, or procuring murder contrary to section 8 of the Accessories and Abettors Act 1861,
 - (iv) offences contrary to section 44, 45 and 46 of the Serious Crime Act 2007,
 - (v) offences under the International Criminal Court Act 2001.
- (d) “International law” includes, but is not limited to, Article 16 of the 2001 Draft Articles on the Responsibility of States for Internationally Wrongful Acts.

(6) The Secretary of State must lay before Parliament, within six months of the coming into force of this Act, guidance for intelligence officers on subsections (1) and (2).

(7) The Secretary of State must lay before Parliament any subsequent changes made to the guidance reported under subsection (6) within 90 days of any changes being made.’

Amendment 18, in clause 7, page 5, line 24, after “subsections” insert “(1A),”.

Government amendment 22.

Amendment 19, page 5, line 24, at end insert—

‘(1A) A primary care service provider is not a “public authority” or “public body” for the purposes of the GDPR merely by virtue of the fact that it is defined as a public authority by either—

- (a) any of paragraphs 43A to 45A or paragraph 51 of Schedule 1 to the Freedom of Information Act 2000, or
- (b) any of paragraphs 33 to 35 of Schedule 1 to the Freedom of Information (Scotland) Act 2002 (asp 13).’

Government amendments 23 and 24.

Amendment 4, in clause 10, page 6, line 37, leave out subsections (6) and (7).

This amendment would remove delegated powers that would allow the Secretary of State to vary the conditions and safeguards governing the general processing of sensitive personal data.

Amendment 5, in clause 14, page 8, line 11, at end insert—

‘(2A) A decision that engages an individual’s rights under the Human Rights Act 1998 does not fall within Article 22(2)(b) of the GDPR (exception from prohibition on taking significant decisions based solely on automated processing for decisions that are authorised by law and subject to safeguards for the data subject’s rights, freedoms and legitimate interests).

(2B) A decision is “based solely on automated processing” for the purposes of this section if, in relation to a data subject, there is no meaningful input by a natural person in the decision-making process.’

This amendment would ensure that where human rights are engaged by automated decisions these are human decisions and provides clarification that purely administrative human approval of an automated decision does make an automated decision a ‘human’ one.

Amendment 6, page 9, line 36, leave out clause 16.

This amendment would remove delegated powers that would allow the Secretary of State to add further exemptions.

Government amendment 143.

Amendment 7, in clause 35, page 22, line 14, leave out subsections (6) and (7).

This amendment would remove delegated powers that would allow the Secretary of State to vary the conditions and safeguards governing the general processing of sensitive personal data.

Amendment 151, in clause 49, page 30, line 19, at end insert—

‘(1A) A controller may not take a significant decision based solely on automated processing if that decision affects the rights of the data subject under the Human Rights Act 1998.’

Amendment 2, in clause 50, page 30, line 28, at end insert—‘and

- (c) it does not engage the rights of the data subject under the Human Rights Act 1998.’

This amendment would ensure that automated decisions should not be authorised by law if they engage an individual’s human rights.

Amendment 8, in clause 86, page 51, line 21, leave out subsections (3) and (4).

This amendment would remove delegated powers that would allow the Secretary of State to vary the conditions and safeguards governing the general processing of sensitive personal data.

Amendment 3, in clause 96, page 56, line 38, after “law” insert—

‘unless the decision engages an individual’s rights under the Human Rights Act 1998.’

This amendment would ensure that automated decisions should not be authorised by law if they engage an individual’s human rights.

Amendment 9, page 63, line 27, leave out clause 113.

This amendment would remove delegated powers that would allow the Secretary of State to create new exemptions to Part 4 of the Bill.

Government amendments 25 to 37.

Amendment 20, in clause 144, page 81, line 11, leave out “7 days” and insert “24 hours”.

This amendment would reduce from 7 days to 24 hours the minimum period which must elapse before a controller or processor has to comply with an assessment notice which has been issued by the Commissioner and which the Commissioner has stated should be complied with urgently.

Government amendments 38 to 71.

Government new schedule 3—*Transitional provision etc.*

New schedule 1—*Bill of Data Rights in the Digital Environment*—

‘The UK recognises the following Data Rights:

Article 1—Equality of Treatment

Every data subject has the right to fair and equal treatment in the processing of his or her personal data.

Article 2—Security

Every data subject has the right to security and protection of their personal data and information systems.

Access requests by government must be for the purpose of combating serious crime and subject to independent authorisation.

Article 3—Free Expression

Every data subject has the right to deploy his or her personal data in pursuit of their fundamental rights to freedom of expression, thought and conscience.

Article 4—Equality of Access

Every data subject has the right to access and participate in the digital environment on equal terms.

Internet access should be open.

Article 5—Privacy

Every data subject has the right to respect for their personal data and information systems and as part of his or her fundamental right to private and family life, home and communications.

Article 6—Ownership

Every data subject has the right to own and control his or her personal data.

Every data subject is entitled to proportionate share of income or other benefit derived from his or her personal data as part of the right to own.

Article 7—Control

Every data subject is entitled to know the purpose for which personal data is being processed. Data controllers should not deliberately extend the gathering of personal data solely for their own purposes. Government, corporations, public authorities and other data controllers must obtain meaningful consent for the use of people’s personal data. Every data subject has the right to own curate, move, revise or review their personal data.

Article 8—Algorithms

Every data subject has the right to transparent and equal treatment in the processing of his or her personal data by an algorithm or automated system.

Every data subject is entitled to meaningful human control in making significant decisions – algorithms and automated systems must not be deployed to make significant decisions.

Article 9—Participation

Every data subject has the right to deploy his or her personal data and information systems to communicate in pursuit of the fundamental right to freedom of association.

Article 10—Protection

Every data subject has the right to safety and protection from harassment and other targeting through use of personal data whether sexual, social or commercial.

Article 11—Removal

Every data subject is entitled to revise and remove their personal data.

Compensation

Breach of any right in this Bill will entitle the data subject to fair and equitable compensation under existing enforcement provisions. If none apply, the Centre for Data Ethics will establish and administer a compensation scheme to ensure just remedy for any breaches.

Application to Children

The application of these rights to a person less than 18 years of age must be read in conjunction with the rights set out in the United Nations Convention on the Rights of the Child. Where an information society service processes data of persons less than 18 years of age it must do so under the age appropriate design code set out in section 123 of this Act.’

Government amendments 72 and 73.

Amendment 16, in schedule 2, page 140, line 15, at end insert—

‘(1A) The exemption in sub-paragraph (1) may not be invoked in relation to offences under—

(a) sections 24, 24A, 24B or 24C of the Immigration Act 1971,

(b) section 21 of the Immigration, Asylum and Nationality Act 2006, or

(c) sections 33A and 33B of the Immigration Act 2014.’

Amendment 15, page 141, line 17, leave out paragraph 4.

Government amendments 141 and 142.

Amendment 10, page 152, line 24, leave out paragraph 19 and insert—

‘19 The listed GDPR provisions do not apply to personal data that consists of information which is protected by legal professional privilege or the duty of confidentiality.’

This amendment would ensure that both legal professional privilege and confidentiality are recognised within the legislation.

Government amendments 139, 74 and 75.

Amendment 11, in schedule 11, page 196, line 39, leave out paragraph 9 and insert—

‘9 The listed provisions do not apply to personal data that consists of information which is protected by legal professional privilege or the duty of confidentiality.’

This amendment would ensure that both legal professional privilege and confidentiality are recognised within the legislation.

Government amendments 140 and 76 to 80.

Amendment 21, in schedule 15, page 206, line 11, at end insert—

‘(1A) A warrant issued under subparagraph (1)(b) or (1)(c) of this paragraph does not require any notice to be given to the controller or processor, or to the occupier of the premises.’

This amendment would make it clear that a judge can issue a warrant to enter premises under subparagraphs 4(1)(b) or 4(1)(c) without the Commissioner having given prior notice to the data controller, data processor or occupier of premises.

Government amendments 81 to 85.

Amendment 12, page 208, line 13, leave out

“with respect to obligations, liabilities or rights under the data protection legislation”.

This amendment would ensure that both legal professional privilege and confidentiality are recognised within the legislation.

Amendment 13, page 208, line 21, leave out from “proceedings” to the end of line 23.

This amendment would ensure that both legal professional privilege and confidentiality are recognised within the legislation.

Government amendments 86 to 138.

Margot James: I shall start by addressing the Government amendments—[*Interruption.*]

Madam Deputy Speaker (Mrs Eleanor Laing): Order. Will people who are leaving the Chamber please do so quietly? The Minister is making an important speech and people want to hear it. It is just rude to make a noise—unless you happen to be in the Chair.

Margot James: I propose to start my remarks by addressing the Government amendments to strengthen the powers of the Information Commissioner.

The investigation of the Information Commissioner’s Office into Cambridge Analytica is unprecedented in its scale and complexity. It has, necessarily, pushed the

boundaries of what the drafters of the Data Protection Act 1998 and the parliamentarians who scrutinised it could have envisaged. Although we recognise that the Bill already expands and enhances the commissioner's ability to enforce the requirements of the data protection legislation in such circumstances, the Government undertook to consider whether further provision was desirable in the light of the commissioner's experience. Following extensive discussions with the commissioner and in Committee, we concluded that such provision is desirable. Our amendments will strengthen the commissioner's ability to enforce the law, while ensuring that she operates within a clear and accountable structure. I will give a few examples.

First, amendments 27 and 28 will allow the commissioner to require any person who might have knowledge about suspected breaches of the data protection legislation to provide information. Previously, information could be sought only from a data controller or a data processor. That might be important where, for example, a former employee has information about the organisation's processing activities.

Secondly, new clause 13 will allow the commissioner to apply to the court for an order to force compliance when a person fails to comply with a requirement to provide information. Organisations that might previously have been tempted to pay a fine for non-compliance instead of handing over the information will find themselves at risk of being in contempt of court if they do not comply.

Thirdly, amendments 30 and 45 will allow the commissioner to require controllers to comply with information or enforcement notices within 24 hours in some very urgent cases, rather than the seven days provided for in the existing law. Amendment 38 will allow the commissioner, in certain circumstances, to issue an assessment notice that can have immediate effect. Those amendments will allow the commissioner to obtain information about a suspected breach or put a stop to high-risk processing activities in a prompt and effective way. They will also allow her to carry out no-notice inspections without a warrant in certain circumstances.

Fourthly, new clause 14 will criminalise the behaviour of any person who seeks to frustrate an information or assessment notice by deliberately destroying, falsifying, blocking or concealing evidence that has been identified as relevant to the commissioner's investigation.

Finally, we have taken this opportunity to modernise the commissioner's powers. Storing files on an office server is rapidly becoming a thing of the past. Amendment 79 will enable the commissioner to apply for a warrant to access material that can be viewed via computers on the premises but that is held in the cloud.

When strengthening the commissioner's enforcement powers, we have been mindful of the need to provide appropriate safeguards and remedies for those who find themselves under investigation. For example, when an information, assessment or enforcement notice containing an urgency statement is served on a person, new clause 15 will allow them to apply to the court to disapply the urgency statement. In effect, they will have a right to apply to the court to vary the timetable for compliance with the order. A court considering an application from the commissioner for an information order will be able to take into account all the relevant circumstances at

the time, including whether an application has been brought by the person concerned under new clause 15 and whether the person has brought an appeal against the notice itself in the tribunal. These amendments have been developed in close liaison with the Information Commissioner. We are confident that they will give her the powers she needs to ensure that those who flout the law in our increasingly digital age are held to account for their actions.

I now turn to the representation of data subjects. I am very grateful to Baroness Kidron for her continued engagement on this subject. In particular, we agree that children merit special protection in relation to their personal data and that the review the Government will undertake shall look accordingly at the specific barriers young people and children face in enforcing their rights. Government new clause 16, as well as amendments 61, 62, 63, 70 and 75, ensures that they will.

Government new clause 17 concerns maintaining contact with ex-regular reserve forces. This will allow Her Majesty's Revenue and Customs to share contact detail information with the Ministry of Defence to ensure that the MOD is better able to locate and contact members of the ex-regular reserve.

New clause 12, on data sharing by health bodies, is in the name of my hon. Friend the Member for Totnes (Dr Wollaston), who chairs the Health and Social Care Committee. I know she and the Committee have significant and legitimate concerns about the operation of the memorandum of understanding between NHS Digital and the Home Office, which currently allows the sharing of non-clinical information, principally address information, for immigration purposes. The Select Committee has argued for the suspension of the MOU pending the outcome of a review of its impact by Public Health England. New clause 12 seeks to adopt a more long-term approach by narrowing the ability of NHS Digital to disclose information in connection with the investigation of criminal offences. The aim is to narrow the MOU's scope, so that it only facilitates the exchange of personal data in cases involving serious criminality.

The Government have reflected further on the concerns put forward by my hon. Friend and her Committee. As a result, and with immediate effect, the data sharing arrangements between the Home Office and the NHS have been amended. This is a new step and it supersedes the position set out in previous correspondence between the Home Office, the Department for Health and Social Care and the Select Committee.

I know my hon. Friend and her colleagues have been particularly exercised by the contents of a letter dated 23 February from both the above-mentioned Departments to her Select Committee, in which it is stated that

"a person using the NHS can have a reasonable expectation when using this taxpayer-funded service that their non-medical data, which lies at the lower end of the privacy spectrum, will not be shared securely between other officers within government in exercise of their lawful powers".

The bar for sharing data will now be set significantly higher. By sharing, I mean sharing between the Department of Health and Social Care, the Home Office and, in future, possibly other Departments. No longer will the names of overstayers and illegal entrants be sought against health service records to find current address details. The data sharing, relying on powers under the Health and Social Care Act 2012, the National Health

[Margot James]

Service Act 2006 and the Health and Social Care Act 2008, will only be used to trace an individual who is being considered for deportation action having been investigated for, or convicted of, a serious criminal offence that results in a minimum sentence of at least 12 months in prison.

The Government have a long-held policy on what level of serious criminality is deserving of deportation, given statutory force by the UK Borders Act 2007. When a custodial sentence of more than 12 months has been given, consideration for deportation must therefore follow. Henceforth, the Home Office will only be able to use the memorandum of understanding to trace an individual who is being considered for deportation action having been convicted of a serious criminal offence, or when their presence is considered non-conducive to the public good—for example, when they present a risk to public security but have yet to be convicted of a criminal offence.

4.30 pm

Alison Thewliss (Glasgow Central) (SNP): Can the Minister give me more reassurance about the Home Office and its activity in this regard? At the moment, I have constituents who, under paragraph 322(5) of the immigration rules, face being deported for making legitimate changes to their tax return through HMRC data being accessed. Will she reassure me about what the Home Office can do to make sure that this is not abused and misused for the purposes of meeting immigration targets?

Margot James: I will write to the hon. Lady and I hope to give her reassurance. This new higher bar concerns NHS data and that would obviously not catch within it errors on a tax return.

As now, the memorandum of understanding would also continue to operate when there are concerns about the welfare and safety of a missing individual—for example, vulnerable children and adults. That has always been the case. Personal information will only be disclosed to the Home Office or agencies under the purview of the Home Office. This is a significant restriction on the Home Office's ability to use data held by the NHS. It is estimated that the change will exclude over 90% of the requests that have been satisfied to date.

Sir Edward Davey (Kingston and Surbiton) (LD): The Minister talks about a memorandum of understanding giving reassurance to the House. I refer her to part 2 of schedule 2, which talks about exemptions from the general data protection regulation in respect of crime and taxation. Surely, the rights of individuals to have their data protected under that provision would address all these issues, and it would potentially supersede the memorandum of understanding.

Margot James: I will come on to the exemptions in terms of criminal activity and immigration in a wider context than NHS information in due course.

My right hon. Friend the Minister for Immigration is committed to sending a copy of an updated MOU to the Health and Social Care Committee shortly, but as I have indicated, the significant narrowing of the MOU will have immediate effect. This commitment is consistent with the intention underpinning new clause 12. I trust

that on that basis, my hon. Friend the Member for Totnes and her colleagues will not press new clause 12. I am sure that if she has any questions, she will intervene on me, or that when she makes her remarks later, I might be invited to intervene on her. I thank my hon. Friend and all her Committee members for their work to establish higher principles in this area.

I turn to Opposition amendments 16 and 15 and Government amendments 141 and 142, on immigration. Amendment 15 would remove the provisions relating to effective immigration control in schedule 2. In responding to the amendment, I want to address some of the continued misunderstandings that have arisen around the purpose and scope of the provision, and I hope to persuade the House that this is a necessary and proportionate measure to protect the integrity of our immigration system. It has been suggested that the provisions have no basis in the GDPR, but article 23 expressly allows member states to restrict certain specified rights for the purpose of safeguarding

“other important objectives of general public interest of a...Member State”.

The maintenance of effective immigration control is one such objective.

Sir Edward Davey: Will the Minister confirm that article 23 of the GDPR does not specify immigration?

Margot James: It does not rule out immigration and it does allow the restriction of certain specified rights—not wholesale restrictions—for the purpose of safeguarding “other important objectives of general public interest”.

The purpose is to provide a derogation for member states wide enough that they can pursue an overall Government policy in the general public interest. I would conclude that immigration is one such example. It has been suggested that the provisions represent a blanket carve-out of all a data subject's rights. That is certainly not the case. I would like to reassure the right hon. Gentleman that we are being very selective about the rights that could be disapplied. The exemption will be applied only on a case-by-case basis and only where it is necessary and proportionate.

Liam Byrne: Has the Minister learnt nothing from the Windrush scandal? Here we have a Department of State that is not fantastic at keeping records. The idea of selectively carving out particular rights of particular people who need this information to fight tribunal cases strikes me as lunacy, given what we have learnt about the dysfunction at the Home Office.

Margot James: Perhaps if I continue my remarks, I can reassure the right hon. Gentleman that of course lessons have been learnt, not least by the Home Office itself, as both the former Home Secretary and the current Home Secretary have made abundantly clear to the House.

The exemption in the amendment is to be applied only on a case-by-case basis and only where it is necessary and proportionate. It cannot and will not be used to target any group of people. Nor does the application of the exemption set aside all a data subject's rights; it sets aside only those expressly listed. A further limitation is that it can be applied only where compliance with the relevant rights would be likely to prejudice the maintenance of effective immigration control.

Liam Byrne: Effective safeguards for crime prevention are already written into the Bill, which gives the Minister the power she is seeking to fulfil the purpose she is setting out for the House. If we selectively discard rights for selected people, we come pretty close to arbitrary decision making, and it is practically impossible to do that consistently and in way make it defensible in a judicial review. These provisions will result in injustice and cases that the Home Office loses, so just dump them now!

Margot James: The right hon. Gentleman should know that different structures govern crime and immigration. I reiterate that we are disapplying these rights selectively—the data subjects will hang on to the majority of their rights—but it cannot be right for the Home Office to have to furnish someone who is in contravention of immigration law with information it has been given.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): I am shocked by what the Minister is saying. These provisions were drafted before the Windrush scandal broke, and she is not learning the lessons at all. She says she wants these decisions made on an individual basis and in a way that is necessary and proportionate, but necessary and proportionate to achieve what? None of us knows what her definition of immigration control is. Does it mean meeting the net migration target, which is what we normally hear Ministers say? Necessary and proportionate to meet the net migration target could mean anything.

Margot James: I understand that it is a matter of interpretation. I also understand that the Home Office is considering these matters in the fallout from the Windrush case. I am sure that, as Chair of the Home Affairs Committee, the right hon. Lady will have ample opportunity to question the new Home Secretary on exactly what he might mean by “necessary and proportionate”. When someone is seeking access to data from the Home Office to prove their immigration history, such as in the Windrush cases, there will be no basis for invoking the immigration exemption in the Bill. I trust that that provides the right hon. Lady with some comfort.

Yvette Cooper *rose—*

Margot James: Apparently not.

Sir Edward Davey *rose—*

Margot James: I will give way for the last time to the right hon. Lady, if the right hon. Gentleman does not mind.

Yvette Cooper: That is not what the Bill says. That may be what the Minister intends, but if that is what she intends, she should change the Bill.

Margot James: I shall have to write to the right hon. Lady once I have communicated with Home Office Ministers. According to my understanding, the Bill says that the exemption applies—

Liam Byrne: On a point of order, Madam Deputy Speaker. We are being invited to pass an important piece of legislation which hands important new powers to Her Majesty’s Home Office, yet there is not a Home

Office Minister on the Front Bench to respond to the points that we are making about the details of that legislation. What steps can we take to summon a Home Office Minister this afternoon, so that our questions can be answered?

Madam Deputy Speaker (Mrs Eleanor Laing): I understand the right hon. Gentleman’s point of order, but the fact is that the Minister, who is a very capable Minister, speaks for the Government, who are seamless. The Minister who is currently at the Dispatch Box is in a position to speak for all Ministers on this matter, which is why she has this responsibility and is responding to the questions that are currently being asked of her.

Margot James: Thank you, Madam Deputy Speaker. I might as well give way to the right hon. Member for Kingston and Surbiton (Sir Edward Davey) now.

Sir Edward Davey: I am grateful to the Minister. To help other Members consider amendment 15, let me point out that one of the data protection provisions that are being exempted for immigration purposes is the right to make subject access requests. It is critical to the rule of law for people and their representatives to know on the basis of what information the Home Office has made its decisions. The Bill provides no safeguards, no balance, and no restrictions to the use of that law by Home Office officials. As we heard from the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper), those are simply not in the Bill. It is entirely wrong for the House to be asked to pass a Bill that does not contain real safeguards for the people involved, given what happened in the Windrush cases.

Margot James: I will continue to make some progress, as I feel that those points have already been made.

The application of the exemption does not set aside all data subjects’ rights, but only those expressly listed. A further limitation is that exemptions can be applied only where compliance with the relevant rights would be likely to prejudice the maintenance of effective immigration control.

Sir Edward Davey: What does that mean?

Margot James: It is an established term. It is used in the Immigration Act 2014 and the Freedom of Information Act 2000 uses a similar term, namely “operation of immigration controls”.

Mr Ranil Jayawardena (North East Hampshire) (Con): Without this immigration exemption, might not the Home Office have to disclose sources of tip-offs, which would not be conducive to ensuring that illegal immigration is properly controlled?

Margot James: I think it highly likely that if, for example, someone were to undertake a full data subject review of whatever information the Home Office held about them—as was posited earlier by the right hon. Member for Kingston and Surbiton—the review would contain sources of information as well as the information itself. A further limitation is that exemptions can be applied only where compliance with the relevant rights would be likely to prejudice the maintenance of immigration control. This “prejudice” test must be applied first, and

[Margot James]

as a result the situations in which the exemption can be used are limited. The Government recognise the concerns that have been expressed in this debate.

4.45 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): Can the Minister give us a couple of examples to illustrate why these additional powers are necessary, and where the other powers in the Bill—in relation to criminal offences and investigations, for example—would not already suffice to do everything that the Home Office wishes?

Margot James: We are permitted under GDPR to make these exemptions and are doing so in a very selective way and on a case-by-case basis, so it will not result in a widespread denial of people's data rights.

The exemption should be as limited as possible, which is why we have brought forward amendments 141 and 142. These amendments will ensure that migrants enjoy the rights afforded under all of the data protection principles, except where a restriction on those principles is a consequence of restricting one of the other rights coming within the scope of the exemption.

I now turn to Opposition amendments 18 and 19 on primary care providers, and Government amendments 22 to 24 on parish councils. Parish and community councils are not exempt from the new law. None the less, by describing parish and community councils as “public authorities” the Bill gives these councils additional obligations above and beyond those placed on other small organisations, including that they must appoint a data protection officer. We have been working to minimise the impact of this requirement, and have concluded that as parish and community councils process very little personal data, the burden they would face would be disproportionate. Amendments 22, 23 and 24 therefore take these councils out of the definition of “public authorities” for data protection purposes.

Mr Jayawardena: I commend my hon. Friend the Minister on amendment 24, which recognises that councils are often so tiny—indeed, some are not even parish councils, and some do not employ any staff—that it would be wholly disproportionate to treat them in the way originally intended. I commend the Minister for listening to so many Members who made these points and recognising that parish councils must be treated separately.

Margot James: I thank my hon. Friend for his comments. He and other colleagues across the House made these arguments, and given that such organisations are often very small and process only small amounts of personal data, we have decided to take parish councils out of the definition of “public authorities” for data protection purposes. Their status in respect of other legislation, including the Freedom of Information Act, is unaffected, however.

Similar arguments have been advanced in respect of primary care providers, but although I have sympathy with amendments 18 and 19, primary care providers are different from parish councils in that they process sizeable quantities of sensitive health data, whether that be an

individual's mental health status, the fact that they are pregnant, or details of their prescription for a terminal illness. All of these matters are highly personal, and in the world of health, data protection is rightly paramount.

The Dean Street Express case in 2015 illustrates the potential harm that even a single data breach can cause. In that incident, the names and email addresses of almost 800 people, many living with HIV, were disclosed to other recipients. It does not seem unreasonable that bodies who process that kind of data should have a single point of contact on data protection matters.

Government amendments 139 and 140 relate to legal professional privilege. We recognise the importance of protecting legal professional privilege and that is why in the Bill we have replicated the existing measures and exemptions for legal professional privilege found in the Data Protection Act 1998, which have worked well for many years.

Amendments 10 and 11 seek to widen the legal professional privilege exemptions found in schedules 2 and 11. They offer some thoughtful changes that are intended to recognise the broader range of material covered by a lawyer's ethical duty of confidentiality. We agree that the Bill could be clearer, and have tabled amendments 139 and 140 in response.

Sir Mike Penning (Hemel Hempstead) (Con): It is interesting that we are making lots of exemptions for the Government, parish councils, lawyers and so on. I spoke to some lawyers this morning, and they were not convinced by the measures either. However, small businesses seem to be disproportionately affected, and there is real confusion out there. As I say, a lot of work has been done to protect the Government, parish councils and lawyers, but what about the little people—the people who make this country grow? There is even confusion in the Information Commissioner's Office, which gave the wrong advice in briefings here to MPs' staff only the other week. What are we going to do to protect the small people? They think that they are doing the right thing, but they have probably been ill advised. They are spending a lot of money trying to get things right, but there is real confusion out there.

Margot James: My right hon. Friend raises several important points. As for the effect on small businesses, he will be reassured to learn that the issues with the processing of highly personal data that I was discussing do not apply to the majority of SMEs. They will not have to appoint a data protection officer, so that is one comfort.

As for training and guidance, I am sorry that colleagues and their research staff attended courses that were put together before the Bill was even in Committee, and thus did not take numerous amendments into account—not least the amendment clarifying the rights of Members of Parliament and other elected individuals. I apologise for that confusion.

I draw businesses' attention to the excellent ICO website, which contains good sources of guidance for SMEs, including frequently asked questions. The ICO also provides an advice line for any follow-up questions on subjects that businesses might not be clear about. Ultimately, there is a need for better data protection, and that is not just what is set out in the GDPR. Dreadful examples, such as the case of

Facebook and Cambridge Analytica, have demonstrated the need for more rigorous data rights and for greater security of data.

Sir Mike Penning: The Minister is being ever so generous in giving way not just to me, but to Members from across the House, and I thank her. Returning to the parliamentary stuff—we are only a small part of all this—some of the staff present at the briefing I mentioned left in tears, and I know that for a fact, because a member of my staff was there. Believe it or not, even though the ICO knew that the briefing was completely flawed, it has today issued certificates of attendance saying that it was the right thing for staff to have done.

More important, however, are the SMEs. Small businesses have approached me today to tell me that they have been told to delete all their data unless they get permission from the relevant people. Companies that did work for people three, four or five years ago—even last year—must get permission to hold their addresses so that they can fulfil, for example, warranty agreements. Other companies are getting completely different advice, and the lawyers are getting different advice. There seems to be a rush to protect Government agencies, local government, parish councils and lawyers, but not enough is being done to protect the small people of this country—the people who account for so much of our money.

Margot James: I thank my right hon. Friend for his points. I want to reassure the small businesses that he mentions. I sympathise with businesses that are getting conflicting advice, and with those that are approached by firms of consultants who appear to be exaggerating the scale of the task of complying with the legislation. I am afraid that that always happens when there is change; people think that they can exaggerate the impact and the implications of a change and—who knows?—perhaps they will be remunerated for helping businesses to comply.

I also want to reassure my right hon. Friend about the specific case that he mentioned, in which companies were being advised that they needed to delete all the data for which they did not have consent. I want to reassure him that the vast majority of businesses will not have to delete the personal data that they hold. If they have gained the personal data lawfully, there are five, if not six, lawful bases on which they can process that personal data, of which consent is only one. I draw his attention particularly to legitimate interests, which is a lawful basis for processing data. For example, if a small firm has been supplying a much-needed service to people for a number of years, it is in the pursuit of its legitimate interests to communicate with its database of customers or new prospects, and it does not need to have consent. I would advise people not to delete their data without very careful consideration, or without consultation with the ICO website in particular.

Anna Soubry: Will the Minister give way?

Margot James: I will give way to my right hon. Friend in a second. I want to respond to my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning) on the alleged discrimination involved in our taking steps to protect lawyers, parliamentarians, local councillors and so on but not to protect small businesses. The reason is that small businesses are less affected, in the sense that most of them do not process huge quantities of personal data. They therefore come under the purview

of the ICO to a lesser extent, and enforcement is less likely to focus on organisations that do not process highly personal data. Those organisations do not need to appoint a data protection officer. I hope that I have gone some way towards allaying my right hon. Friend's—

Sir Mike Penning *rose*—

Margot James: I will come back to my right hon. Friend in a moment, but I did say that I would give way to my right hon. Friend the Member for Broxtowe (Anna Soubry).

Anna Soubry: I thank my hon. Friend for that information, but it was mainly complete news to me, as I suspect it was to my right hon. Friend the Member for Hemel Hempstead too. We have a really serious problem here. I just cannot overestimate the amount of concern among small businesses. Medium-sized businesses with more than 250 employees have the benefit of a team of people, but this is a real crisis for small businesses and I am afraid that the lack of information is truly troubling. There are solutions, and perhaps we should discuss them in a different debate, but as a Government we have an absolute duty to get this right. There are devices available—HMRC sends out tax returns, for example—and there are many opportunities to get this information out there. At the moment, however, there is a lot of disinformation, and as my right hon. Friend the Member for Hemel Hempstead says, these businesses are the lifeblood of our economy. They do not know what is happening, and they are worried.

Margot James: I sympathise with the points that my right hon. Friend has raised. In fact, we have secured almost £500,000 to launch an information campaign to bolster what the Information Commissioner's Office is already doing for small businesses. I also draw her attention to the need for this legislation, and to the need for businesses and all of us in public life to respect people's data rights. The landscape has changed. We now live in a digital world, and there is so much abuse of people's privacy and data that I must bring her attention back to the need for the Bill. Of course she is right, however, to say that people need to be properly informed, and that is what the ICO is doing and what the Government campaign that we are about to launch will also do.

Sir Mike Penning: What the Minister said at the Dispatch Box a moment ago was also news to me. I have been campaigning and pushing on this for months—I spoke to the Secretary of State over the bank holiday weekend—and I was going to vote against the Bill this evening. Yes, we need data protection, but we do not want to destroy or frighten our businesses in the process. However, I take my hon. Friend at her word, and I will vote for the legislation this evening.

Margot James: I quite agree. In fact, both the Secretary of State and I were small business owners before entering this place, so I feel what my right hon. Friend says very deeply. I must commend my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston) on the excellent advice that his office has put together on what it will be doing in this respect. For the benefit of my staff, I have set out exactly what my office will be doing to comply with the legislation. If my right hon. Friend has any concerns about his own situation—

Sir Mike Penning: I am not worried about us; I am worried about small businesses.

Margot James: In that case, I will proceed no further down that path. I am glad that I have been able to reassure my right hon. Friend and thank him for raising those important points.

5 pm

Chi Onwurah (Newcastle upon Tyne Central) (Lab): I thank the Minister for that clarification, but I am not sure that it is clear enough. She will undoubtedly be aware that the Windrush documents were supposedly destroyed as a result of data protection requirements. There remains a significant possibility that there will be a wholesale destruction of data, some of which might be important, useful and legitimately kept, unless the Government take further action.

Margot James: I commend the hon. Lady for that observation, because she has a fair point. I will raise her concern with the Information Commissioner. My right hon. Friend the Member for Hemel Hempstead said that some businesses have been advised that they should delete their data, so I can see where the hon. Lady is going on that. It raises the prospect that some organisations might use this as an excuse to delete data that it would be in the data subject's interests to preserve.

I have not been able to address every amendment in the time available, but I am mindful of the number of colleagues who wish to contribute, and we have less than 60 minutes remaining. I have addressed most of the matters that came up in the Public Bill Committee, and the Government's position will remain the same on many of them.

In short, we have enhanced the ICO's enforcement powers, we have changed the way we share data, we have reached out to parish councils, we have narrowed the immigration exemption and we have responded to calls to better protect lawyer-client confidentiality. We have also dealt—effectively, I hope—with the concern expressed by my hon. Friend the Member for Totnes about the sharing of data between the Department of Health and Social Care and the Home Office.

Liam Byrne: May I start by welcoming the new powers for the Information Commissioner, which we called for in Committee? Nobody who observed the debacle of the investigation into Cambridge Analytica will have needed persuading that those powers are necessary—it took the court five or six days to issue the requisite search warrants, and that time might well have been used by Cambridge Analytica to destroy evidence—so I am glad that the Minister has heeded our calls and introduced the proposals this afternoon. We are happy to give them our support.

I will speak to a number of new clauses and amendments in the group, particularly new clause 4, which is our enabling clause for creating a bold and imaginative Bill of data rights for the 21st century. I want to make the case for universal application of those rights, including their application to newcomers, who need rights in order to challenge bad decisions made by Governments, which is why our amendment 15 would strike out the immigration provisions that have so unwisely been put into the Bill. I will also say a few

words about new measures that are needed in the Bill to defend the integrity of our democracy in the digital age.

The Minister took the time to make a comprehensive speech, which included an excellent explanation of the Government amendments, so I will be brief. Let me start with the argument for a Bill of data rights. Every so often we have to try to democratise both progress and protections. In this country we are the great writers of rights—we have been doing it since Magna Carta. Over the years, the universal declaration of human rights, the UN convention on the rights of the child, the charter of fundamental rights, the Human Rights Act 1998, the Equality Act 2010 and, indeed, the original Data Protection Act have all been good examples of how good and wise people in this country have enshrined into charters and other legal instruments a set of rights that we can all enjoy, that give us all a set of protections, and that help us to democratise progress.

Chi Onwurah: My right hon. Friend makes an excellent point. Does he share my astonishment that the Government are not taking the opportunity to update our rights for the digital age? Does he think that that is because they are too captured by the tech giants, because they are too confused by Brexit to invest in change, or because they are too ideologically constipated regarding the free market that they can do nothing about it?

Liam Byrne: My hon. Friend hits the nail on the head. The answer, of course, is that it is for all three of those reasons that we do not have before us an imaginative bill of digital rights, but the times do call for it.

In the early days, when we were writing great charters such as Magna Carta, the threats to ordinary citizens were from bad monarchs. We needed provisions such as Magna Carta and the Bill of Rights and the Glorious Revolution to protect the citizens of this country and their wealth from bad monarchs who would seek to steal things that were not theirs.

What we now confront is not a bad monarch—we have a fantastic monarch—but the risk of bad big tech. The big five companies now have a combined market capitalisation of some \$2.5 trillion, and they are up to all sorts of things. They are often protected by the first amendment in the United States, but their business—their bad business—often hurts the data rights of citizens in this country.

That is why we need this new bill of rights. We have to accept that we are on the cusp of radical and rapid changes in legislation and regulation. I often make the point that over the course of the 19th century there was not one Factory Act but 17 Factory Acts. We had to legislate and re-legislate as technology, economics and methods of production changed, and that is the point we are at now. We will have to regulate and re-regulate, and legislate and re-legislate, again and again over the decades to come. Therefore, if we are to give people any certainty about what the new laws will look like, it would be a sensible precaution if we were to write down now the principles that will form the north star that guides us as we seek to keep legislation up to date.

Mr Jim Cunningham: I am sure that my right hon. Friend has received correspondence from constituents who are worried about the use of personal data. My

constituents have a lot of sympathy with the views of the hon. Member for Totnes (Dr Wollaston) about this. Does my right hon. Friend the Member for Birmingham, Hodge Hill (Liam Byrne) agree?

Liam Byrne: My hon. Friend is right. We have been on the receiving end of a huge number of data breaches in this country—really serious infringements of basic 21st-century rights—which is why we need a bold declaration of those rights so that the citizens of this country know what they are entitled to. Unless we get this right, we will not be able to build the environment of trust that is the basis of trade in the digital economy. At the moment, trust in the online world is extremely weak—that trust is going down, not up—so we need to put in place measures now, as legislators, to fix this, turn it around and put in place preparations for the future.

The Government's proposal of a digital charter is a bit like the cones hotline approach to public service reform. The contents of the charter are not really rights but guidelines. There are no good methods of redress or transparency. Frankly, if we try to introduce rights and redress mechanisms in that way, they will basically fail and will not lead to any kind of change. That is why we urge the Government to follow the approach that we are setting out.

I put on record my profound thanks to Baroness Kidron and the 5Rights movement. Her work forms the basis of the bill of rights we are proposing to the House: the right to remove data, as enshrined in the GDPR—that right is very important to children—the right to know; the right to safety and support; the right to informed and conscious use; and the right to digital literacy. Those are the kinds of rights we should now be talking about as the rights of every child and every citizen.

Margot James: The right hon. Gentleman makes some good points. I agree with the rights he is talking about, but those rights exist under the GDPR and are intrinsic to the Bill, so I see no need for his amendment.

Liam Byrne: There is no right to digital literacy under the Bill, which is why we propose the five rights as the core of new schedule 1 in which, as the Minister knows, we go much further. The provision sets out rights to equality of treatment, security, free expression, access, privacy, ownership and control, the right not to be discriminated against as a result of automated decision making, and rights on participation, protection and removal.

Rights are sometimes scattered through thousands and thousands of pages of legislation, which is where we are on data protection today. That is why from time to time, as a country, we decide to make bold declaratory statements of what principles should guide us. These are methods of simplification and consolidation, and we are pretty good at that in this country. When we press our proposal to enable the creation of such a bill of rights to a Division a little later, we hope that it will be the call that the Government need to begin the process of consultation, thought, argument and debate about the digital rights that we need in this century and what they need to look like. Rights should not be imposed from the top down; they should come from the grassroots up, and the process of

conversation and consultation is long overdue. To help the Government, we will accelerate that debate during this year.

The second point I wish to make is about amendment 15, which would ensure that the rights set out in the GDPR would stretch to everyone in this country. It would mean that the Government would not be permitted to knock out selective rights for certain people who just happen to be newcomers to this country. The proposal to withhold data rights from migrants and newcomers is a disgrace and does not deserve to be in the Bill. In Committee, Ministers were unable to tell us why the Bill's crime prevention provisions could not be stretched to accommodate their ambitions for immigration control. The Minister has not been able to give us a succinct definition of "immigration control" today, and we have not been able to hear about the lessons learned from Windrush. Frankly, the debate has been left poorly informed, and we have had promises that letters will be sent to hon. Members long after tonight's vote.

Sir Edward Davey: I totally agree with the right hon. Gentleman's point. He says that this is about newcomers and immigrants, and I am sure he will agree that it also applies to British citizens' ability to get their immigration file. Can he confirm that that is the case?

Liam Byrne: I am not sure that that is the case. British citizens have confirmed rights under the GDPR—that is safeguarded under EU legislation—but the risks I am worried about are the same ones as the right hon. Gentleman. I spent two and a half years in the Home Office. I recognised many of the errors that were made by the former Home Secretary in the situation that we inherited back in 2006, so I do not think that lessons have been learnt from Windrush, or that many lessons have been learnt from errors over the past eight to 10 years. The Home Office is a great Department of State, with tremendous strengths. It has fantastic civil servants who do an amazing job, without the resources to do it properly and very often without the level of support they need from their Ministers, but it is a human institution and such institutions make mistakes. To correct those, we have tribunals and courts through which people can test decisions made by officials without the disinfectant of sunlight. Unless we equip those individuals with everything they need to make their case effectively, we risk injustice. After our debates over the past month, we must do everything we can so that we never run that risk again.

Mr Jim Cunningham: To pursue those rights, people also need legal aid, and in some circumstances, they are denied legal aid. The state should not have the right to give private information about its citizens to anybody, or even to sell it to organisations.

Liam Byrne: Correct. In my first months at the Home Office, I spent a lot of time in immigration tribunals. I used to go to the courts up in Islington to sit, watch and listen so that I could learn the basic mechanisms of justice in this country. The thing that struck me was the inequality of arms that comes to bear in these tribunals. On the one side, there is a Home Office lawyer, who is sometimes there, sometimes not. Home Office lawyers are backed by teams and have well-constructed cases and all the information they need. On the other side of

[Liam Byrne]

the argument are people without money or access to lawyers, but now the Government propose to deny some of them the information that they need to argue and win their cases. It is a recipe for injustice.

5.15 pm

Caroline Lucas (Brighton, Pavilion) (Green): I very much agree with the points that the right hon. Gentleman is making. Does he agree that we ought to consider the way in which the crime exemption in the Bill will be invoked in respect of low-level offences under immigration law? Is it really acceptable for data rights to be suspended in relation to normal activities such as driving—just being here—that are currently criminalised under immigration law?

Liam Byrne: Those are real risks, which is why amendment 15 would delete such an important chunk of the Bill and therefore improve it.

I know that when I was a Home Office Minister, I took decisions that sometimes were wrong, and those decisions were corrected through the tribunal system. Tribunal cases were often successfully prosecuted by those who had rights that we were seeking to deny because subject access requests had been used to get the information necessary to win the argument. If we switch off that access, injustice will follow, so I urge the Government to think again and I urge Members from all parties to support amendment 15.

The last measure to which I shall speak is new clause 6, which is our proposal for a UK version of the Honest Ads Act that is currently being debated in the United States Congress. I do not want to rehearse the background to the debate for long, because for six months now a hardy group of us has been seeking to raise and unpack the new risks that we confront from countries such as Russia that are aiming at us a new panoply of active measures, including all kinds of bad behaviour online. Right now, we do not have good measures to defend the integrity of our democracy. Indeed, the most recent edition of the national security strategy did not even include the defence of the integrity of democracy among its core strategic aims.

We have to bring our election law into the 21st century as it is hopelessly out of date. We have an Electoral Commission that is unable effectively to investigate donations and money coming from abroad. The Information Commissioner has only this afternoon been given the powers that it needs. Ofcom will not investigate videos on social media and the Advertising Standards Authority does not investigate political advertising. We have a massive lacuna in which there should be good, robust legislation to police elections in the 21st century.

If we look at what is going on throughout the west, we see that we have to wake up to this risk. Giving the Electoral Commission new powers to require information about money that is used to run campaigns that try to influence votes is now a *de minimis* provision for a modern democracy in the digital age. We hope that the Minister will listen to us and take our ideas on board.

Several hon. Members *rose*—

Madam Deputy Speaker (Mrs Eleanor Laing): Order. We have only 40 minutes left to debate this group and around 10 Members wish to speak. If everybody speaks for four to five minutes, everybody will get in; if not, some people will not get to speak at all.

Dr Sarah Wollaston (Totnes) (Con): I rise to speak to new clause 12, which was tabled in my name, that of my colleague, the hon. Member for Stockton South (Dr Williams), and those of other members of the Health and Social Care Committee and Members from all parties.

I wish to speak about the importance of medical confidentiality, because it lies at the heart of the trust between clinicians and their patients, and we mess with that at our peril. If people do not have that trust, they are less likely to come forward and seek the care that they need. There were many unintended consequences as a result of the decision enshrined in a memorandum of understanding between the Home Office, the Department of Health and NHS Digital, which allowed the sharing of addresses at a much lower crime threshold than serious crime. That was permitted under the terms of the Health and Social Care Act 2012, but patients were always protected, in effect, because the terms of the NHS constitution, the guidance from the General Medical Council and a raft of guidance from across the NHS and voluntary agencies protected the sharing of data in practice.

This shift was therefore particularly worrying. There were many unintended consequences for the individuals concerned. The Health and Social Care Committee was also deeply concerned about the wider implications that this might represent a shift to data sharing much more widely across Government Departments. There was a risk, for example, that the Department for Work and Pensions might take an interest in patients' addresses to see whether people were co-habiting for the purpose of investigating benefit fraud. There was a really serious risk of that.

I am afraid that the letter that we received from the Department of Health and Social Care and the Home Office declining to withdraw from the memorandum of understanding made the risk quite explicit. I would just like to quote from the letter, because it is very important. I also seek further clarification from the Minister on this. The letter states that

"it is also important to consider the expectations of anybody using the NHS—a state provided national resource. We do not consider that a person using the NHS can have a reasonable expectation when using this taxpayer-funded service that their non-medical data, which lies at the lower end of the privacy spectrum, will not be shared securely between other officers within government in the exercise of their lawful powers in cases such as these."

I profoundly object to that statement. There was no such contract in the founding principles of the NHS. As I have said, it is vital that we preserve that fundamental principle of confidentiality, including for address data. I was delighted to hear the Minister's words at the Dispatch Box, but can she just confirm for me absolutely that that statement has now been superseded?

Margot James: Yes, I can confirm absolutely that the statement that my hon. Friend quoted from the letter of 23 February has been superseded by today's announcements.

Dr Wollaston: I thank the Minister for that reassurance. There is much more that I could say, but I know that there are very many other colleagues who wish to speak. With that reassurance, I am happy not to press my amendment to a vote.

I would like to make one further comment on protecting patients. At a time when confidence in data sharing is so important, especially around issues such as research, we all rely on the role of NHS Digital. Set up under the Health and Social Care Act 2012 as a non-departmental public body at arm's length from Government, NHS Digital has the specific duty robustly to stand up for the interests of patients and for the principles of confidentiality. As a Committee, we were deeply disappointed that, despite the clear concern set out from a range of bodies, including Public Health England, all the medical royal colleges, very many voluntary agencies, the National Data Guardian and others, the organisation seemed to have just the dimmest grasp of the principles of underpinning confidentiality. I wish to put it on the record that we expect the leadership of NHS Digital to take its responsibilities seriously, to understand the ethical underpinnings and to stand up for patients. With that, I will close my remarks. I thank the Minister for the time that she has taken to listen to our concerns and for her response.

Yvette Cooper: I wish to speak briefly to amendment 15 and to say to those on the Front Bench that this is their opportunity to actually do something as Ministers. I urge them to make a late change and not just to drift on with legislation that was drawn up before the Windrush scandal. They can go and talk to the Secretary of State—have a discussion with him—and decide now to accept amendment 15. I really urge Ministers to do that, because what the Bill is doing is immensely serious. The Bill is incredibly widely drawn. This exemption allows the Home Office to refuse subject access requests in immigration cases and to put in place data sharing without proper accountability in any case where it meets the maintenance of effective immigration control or the investigation or detection of activities that would undermine the maintenance of effective control, and yet, repeatedly, we have had no explanation from Ministers as to what effective immigration control means. That is because, in truth, it is immensely broad. It could mean meeting the net migration target, sustaining the hostile environment and enabling a deportation that the Home Office thinks is justified, even if in practice it has made a mistake. It could mean decisions being taken by immigration removal centres, G4S, Serco or any of the many private companies contracted by the Home Office to deliver its so-called effective immigration control.

The Home Office has made an objective of reducing the number of appeals and removing the right to appeal in immigration cases. If a subject access request makes an appeal more likely, why does preventing that SAR in order to prevent a potential appeal not count as immigration control under the Home Office's definition? That would be unjustified and wrong, but it is made possible by the Bill. If the Government do not want that to be the case, they should change their proposed legislation and accept amendment 15.

Ministers do not have to go ahead with this right now. An immigration Bill is going to come down the track at some future point and it will give them and the Home Secretary the opportunity to reflect on the Windrush

scandal. The Immigration Minister told the Home Affairs Committee yesterday that the culture of the Home Office, including that of casework and decision making, needs to change. The Home Secretary and the former Home Secretary recognise that substantial changes need to be made. We are told that huge lessons have been learned and we have been promised inquiries that will report back and have independent oversight. None of them have yet taken place, but the Windrush scandal has had shocking and devastating consequences for individual lives, as so many Members on both sides of the House acknowledge. I therefore ask Ministers to not make future Windrush scandals more likely and to not deny people the information they need about their case in order to prove their circumstances and ensure that a Home Office mistake or error can be overturned.

Michael Braithwaite came here from Barbados in 1961. He is a special needs teacher who has lived here for more than 50 years, and yet he was sacked from his job because the Home Office got it wrong. His lawyer's application for a subject access request formed part of the process for clearing up and sorting out his case, but the Bill will make it much more difficult to make such a request. Subject access requests are already often resisted by the Home Office. Whether inadvertently or intentionally, the Home Office has a bad record in complying swiftly and fully with subject access requests, so why on earth does this Bill make that more likely and further allow the Home Office to simply not give people the information they need to make sure that justice is done?

There are huge concerns about the way in which targets have operated. The Home Secretary and other Ministers will have to look into that in depth. In the meantime, however, they should not allow a situation to develop whereby the operation of those targets could end up with subject access requests being denied because meeting those targets is seen as part of effective immigration control.

The Home Office does get things wrong. There are huge strengths and skills within the Home Office. There are people who work immensely hard to try to get things right, but we know that a Department that size gets things wrong and we have seen the evidence, to terrible effect, in the Windrush cases. There have been 60 cases of unlawful detention in the past few years, even before the Windrush cases. Nearly half of the cases that go to appeal go against the Home Office because it got those decisions wrong. Sampling by the immigration inspectorate found that 10% of the data that the Home Office gave to banks, telling them to close people's accounts because they were here illegally, was in fact wrong and that those people should not have had their bank accounts closed. Given that level of errors and mistakes, why on earth would we prevent the kind of transparency that subject access requests deliver? Some 39,000 people were wrongly sent texts telling them that they were here unlawfully. The Home Office makes mistakes, and we need transparency and subject access requests to be able to challenge those mistakes.

5.30 pm

I say to Ministers: take this exemption out of the Bill. We do not need it. We did not have this kind of exemption from previous data protection Acts, so we do not need it from this one. They can revisit it in the

immigration Bill once they have had time to do a proper consultation and consider all the options, but they should not do this now.

Let me give the House one final reason why amendment 15 is so important. We are storing up further problems that could prevent us from fighting crime and injustice through international security co-operation. After Brexit, we need a co-operation agreement—a data adequacy agreement—with the EU, so that our police and law enforcement agencies can continue to legally share the data they need to solve crimes, stop criminals and prevent terror attacks. However, this whopping great exemption to the GDPR lying at the heart of the Bill will, as the Home Affairs Committee has warned, make it harder for us to get the data adequacy agreement that we need.

I am immensely worried about what will happen if that data adequacy agreement is delayed, and the Government should be much more worried than they appear to be about the consequences for our security and crime fighting if that data adequacy agreement is not secured. So I say to them: do not make it harder. Do not keep this exemption in the Bill. Remove it, not just for the sake of future security and crime co-operation, but for the sake of preventing more injustices like Windrush.

Damian Collins: The significance of the Bill and the importance of data and data protection to the economy and the whole of society is reflected in this debate. The fact that amendments have been tabled on Report through the work of three different departmental Select Committees shows how wide-ranging this issue is.

I principally want to talk about amendments 20 and 21, which stand in my name and those of other members of the Digital, Culture, Media and Sport Committee and which are addressed by Government amendments, too. Before I do so, I want to add that the Chair of the Home Affairs Committee, the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper), made a very important point about the fact that some people—particularly those involved in immigration cases—may not have full access to the data rights enjoyed by others. If the Minister can provide any further clarification, I will be happy to give way before I move on.

Margot James: After the exchange I had with the hon. Member for Newcastle upon Tyne Central (Chi Onwurah), I wanted to confirm that the Home Office will certainly not destroy any data for which there is still a legitimate and ongoing need not just for the Home Office but for data subjects.

Damian Collins: I am grateful to the Minister for that further clarification.

Amendments 20 and 21 get to the heart of an issue that has been raised by a number of Members, which is the power of the Information Commissioner to act in data investigations. The Minister, the right hon. Member for Birmingham, Hodge Hill (Liam Byrne) and others have referenced the Cambridge Analytica data breach scandal, which is a very good example of why these additional powers are needed. We raised that in the Select Committee with the Secretary of State. The Information Commissioner raised it with us and it was raised on the Floor of the House on Second Reading.

The ability to fine companies for being in breach of data rules is important, but what is most significant is that we get hold of the data needed by investigators, so that we understand who is doing what, how they are doing it and how wide-ranging this is. It is crucial that the Information Commissioner has the enforcement powers she needs to complete those investigations.

In the case of Cambridge Analytica, an information notice was issued by the Information Commissioner to that company to comply with requests for data and information. Not only did Cambridge Analytica not comply, but Cambridge Analytica and Facebook knew that. That information notice expired at 5 o'clock on the evening of the day when that deadline was set; it was the beginning of the week. Before the notice had expired and a warrant could even be applied for, Facebook had sent in its own lawyers and data experts to try to recover data that was relevant to the Information Commissioner's request.

The Information Commissioner found out about that live on "Channel 4 News" and then effectively sent a cease and desist note to Facebook, telling it to withdraw its people. She might very well not have been made aware of what Facebook was doing that evening, and data vital for her investigation could have been taken out of her grasp by parties to the investigation, which would have been completely wrong. Not only did that happen—thankfully, Facebook stood down—but a further five days expired before a warrant could be issued—before the right judge in the right court had the time to grant the warrant to enable her to complete her work. We live in a fast-moving world, and data is the fuel of that fast-moving world, so we cannot have 19th or even 20th-century legal responses. We must give our investigatory authorities the powers they need to be effective, which means seizing data on demand, without notice, as part of an investigation, and having the ability to see how data is used in the workplace or wider environment.

The Government are bringing forward amendments, which I think have the support of the House, that will give us one of the most effective enforcement regimes in the world. They will give us the power to do something we have not been able to do before, which is to go behind the curtain to see what tech companies, even major tech companies, are doing and make sure they comply with our data rules and regulations. Without that or an effective power to inspect, we would largely be in the position of having to take their word for it when they said they were complying with the GDPR. Particularly with companies such as Facebook that run closed systems—they have closed algorithms and their data is not open in any way—there are very good commercial reasons for doing so, but there are also consumer safety reasons. We must have the power to go in and check what they are doing, so the amendments are absolutely vital.

There are further concerns. The shadow Minister, the right hon. Member for Birmingham, Hodge Hill, was right to raise concerns about honesty and transparency in political advertising. Both the Information Commissioner and the Electoral Commission are examining the use of data in politics, as well as looking at who places the ads. It is already a breach of the law in the UK, as it is in other countries, for people outside our jurisdiction to run political advertising during election campaigns in this country.

In the case of Facebook, it is unacceptable that its ad check teams have not spotted such advertising and stopped it happening when someone is breaking the law. If this were about the financial services sector, we would not let a company say, “Well, we thought someone was breaking the law, but we weren’t told to do anything about it, so we didn’t”. We would expect such a company to spot it and to take effective action. We need to see a lot more progress on this, particularly in relation to the placement of micro-targeting ads and dark ads. The Institute of Practitioners in Advertising has called for a moratorium on the micro-targeting of political ads, which may be seen only by the person who receives an ad and the person who places it.

When the chief technology officer of Facebook, Mike Schroepfer, gave evidence to the Select Committee, I asked him whether, if someone set up a Facebook page to run ads during a campaign and micro-targeted individual voters before taking down the page at the end of the campaign and destroying the adverts, Facebook would have any record that that advertising had ever run, he said that he did not know. We have written to him and Mark Zuckerberg saying that we need to know, because unless we know, a bad actor could run ads in huge volumes, investing a huge amount of money in breach of electoral law, and if they did not declare it, there would be no record of that advertising ever having been placed.

Liam Byrne: The Chair of the Select Committee is doing a brilliant job with his investigation, but the argument must stretch further than simply political advertising. For example, when Voter Consultancy Ltd ran attack ads against Conservative Members, accusing some of them of being Brexit mutineers, it was running an imprint for a company that was actually filing dormant accounts at Companies House. There are real questions not just about political ads in the narrow traditional sense, but about how to get to the bottom of who is literally writing the cheques.

Damian Collins: The right hon. Gentleman is absolutely right and that throws up two really important points.

The first point is that the Information Commissioner is also currently investigating this, which links to the right hon. Gentleman’s point about where the money comes from and who the data controllers are in these campaigns. Although Facebook is saying that it will in future change its guidelines so that people running political ads must have their identity and location verified, we know that it is very easy for bad actors to fake those things. It would be pretty easy for anyone in the House to set up a Facebook page or account using a dummy email address they have created that is not linked to a real person, but is a fake account. This is not necessarily as robust as it seems, so we need to know who is running these ads and what their motivation is for doing so.

Secondly, the Information Commissioner is also looking at the holding of political data. It is already an offence for people to harvest and collect data about people’s political opinions or to target them using it without their consent, and it is an offence for organisations that are not registered political parties even to hold such data. If political consultancies are scraping data off social media sites such as Facebook, combining it with other data that helps them to target voters and

micro-targeting them with messaging during a political campaign or at any time, there is a question as to whether that is legal now, let alone under the protection of GDPR.

As a country and a society, we have been on a journey over the past few months and we now understand much more readily how much data is collected about us, how that data is used and how vulnerable that data can be to bad actors. Many Facebook users would not have understood that Facebook not only keeps information about what they do on Facebook, but gathers evidence about what non-Facebook users do on the internet and about what Facebook users do on other sites around the internet. It cannot even tell us what proportion of internet sites around the world it gathers such data from. Developers who create games and tools that people use on Facebook harvest data about those users, and it is then largely outside the control of Facebook and there is little it can do to monitor what happens to it. It can end up in the hands of a discredited and disgraced company like Cambridge Analytica.

These are serious issues. The Bill goes a long way towards providing the sort of enforcement powers we need to act against the bad actors, but they will not stop and neither will we. No doubt there will be further challenges in the future that will require a response from this House.

Brendan O’Hara: I will be very brief, Madam Deputy Speaker, because we are incredibly tight for time.

There is so much in the Bill that I would like to talk about, such as effective immigration control, delegated powers and collective redress, not to mention the achievement of adequacy, but I will concentrate on amendment 5, which appears in my name and those of my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) and the hon. Member for Brighton, Pavilion (Caroline Lucas).

The amendment seeks to provide protection for individuals where automated decision making could have an adverse impact on their fundamental rights. It would require that, where human rights are or could be impacted by automated decisions, ultimately, there will always be a human decision maker at the end of the process. It would instil that vital protection of human rights in respect of the general processing of personal data. We believe strongly that automated decision making without human intervention should be subject to strict limitations to promote fairness, transparency and accountability, and to prevent discrimination. As it stands, the Bill provides insufficient safeguards.

I am talking about decisions that are made without human oversight, but that can have long-term, serious consequences for an individual’s health or financial, employment, residential or legal status. As it stands, the Bill will allow law enforcement agencies to make purely automated decisions. That is fraught with danger and we believe it to be at odds not just with the Data Protection Act 1998, but with article 22 of the GDPR, which gives individuals the right not to be subject to a purely automated decision. We understand that there is provision within the GDPR for states to opt out, but that opt-out does not apply if the data subject’s rights, freedoms or legitimate interests are undermined.

[Brendan O'Hara]

I urge the House to support amendment 5 and to make it explicit in the Bill that, where automated processing that could have long-term consequences for an individual's health or financial, employment or legal status is carried out, a human being will have to decide whether it is reasonable and appropriate to continue. Not only will that human intervention provide transparency and accountability; it will ensure that the state does not infringe an individual's fundamental rights and privacy—issues that are often subjective and are beyond the scope of an algorithm. We shall press the amendment to the vote this evening.

Margot James *rose*—

Brendan O'Hara: I would give way, Minister, but I am very pushed for time.

I would like to voice my support and that of the SNP for amendment 15 on effective immigration control. We believe that the exemption is fundamentally wrong, disproportionate and grossly unfair, and we call on the Government to stop it.

Colin Clark (Gordon) (Con): I am conscious of the time, Madam Deputy Speaker, so I will not take too long.

This country is committed to remaining a global leader on data protection. The fundamental principle behind the Bill is to bring our data protection and information laws up to speed in the digital age. If we are to keep pace with technology and restore accountability in this area, we need a strong Information Commissioner's Office. I am therefore pleased that the Government have brought forward new clauses 13 and 14. Remarkably, 11.5% of global data flows through the UK. It is vital that the UK plays a key role in ensuring compliance.

5.45 pm

The Bill strikes a balance between individuals' protection and organisations. It creates a bespoke framework for law enforcement, which is vital to our security services. I welcome the Minister's comments giving comfort to businesses. In my constituency, they were deeply concerned about some of the claims made by organisations.

New clause 13 ensures that the Information Commissioner can seek a court order to enforce an information notice, given under clause 141 of the Bill, should someone fail to comply. New clause 14 makes it an offence, as the Minister said, for someone to destroy, dispose of, conceal, block or falsify information required by the Information Commissioner. The new clauses will ensure that companies and individuals subject to an Information Commissioner's Office assessment notice are truly accountable.

The recent scandals involving Cambridge Analytica and Facebook, mentioned by several hon. Members, shone a spotlight on this area of the law. Cambridge Analytica has been repeatedly accused of holding back data. The story is so concerning because it reached the very corridors of power in which we work. Political parties and campaigns from various countries, and even in this country, sought out Cambridge Analytica's help. The UK Government's new clauses and amendments will ensure that the Bill does exactly what they intend it to do.

Sir Edward Davey: The right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) made a very powerful speech in favour of amendment 15, and I would like to associate myself and my party with all the comments she made. In particular, I underline the point she made that the Home Office powers in the Bill have no limit and are completely subjective.

The Under-Secretary of State for the Home Department, the hon. Member for Louth and Horncastle (Victoria Atkins), is sitting on the Government Back Benches, talking to a colleague. She is a respected lawyer who has practised law. Imagine if she had a client who was being denied reunification with their family, was not allowed to work, was being deported from this country and was not able to have access to the information on which that decision was made. That would go against all the principles of the rule of law of which this country is proud and which this House has upheld century after century, yet she, as a Home Office Minister, is allowing that to happen.

I urge the hon. Lady to think about that and, as the right hon. Member for Normanton, Pontefract and Castleford said, go to the new Home Secretary, who said he would take a new approach and sweep away some of the past, and ask him to think again and allow amendment 15 to proceed tonight. As the right hon. Lady said, there will be another opportunity with another immigration Bill coming up soon. The Home Office Minister and the Home Secretary can rest assured that the powers under paragraph 2 in schedule 2 relating to criminal actions would cover all the examples that Ministers in Committee, on Second Reading and in the other place have given for why they think this proposed legislation is required.

Yvette Cooper: The Secretary of State for the Department for Digital, Culture, Media and Sport is now back in his place. Does the right hon. Gentleman agree that it would simply take a phone call between him and the Home Secretary to agree that this measure could be suspended? The whole issue could be revisited in the immigration Bill coming down the track in due course. It could be removed from this Bill now for the sake of the Windrush generation.

Sir Edward Davey: The right hon. Lady is absolutely right, and it is the Windrush generation who should be in our minds above all.

The right hon. Lady mentioned the need—this will be dependent on the EU negotiations—to ensure that we have access to data for national security and for fighting crime. That is in the Government's interests as they negotiate Brexit, in particular with respect to the rights of EU citizens. I am fairly convinced that when the Commission really wakes up to the implications of paragraph 4 in schedule 2, it will say that this is acting in bad faith. The Government have agreed a settlement for the 3 million EU citizens in this country and the EU citizens who may wish to come to this country in the years ahead. The Bill will take away the rights they thought they would have. I therefore say to Ministers on the Front Bench and those on the Back Benches that they have just a few minutes or so to think again before it is too late.

Daniel Zeichner (Cambridge) (Lab): I want to endorse new clause 4, which was so ably set out my right hon. Friend the Member for Birmingham, Hodge Hill (Liam

Byrne) from the Opposition Front Bench. I went on the Bill Committee with a sense of optimism and excitement, perhaps naively, because it seemed that so much needed to be done at the moment. Almost every day new issues arise—I hardly need to say that for me, “Cambridge” and “analytics” is an unfortunate combination. In the past few days, there have been facial recognition issues in the Welsh police and Amnesty International has raised the issue of gang lists. I hoped that we could rise to the challenge. However, I fear that although the Bill is hundreds and hundreds of pages long—in the pre-digital age, it would probably have been described as being the size of a telephone book—as Members have observed, does anyone really know what it means? That is why we needed a simple set of rights that people could understand. The sad thing is that people in the wider world are doing such good work and we should be looking at it. Look at what Tim Berners-Lee and Nigel Shadbolt are doing to try to transfer the data away from the big tech companies to make it our data. That is key, and it is the underlying principle of the GDPR, but I am not sure that we have been able to translate it into legislation.

I make two final observations. First, the golden thread running through much of this is data adequacy, which was referred to by the Chair of the Home Affairs Committee, my right hon. Friend the Member for Normanton, Pontefract and Castleford. In too many places there are genuine concerns, not just from Opposition Members but from Members in the other place, about our being tripped up on data adequacy, which is so important.

Finally, on the Information Commissioner’s role, a huge amount is being passed to her. We can have every confidence in her, but does she really have the resources, power and expertise? Most importantly, we are outsourcing some huge, really important judgments to the Information Commissioner, but I think it should be the role of this place to make those judgements in future, and I fear that we will come back to those points later in the day.

Dr Paul Williams (Stockton South) (Lab): It is a pleasure to follow my hon. Friend the Member for Cambridge (Daniel Zeichner). I also pay tribute to the hon. Member for Totnes (Dr Wollaston), who is an extremely capable Chair of the Health and Social Care Committee and has shown real resolution and persistence on new clause 12.

In the sanctity of the consulting room, patients tell doctors, nurses and NHS staff all kinds of things. I have had all kinds of private and confidential issues disclosed to me in the 22 years that I have worked as a doctor, but the protection that the NHS gives to this information is absolutely fundamental. For years, the NHS has, on request from the Home Office, been sharing the address details of some patients that have ultimately been used to deport an unknown number of people over many years.

I recently visited a clinic run by the excellent charity, Doctors of the World, in Bethnal Green. I heard stories there of vulnerable people being afraid to approach NHS services because they cannot be certain that the information that they are asked to give will be treated confidentially. I heard about pregnant women not going for antenatal care, people with HIV not getting treatment and people who are afraid to take their children to the GP. The bond of trust between the NHS and its patients

relies on the truth being told in both directions. Sadly, people have been avoiding the NHS because they do not trust it. That is bad for the reputation of the NHS, bad for the health of individual patients and bad for public health.

Doctors, nurses and other health professionals do not want information that is given to the NHS by patients to be shared except in the most extreme cases, when there is a significant risk to individuals or to the public. I am pleased that the Government have found a way to assure the House this evening that NHS information will be shared only in the event of a conviction or an investigation for a serious crime. This is the only way to preserve the integrity of the NHS and the immeasurable, vital and precious bond of trust between NHS staff and their patients.

Caroline Lucas: Like others, I would like to associate myself with the very powerful arguments that have been made in favour of amendment 15, but I want to speak briefly to amendment 16 to extend the debate about the conditions under which someone’s rights can be breached. It would prevent the crime exemption in the Bill being invoked in relation to low-level offences under immigration law.

Few of us would dispute the overall principle that data might be shared in some circumstances—for example, to prevent a serious crime or to apprehend an offender—but when the crimes in question are not serious and arise simply because of someone’s immigration status, we have to question whether the grounds for suspending data protection rights really do stack up. It is clear that the majority of offences under immigration law are not serious crimes. Most result only in a custodial sentence of two years or less, or a fine. Rather, they are the mundane activities of people doing what they must to survive. The effect is already forcing undocumented migrants to avoid sending their children to school, visiting the GP, presenting to homelessness services and seeking social support, for fear they might risk detention and removal by doing so.

Last year, a woman who was five months pregnant went to report being repeatedly raped to the police but was subsequently arrested at a rape crisis centre on immigration grounds. My amendment 16 seeks to better protect her and all others like her whose data protection rights are routinely being breached just because they are undocumented migrants and who are therefore being automatically criminalised just for leading their lives. There must be a firewall between Home Office immigration control and other Departments if we are serious about ending the current hostile immigration environment.

Stuart C. McDonald: I echo the criticisms of the outrageous immigration exemption in the Bill and am pleased to add my name to amendment 15.

Little has been said today about international transfers of personal data by intelligence services, despite the serious concerns raised in Committee. I will therefore speak briefly to new clause 24, which it is all the more important we debate, given the moves by the Trump Administration in the USA to roll back on safeguards on the targeting of drone strikes and the significant increase in their use of lethal force outside armed conflict zones. These developments mean an increased risk of strikes being in breach of international human

[Stuart C. McDonald]

rights law, and we know that UK intelligence personnel are involved in the transfer of data that could be used in such drone strikes, so it is all the more important that there be safeguards and accountability on when and how information can be transferred and that legal certainty be provided for our personnel.

As the Joint Committee on Human Rights said in its 2016 report,

“we owe it to all those involved in the chain of command for such uses of lethal force...to provide them with absolute clarity about the circumstances in which they will have a defence against any possible future criminal prosecution, including those which might originate from outside the UK.”

The Bill fails to provide those safeguards and clarity. Clause 109 places no realistic restriction on such transfers, referring simply to necessity and proportionality in pursuit of statutory goals. The new clause would provide a clear bar on transfers for use in unlawful operations and introduce accountability and transparency by requiring that written reasons be provided for any transfer thought to be lawful, that there be ministerial sign-off, that certain information be provided to the Information Commissioner and the Investigatory Powers Commissioner and that guidance on transfers be laid before Parliament. The new clause would not hinder but help our personnel working in this area and ensure that the UK is seen as complying with the rule of law and its international obligations. This is an important debate to which we will have to return in the future.

Question put and agreed to.

New clause 13 accordingly read a Second time, and added to the Bill.

New Clause 14

DESTROYING OR FALSIFYING INFORMATION AND DOCUMENTS ETC

“(1) This section applies where a person—

- (a) has been given an information notice requiring the person to provide the Commissioner with information, or
- (b) has been given an assessment notice requiring the person to direct the Commissioner to a document, equipment or other material or to assist the Commissioner to view information.

(2) It is an offence for the person—

- (a) to destroy or otherwise dispose of, conceal, block or (where relevant) falsify all or part of the information, document, equipment or material, or
- “(b) to cause or permit the destruction, disposal, concealment, blocking or (where relevant) falsification of all or part of the information, document, equipment or material,

with the intention of preventing the Commissioner from viewing, or being provided with or directed to, all or part of the information, document, equipment or material.

(3) It is a defence for a person charged with an offence under subsection (2) to prove that the destruction, disposal, concealment, blocking or falsification would have occurred in the absence of the person being given the notice.”—(Margot James.)

This new clause would be inserted after Clause 145. It provides that, where the Information Commissioner has given an information notice (see Clause 141) or an assessment notice (see Clause 144) requiring access to information, a document, equipment or material, it is an offence to destroy or otherwise dispose of, conceal, block or (where relevant) falsify it.

Brought up, read the First and Second time, and added to the Bill.

New Clause 15

APPLICATIONS IN RESPECT OF URGENT NOTICES

“(1) This section applies where an information notice, an assessment notice or an enforcement notice given to a person contains an urgency statement.

(2) The person may apply to the court for either or both of the following—

- (a) the disapplication of the urgency statement in relation to some or all of the requirements of the notice;
- (b) a change to the time at which, or the period within which, a requirement of the notice must be complied with.

(3) On an application under subsection (2), the court may do any of the following—

- (a) direct that the notice is to have effect as if it did not contain the urgency statement;
- (b) direct that the inclusion of the urgency statement is not to have effect in relation to a requirement of the notice;
- (c) vary the notice by changing the time at which, or the period within which, a requirement of the notice must be complied with;
- (d) vary the notice by making other changes required to give effect to a direction under paragraph (a) or (b) or in consequence of a variation under paragraph (c).

(4) The decision of the court on an application under this section is final.

(5) In this section, “urgency statement” means—

- (a) in relation to an information notice, a statement under section 141(7)(a),
- (b) in relation to an assessment notice, a statement under section 144(8)(a) or (8A)(d), and
- (c) in relation to an enforcement notice, a statement under section 147(8)(a).”—(Margot James.)

This new clause would be inserted after Clause 160. It enables a person who is given an information notice, assessment notice or enforcement which requires the person to comply with it urgently to apply to the court for variation of the timetable for compliance. It replaces the provision in Clauses 159(2) and 160(5) for appeals to the Tribunal. See also Amendments 54, 56 and 60.

Brought up, read the First and Second time, and added to the Bill.

New Clause 16

POST-REVIEW POWERS TO MAKE PROVISION ABOUT REPRESENTATION OF DATA SUBJECTS

“(1) After the report under section 182(1) is laid before Parliament, the Secretary of State may by regulations—

- (a) exercise the powers under Article 80(2) of the GDPR in relation to England and Wales and Northern Ireland,
- (b) make provision enabling a body or other organisation which meets the conditions in Article 80(1) of the GDPR to exercise a data subject’s rights under Article 82 of the GDPR in England and Wales and Northern Ireland without being authorised to do so by the data subject, and
- (c) make provision described in section 182(2)(e) in relation to the exercise in England and Wales and Northern Ireland of the rights of a data subject who is a child.

(2) The powers under subsection (1) include power—

- (a) to make provision enabling a data subject to prevent a body or other organisation from exercising, or continuing to exercise, the data subject’s rights;
- (b) to make provision about proceedings before a court or tribunal where a body or organisation exercises a data subject’s rights;

- (c) to make provision for bodies or other organisations to bring proceedings before a court or tribunal combining two or more claims in respect of a right of a data subject;
- (d) to confer functions on a person, including functions involving the exercise of a discretion;
- (e) to amend sections 162 to 164, 173, 180, 194, 196 and 197;
- (f) to insert new sections and Schedules into Part 6 or 7;
- (g) to make different provision in relation to England and Wales and in relation to Northern Ireland.

(3) The powers under subsection (1)(a) and (b) include power to make provision in relation to data subjects who are children or data subjects who are not children or both.

(4) The provision mentioned in subsection (2)(b) and (c) includes provision about—

- (a) the effect of judgments and orders;
- (b) agreements to settle claims;
- (c) the assessment of the amount of compensation;
- (d) the persons to whom compensation may or must be paid, including compensation not claimed by the data subject;
- (e) costs.

(5) Regulations under this section are subject to the affirmative resolution procedure.”—(*Margot James.*)

This new clause would be inserted after Clause 182. It contains the provisions currently in subsections (4) to (7) of Clause 182, modified to take account of the changes made to that Clause by Amendments 61 and 62 (see subsections (1)(c) and (3) of this new Clause).

Brought up, read the First and Second time, and added to the Bill.

New Clause 17

RESERVE FORCES: DATA-SHARING BY HMRC

“(1) The Reserve Forces Act 1996 is amended as follows.

(2) After section 125 insert—

“125A Supply of contact details by HMRC

(1) This subsection applies to contact details for—

- (a) a member of an ex-regular reserve force, or
- (b) a person to whom section 66 (officers and former servicemen liable to recall) applies,

which are held by HMRC in connection with a function of HMRC.

(2) HMRC may supply contact details to which subsection (1) applies to the Secretary of State for the purpose of enabling the Secretary of State—

- (a) to contact a member of an ex-regular reserve force in connection with the person’s liability, or potential liability, to be called out for service under Part 6;
- (b) to contact a person to whom section 66 applies in connection with the person’s liability, or potential liability, to be recalled for service under Part 7.

(3) Where a person’s contact details are supplied under subsection (2) for a purpose described in that subsection, they may also be used for defence purposes connected with the person’s service (whether past, present or future) in the reserve forces or regular services.

(4) In this section, “HMRC” means Her Majesty’s Revenue and Customs.

125B Prohibition on disclosure of contact details supplied under section 125A

“(1) A person who receives information supplied under section 125A may not disclose it except with the consent of the Commissioners for Her Majesty’s Revenue and Customs (which may be general or specific).

(2) A person who contravenes subsection (1) is guilty of an offence.

(3) It is a defence for a person charged with an offence under this section to prove that the person reasonably believed—

- (a) that the disclosure was lawful, or
- (b) that the information had already lawfully been made available to the public.

(4) Subsections (4) to (7) of section 19 of the Commissioners for Revenue and Customs Act 2005 apply to an offence under this section as they apply to an offence under that section.

(5) Nothing in section 107 or 108 (institution of proceedings and evidence) applies in relation to an offence under this section.

125C Data protection

“(1) Nothing in section 125A or 125B authorises the making of a disclosure which contravenes the data protection legislation.

(2) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”—(*Margot James.*)

This new clause would be inserted after Clause 186. It provides for HMRC to supply the Secretary of State with the contact details of members of the ex-regular reserve force and former members of the armed forces so that they may be contacted regarding their liability to be called out or recalled for service under the Reserved Forces Act 1996. The details supplied may also be used for defence purposes connected with their service in the forces (whether past, present or future). It is an offence for the details supplied to be disclosed without the consent of the Commissioners for Revenue and Customs.

Brought up, read the First and Second time, and added to the Bill.

6 pm

Proceedings interrupted (Programme Order, this day).

The Deputy Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

New Clause 4

BILL OF DATA RIGHTS IN THE DIGITAL ENVIRONMENT (No. 2)

“(1) The Secretary of State shall, by regulations, establish a Bill of Data Rights in the Digital Environment.

(2) Before making regulations under this section, the Secretary of State shall—

- (a) consult—
 - (i) the Commissioner,
 - (ii) trade associations,
 - (iii) data subjects, and
 - (iv) persons who appear to the Commissioner or the Secretary of State to represent the interests of data subjects; and
- (b) publish a draft of the Bill of Data Rights.

(3) The Bill of Data Rights in the Digital Environment shall enshrine—

- (a) a right for a data subject to have privacy from commercial or personal intrusion,
- (b) a right for a data subject to own, curate, move, revise or review their identity as founded upon personal data (whether directly or as a result of processing of that data),
- (c) a right for a data subject to have their access to their data profiles or personal data protected, and
- (d) a right for a data subject to object to any decision made solely on automated decision-making, including a decision relating to education and employment of the data subject.

(4) Regulations under this section are subject to the affirmative resolution procedure.”—(*Tom Watson.*)

This new clause would empower the Secretary of State to introduce a Bill of Data Rights in the Digital Environment.

Brought up.

Question put, That the clause be added to the Bill:—

The House divided: Ayes 283, Noes 309.

Division No. 153]

[6.1 pm

AYES

Abbott, rh Ms Diane
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Austin, Ian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carden, Dan
Champion, Sarah
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Coyle, Neil
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marsha
De Piero, Gloria
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin

Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Fellows, Marion
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
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
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hardy, Emma
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendry, Drew
Hepburn, Mr Stephen
Hermon, Lady
Hill, Mike
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hoey, Kate
Hollern, Kate
Hopkins, Kelvin
Hosie, Stewart
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran

Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
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, Karen
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Lewis, Mr Ivan
Linden, David
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
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

O'Mara, Jared
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, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Saville Roberts, Liz
Shah, Naz
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
Tami, Mark
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Twigg, Derek
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaz, Valerie
Walker, Thelma
Watson, Tom
West, Catherine

Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Whitford, Dr Philippa
Williams, Hywel
Williams, Dr Paul
Williamson, Chris

Wilson, Phil
Wishart, Pete
Woodcock, John
Zeichner, Daniel

Tellers for the Ayes:
Thangam Debbonaire and
Fiona Onasanya

NOES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Amess, Sir David
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, Sir Graham
Braverman, Suella
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, Sir Christopher
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Sir Geoffrey
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims

Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey
M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr
Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Elphicke, Charlie
Eustice, George
Evennett, rh David
Fabricant, Michael
Fallon, rh Sir Michael
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 Dame Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
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, Stephen

Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heapey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, rh Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, rh Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenkyns, Andrea
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, rh 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
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, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, rh 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, rh Claire
Philp, Chris
Pincher, Christopher
Prentis, Victoria
Prisk, Mr 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, Andrew
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
 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, rh Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
 Stuart Andrew and
 Jo Churchill

Question accordingly negated.

Clause 7

MEANING OF “PUBLIC AUTHORITY” AND “PUBLIC BODY”

Amendments made: 22, page 5, line 24, after “(2)” insert “, (2A)”.

This amendment is consequential on Amendment 24.

Amendment 23, page 5, line 26, after “body” insert—
 “for the purposes of the GDPR”.

Subsection (2) of Clause 7 provides that an authority or body is only a “public authority” or a “public body” if it meets the conditions in that subsection. This amendment makes it clear that subsection (2) only affects a body or authority’s status for the purposes of the GDPR.

Amendment 24, page 5, line 27, at end insert—

“(2A) The references in subsection (1)(a) and (b) to public authorities and Scottish public authorities as defined by the Freedom of Information Act 2000 and the Freedom of Information (Scotland) Act 2002 (asp 13) do not include any of the following that fall within those definitions—

- (a) a parish council in England;
- (b) a community council in Wales;
- (c) a community council in Scotland;
- (d) a parish meeting constituted under section 13 of the Local Government Act 1972;
- (e) a community meeting constituted under section 27 of that Act;
- (f) charter trustees constituted—
 - (i) under section 246 of that Act,
 - (ii) under Part 1 of the Local Government and Public Involvement in Health Act 2007, or
 - (iii) by the Charter Trustees Regulations 1996 (S.I. 1996/263).”—(*Margot James.*)

This amendment provides that the authorities listed in new subsection (2A) are not “public authorities” or “public bodies” for the purposes of the GDPR by virtue of being public authorities or Scottish public authorities as defined in the Freedom of Information Act 2000 and the Freedom of Information (Scotland) Act 2002.

Clause 14

Amendment proposed: 5, page 8, line 11, at end insert—

“(2A) A decision that engages an individual’s rights under the Human Rights Act 1998 does not fall within Article 22(2)(b) of the GDPR (exception from prohibition on taking significant decisions based solely on automated processing for decisions that are authorised by law and subject to safeguards for the data subject’s rights, freedoms and legitimate interests).

(2B) A decision is ‘based solely on automated processing’ for the purposes of this section if, in relation to a data subject, there is no meaningful input by a natural person in the decision-making process.”—(*Brendan O’Hara.*)

This amendment would ensure that where human rights are engaged by automated decisions these are human decisions and provides clarification that purely administrative human approval of an automated decision does make an automated decision a ‘human’ one.

Question put, That the amendment be made.

The House divided: Ayes 282, Noes 310.

Division No. 154]

[6.13 pm

AYES

Abbott, rh Ms Diane
 Ali, Rushanara
 Allin-Khan, Dr Rosena
 Amesbury, Mike
 Antoniazzi, Tonia
 Ashworth, Jonathan
 Austin, Ian
 Bardell, Hannah
 Barron, rh Sir Kevin
 Beckett, rh Margaret
 Benn, rh Hilary
 Berger, Luciana
 Betts, Mr Clive
 Black, Mhairi
 Blackford, rh Ian
 Blackman, Kirsty
 Blomfield, Paul
 Brabin, Tracy
 Bradshaw, rh Mr Ben
 Brake, rh Tom
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Lyn
 Brown, rh Mr Nicholas
 Bryant, Chris
 Buck, Ms Karen
 Burden, Richard
 Burgon, Richard
 Butler, Dawn
 Byrne, rh Liam
 Cable, rh Sir Vince
 Cadbury, Ruth
 Cameron, Dr Lisa
 Campbell, rh Mr Alan
 Campbell, Mr Ronnie
 Carden, Dan
 Champion, Sarah
 Chapman, Jenny
 Charalambous, Bambos
 Cherry, Joanna
 Coaker, Vernon
 Coffey, Ann
 Cooper, Julie
 Cooper, Rosie
 Cooper, rh Yvette
 Corbyn, rh Jeremy

Coyle, Neil
 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
 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
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Grogan, John
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hardy, Emma
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hendry, Drew
 Hepburn, Mr Stephen
 Hermon, Lady
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodgson, Mrs Sharon
 Hoey, Kate
 Hollern, Kate
 Hopkins, Kelvin
 Hosie, Stewart
 Howarth, rh Mr George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Johnson, Diana
 Jones, Darren
 Jones, Gerald
 Jones, Graham P.
 Jones, Helen
 Jones, Mr Kevan
 Jones, Sarah
 Jones, Susan Elan
 Kane, Mike
 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, Karen
 Leslie, Mr Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Lewis, Mr Ivan
 Linden, David
 Lloyd, Stephen
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 Lynch, Holly
 MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mann, John
 Marsden, Gordon

Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCabe, Steve
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart
 C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Monaghan, Carol
 Moon, Mrs Madeleine
 Moran, Layla
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Newlands, Gavin
 Norris, Alex
 O'Hara, Brendan
 O'Mara, Jared
 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, Emma
 Reynolds, Jonathan
 Rimmer, Ms Marie
 Rodda, Matt
 Rowley, Danielle
 Ruane, Chris
 Russell-Moyle, Lloyd
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 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
 Tami, Mark
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon

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, Sir Graham
 Braverman, Suella
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burghart, Alex
 Burns, Conor
 Burt, rh Alistair
 Cairns, rh Alun
 Campbell, Mr Gregory
 Cartledge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex

Turley, Anna
 Twigg, Derek
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka
 Vaz, Valerie
 Walker, Thelma
 Watson, Tom
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Wishart, Pete
 Woodcock, John
 Zeichner, Daniel

Tellers for the Ayes:
Patrick Grady and
Marion Fellows

NOES

Chishti, Rehman
 Chope, Sir Christopher
 Clark, Colin
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 Clarke, Mr Simon
 Cleverly, James
 Clifton-Brown, Sir Geoffrey
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Docherty, Leo
 Dodds, rh Nigel
 Donaldson, rh Sir Jeffrey
 M.
 Donelan, Michelle
 Dorries, Ms Nadine
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Duddridge, James
 Duguid, David
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Ellwood, rh Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evennett, rh David
 Fabricant, Michael
 Fallon, rh Sir Michael
 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 Dame Cheryl
 Girvan, Paul
 Glen, John
 Goldsmith, Zac
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Luke
 Graham, Richard
 Grant, Bill
 Grant, Mrs Helen
 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, Stephen
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 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, rh Damian
 Hoare, Simon
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Howell, John
 Huddleston, Nigel
 Hughes, Eddie
 Hunt, rh Mr Jeremy
 Hurd, rh Mr Nick
 Jack, Mr Alister
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 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, rh 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
 Loughton, Tim
 Mackinlay, Craig
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Masterton, Paul
 May, rh Mrs Theresa
 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, James
 Morton, Wendy
 Mundell, rh David
 Murray, Mrs Sheryl
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, rh 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, rh Claire
 Philp, Chris
 Pincher, Christopher
 Prentis, Victoria
 Prisk, Mr 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
 Soubry, rh Anna
 Spelman, rh Dame Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 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, rh Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:

Paul Maynard and
 Jo Churchill

Question accordingly negated.

Clause 21

PROCESSING TO WHICH THIS CHAPTER APPLIES

Amendment made: 143, page 13, line 10, leave out

“to which Part 3 (law enforcement processing) or”

and insert

“by a competent authority for any of the law enforcement purposes (as defined in Part 3) or processing to which”.—(*Margot James.*)

This amendment clarifies the description of the types of processing excluded from Chapter 3 of Part 2 (other general processing).

Clause 119

INSPECTION OF PERSONAL DATA IN ACCORDANCE WITH INTERNATIONAL OBLIGATIONS

Amendment made: 25, page 66, line 12, at end insert—

“() Paragraphs (c) and (d) of section 3(14) do not apply to references in this section to personal data, the processing of personal data, a controller or a processor.”—(*Margot James.*)

This amendment secures that the references to personal data, the processing of personal data, a controller or a processor in Clause 119 include all types of personal data etc. It disapplies Clause 3(14)(c) and (d), which provide that references to personal data etc in Parts 5 to 7 of the Bill are usually to personal data etc to which Chapter 2 or 3 of Part 2, Part 3 or Part 4 applies.

Clause 120

FURTHER INTERNATIONAL ROLE

Amendment made: 26, page 67, line 4, at end insert—

“() Section 3(14)(c) does not apply to references to personal data and the processing of personal data in this section.”—
(Margot James.)

This amendment secures that the references to personal data and the processing of personal data in Clause 120 include all types of personal data and the processing of personal data. It disapplies Clause 3(14)(c), which provides that references to personal data etc in Parts 5 to 7 of the Bill are usually to personal data etc to which Chapter 2 or 3 of Part 2, Part 3 or Part 4 applies.

Clause 141

INFORMATION NOTICES

Amendments made: 27, page 78, line 2, after “of” insert “—

- (i) investigating a suspected failure of a type described in section 146(2) or a suspected offence under this Act, or
- (ii) ”.

This amendment enables the Information Commissioner to obtain information from any person for the purposes of investigating failures to comply with the data protection legislation that are listed in Clause 146(2) or suspected offences under the Bill.

Amendment 28, page 78, line 5, after “state” insert “—

- (a) whether it is given under subsection (1)(a), (b)(i) or (b)(ii), and
- (b) ”.

This amendment requires information notices given by the Information Commissioner to state whether they are given under Clause 141(1)(a), (b)(i) or (b)(ii). See also Amendment 27.

Amendment 29, page 78, line 15, leave out “the rights of appeal under section 159” and insert “—

- (a) the consequences of failure to comply with it, and
- (b) the rights under sections 159 and (Applications in respect of urgent notices) (appeals etc).”

This amendment adds a requirement for information notices to include information about the consequences of failure to comply. The reference in paragraph (b) to applications in respect of urgent notices is consequential on NC15.

Amendment 30, page 78, line 26, leave out “7 days” and insert “24 hours”.—(Margot James.)

This amendment provides that, in urgent cases, the Information Commissioner must allow a minimum of 24 hours, rather than 7 days, for a person to provide information requested in an information notice.

Clause 144

ASSESSMENT NOTICES

Amendments made: 31, page 80, line 19, after “for” insert

“a copy (in such form as may be requested) of”.

This amendment and Amendments 32 and 33 tidy up Clause 144(2)(d) and make clear that the Commissioner may ask for copies of documents, as well as information viewed, to be provided in a particular form.

Amendment 32, page 80, line 20, leave out “a copy of”.

See the explanatory statement for Amendment 31.

Amendment 33, page 80, line 21, leave out “a copy (in such form as may be requested) of”.

See the explanatory statement for Amendment 31.

Amendment 34, page 80, line 27, at end insert—

“() provide the Commissioner with an explanation of such documents, information, equipment or material;”.

This amendment enables an assessment notice given by the Information Commissioner to require a person to provide an explanation of documents, information, equipment or material.

Amendment 35, page 80, line 39, leave out “(8)” and insert “(8A)”.

See the explanatory statement for Amendment 38.

Amendment 36, page 80, line 40, leave out “the rights of appeal under section 159” and insert “—

- (a) the consequences of failure to comply with it, and
- (b) the rights under sections 159 and (Applications in respect of urgent notices) (appeals etc).”

This amendment adds a requirement for assessment notices to include information about the consequences of failure to comply. The reference in paragraph (b) to applications in respect of urgent notices is consequential on NC15.

Amendment 37, page 81, line 8, at end insert “, and

() does not meet the conditions in subsection (8A)(a) to (d).”.

This amendment makes clear that, where an assessment notice is given under Clause 144 and compliance is required urgently, the notice cannot fall within both subsection (8) and new subsection (8A) (see Amendment 38).

Amendment 38, page 81, line 11, at end insert—

“(8A) If an assessment notice—

- (a) states that, in the Commissioner’s opinion, there are reasonable grounds for suspecting that a controller or processor has failed or is failing as described in section 146(2) or that an offence under this Act has been or is being committed,
- (b) indicates the nature of the suspected failure or offence,
- (c) does not specify domestic premises,
- (d) states that, in the Commissioner’s opinion, it is necessary for the controller or processor to comply with a requirement in the notice in less than 7 days, and
- (e) gives the Commissioner’s reasons for reaching that opinion,

subsections (6) and (7) do not apply.”

This amendment and Amendments 35 and 39 provide that, in the circumstances described in the new subsection (8A), the Commissioner may require a person to comply with an assessment notice with immediate effect.

Amendment 39, page 81, line 17, after “section” insert “—

“domestic premises” means premises, or a part of premises, used as a dwelling;”—(Margot James.)

See the explanatory statement for Amendment 38.

Clause 146

ENFORCEMENT NOTICES

Amendments made: 40, page 82, line 22, after “GDPR” insert

“or section 64 or 65 of this Act”.

This amendment enables the Information Commissioner to give an enforcement notice or a penalty notice (see Clause 152(1)(a)) in respect of a failure to comply with Clause 64 or 65 of the Bill (law enforcement processing: data protection impact assessments and prior consultation with the Commissioner).

Amendment 41, page 83, line 8, leave out “enforcement notices” and insert “an enforcement notice”.

This amendment is made for drafting consistency with the provision inserted by Amendment 43.

Amendment 42, page 83, line 9, at end insert
 “, including by amending this section and sections 147 to 149.”.

This amendment is consequential on Amendment 43.

Amendment 43, page 83, line 10, leave out paragraph (b) and insert—

“() may make provision about the giving of an information notice, an assessment notice or a penalty notice, or about powers of entry and inspection, in connection with the failure, including by amending sections 141, 142, 144, 145 and 152 to 154 and Schedules 15 and 16, and”.—(*Margot James.*)

This amendment enables the Secretary of State, when making regulations enabling the Information Commissioner to give enforcement notices in respect of further failures, to make provision about the exercise of the Information Commissioner's other enforcement powers in connection with the failure.

Clause 147

ENFORCEMENT NOTICES: SUPPLEMENTARY

Amendments made: 44, page 83, line 31, leave out “the rights of appeal under section 159” and insert “—

- (a) the consequences of failure to comply with it, and
- (b) the rights under sections 159 and (Applications in respect of urgent notices) (appeals etc).”

This amendment adds a requirement for enforcement notices to include information about the consequences of failure to comply. The reference in paragraph (b) to applications in respect of urgent notices is consequential on new Clause NC15.

Amendment 45, page 83, line 44, leave out “7 days” and insert “24 hours”.—(*Margot James.*)

This amendment provides that, in urgent cases, the Information Commissioner must allow a minimum of 24 hours, rather than 7 days, for a person to comply with an enforcement notice.

Clause 155

FIXED PENALTIES FOR NON-COMPLIANCE WITH CHARGES REGULATIONS

Amendment made: 46, page 88, line 36, leave out “Secretary of State” and insert “Commissioner”.—(*Margot James.*)

This amendment provides that the persons to be consulted before the Commissioner produces a document specifying the penalties for non-compliance with charges regulations are the persons that the Commissioner, rather than the Secretary of State, considers appropriate.

Clause 157

GUIDANCE ABOUT REGULATORY ACTION

Amendments made: 47, page 89, line 12, at end insert—
 “() information notices.”.

This amendment requires the guidance produced under Clause 157 to include guidance about how the Information Commissioner proposes to exercise her functions in connection with information notices.

Amendment 48, page 89, line 18, at end insert—

“() In relation to information notices, the guidance must include—

- (a) provision specifying factors to be considered in determining the time at which, or the period within which, information is to be required to be provided;
- (b) provision about the circumstances in which the Commissioner would consider it appropriate to give an information notice to a person in reliance on section 141(7) (urgent cases);
- (c) provision about how the Commissioner will determine how to proceed if a person does not comply with an information notice.”

This amendment specifies what the guidance under Clause 157 in relation to information notices must include.

Amendment 49, page 89, line 21, at end insert—

“() provision about the circumstances in which the Commissioner would consider it appropriate to give an assessment notice in reliance on section 144(8) or (8A) (urgent cases);”.

This amendment provides that the guidance under Clause 157 in relation to assessment notices must include provision about when the Information Commissioner would consider it appropriate to give an assessment notice requiring a person to comply with it urgently.

Amendment 50, page 89, line 33, at end insert—

“() provision about how the Commissioner will determine how to proceed if a person does not comply with an assessment notice.”

This amendment provides that the guidance under Clause 157 in relation to assessment notices must include provision about how the Information Commissioner will determine how to proceed if a person does not comply with such a notice.

Amendment 51, page 89, line 39, at end insert—

“() In relation to enforcement notices, the guidance must include—

- (a) provision specifying factors to be considered in determining whether to give an enforcement notice to a person;
- (b) provision about the circumstances in which the Commissioner would consider it appropriate to give an enforcement notice to a person in reliance on section 147(8) (urgent cases);
- (c) provision about how the Commissioner will determine how to proceed if a person does not comply with an enforcement notice.”

This amendment specifies what the guidance under Clause 157 in relation to enforcement notices must include.

Amendment 52, page 90, line 2, at end insert—

“() provision about how the Commissioner will determine how to proceed if a person does not comply with a penalty notice.”

This amendment provides that the guidance under Clause 157 in relation to penalty notices must include provision about how the Information Commissioner will determine how to proceed if a person does not comply with such a notice.

Amendment 53, page 90, line 9, leave out “Secretary of State” and insert “Commissioner”.—(*Margot James.*)

This amendment provides that the persons to be consulted before the Commissioner produces guidance about regulatory action are the persons that the Commissioner, rather than the Secretary of State, considers appropriate.

Clause 159

RIGHTS OF APPEAL

Amendments made: 54, page 91, line 10, leave out subsection (2).

See the explanatory statement for NC15.

Amendment 55, page 91, line 20, after “appeal” insert “to the Tribunal”.—(*Margot James.*)

This amendment adds a reference to the Tribunal in Clause 159(4) for consistency with Clause 159(3) and (5).

Clause 160

DETERMINATION OF APPEALS

Amendment made: 56, page 91, line 39, leave out subsection (5).—(*Margot James.*)

See the explanatory statement for NC15.

Clause 173**JURISDICTION**

Amendments made: 57, page 100, line 38, for “subsection (3)” substitute “subsections (3) and (4)”.

See the explanatory statement for Amendment 58.

Amendment 58, page 100, line 39, at end insert—

“() section (Information orders) (information orders);”.

This amendment and Amendments 57 and 60 provide that information orders under new Clause NC13 can normally be made by the High Court or county court or, in Scotland, by the Court of Session or the sheriff. There is an exception for cases in which the information notice contains an urgency statement, when only the High Court or, in Scotland, the Court of Session can make an information order.

Amendment 59, page 101, line 2, after “jurisdiction” insert

“conferred by the provisions listed in subsection (2)”.

This amendment adds words to make clear that the jurisdiction referred to in Clause 173(3) is the jurisdiction conferred on a court by the provisions listed in subsection (2) of that clause.

Amendment 60, page 101, line 3, at end insert—

“(4) In relation to an information notice which contains a statement under section 141(7), the jurisdiction conferred on a court by section (Information orders) is exercisable only by the High Court or, in Scotland, the Court of Session.

(5) The jurisdiction conferred on a court by section (Applications in respect of urgent notices) (applications in respect of urgent notices) is exercisable only by the High Court or, in Scotland, the Court of Session.”—(*Margot James.*)

See the explanatory statement for Amendment 58. This amendment also provides that applications under NC15 are to be dealt with by the High Court or, in Scotland, by the Court of Session.

Clause 182**DUTY TO REVIEW PROVISION FOR REPRESENTATION OF DATA SUBJECTS**

Amendments made: 61, page 106, line 34, at end insert “, and

- (e) the merits of making provision for a children’s rights organisation to exercise some or all of a data subject’s rights under Articles 77, 78, 79 and 82 of the GDPR on behalf of a data subject who is a child, with or without being authorised to do so by the data subject.”

This amendment requires the Secretary of State’s review under Clause 182 to include a review of the merits of making provision for children’s rights organisations (defined in Amendment 62) to act on behalf of children in respect of their rights to complain to the Information Commissioner, to a judicial remedy and to compensation under the GDPR.

Amendment 62, page 106, line 36, at end insert—

“() In carrying out the review, the Secretary of State must—

- (a) consider the particular needs of children separately from the needs of adults,
- (b) have regard to the fact that children have different needs at different stages of development,
- (c) carry out an analysis of the particular challenges that children face in authorising, and deciding whether to authorise, other persons to act on their behalf under Article 80(1) of the GDPR or section 180,
- (d) consider the support and advice available to children in connection with the exercise of their rights under Articles 77, 78, 79 and 82 of the GDPR by another person on their behalf and the merits of making available other support or advice, and
- (e) have regard to the United Kingdom’s obligations under the United Nations Convention on the Rights of the Child.

() Before preparing the report under subsection (1), the Secretary of State must consult the Commissioner and such other persons as the Secretary of State considers appropriate, including—

- (a) persons active in the field of protection of data subjects’ rights and freedoms with regard to the protection of their personal data,
- (b) children and parents,
- (c) children’s rights organisations and other persons who appear to the Secretary of State to represent the interests of children,
- (d) child development experts, and
- (e) trade associations.

() In this section—

“children’s rights organisation” means a body or other organisation which—

- (a) is active in representing the interests of children, and
- (b) has objectives which are in the public interest;

“trade association” includes a body representing controllers or processors;

“the United Nations Convention on the Rights of the Child” means the Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20 November 1989 (including any Protocols to that Convention which are in force in relation to the United Kingdom), subject to any reservations, objections or interpretative declarations by the United Kingdom for the time being in force.”

This amendment requires the Secretary of State to consider and analyse specified matters relating to children when carrying out the review under Clause 182. It also imposes an obligation on the Secretary of State to consult specified persons before preparing the report under that clause.

Amendment 63, page 106, line 37, leave out subsections (4) to (7).—(*Margot James.*)

This amendment is consequential on NC16, which reproduces subsections (4) to (7) of Clause 182 with modifications.

Clause 187**PENALTIES FOR OFFENCES**

Amendment made: 64, page 109, line 24, after “143” insert “, (Destroying or falsifying information and documents etc)”.—(*Margot James.*)

This amendment provides for a person who commits an offence under NC14 to be liable to a fine, on summary conviction or on conviction on indictment.

Clause 190**RECORDABLE OFFENCES**

Amendment made: 65, page 111, line 12, at end insert—

“() section (Destroying or falsifying information and documents etc);”.—(*Margot James.*)

This amendment provides for convictions for the offence under NC14 to be recorded on the Police National Computer. People who are arrested for a recordable offence may have their fingerprints and DNA samples taken.

Clause 198**TERRITORIAL APPLICATION OF THIS ACT**

Amendment made: 66, page 118, line 36, after “provision” insert “in or”.—(*Margot James.*)

Subsections (1) to (3) of Clause 198 (territorial application) set out when the Bill applies to the processing of personal data. Subsection (4) provides that subsections (1) to (3) have effect subject to provision made “under” Clause 120. This amendment amends subsection (4) so that it also refers to provision made “in” Clause 120 (see Clause 120(4)).

Clause 203

COMMENCEMENT

Amendment made: 67, page 121, line 36, for “204” substitute “204(2)”.—(*Margot James.*)

This amendment is consequential on Amendment 68.

Clause 204

TRANSITIONAL PROVISION

Amendments made: 68, page 122, line 1, at end insert—

“(1) Schedule (Transitional provision etc) contains transitional, transitory and saving provision.

(2) ”.

This amendment is consequential on NS3.

Amendment 69, page 122, line 4, at end insert

“or with the GDPR beginning to apply, including provision amending or repealing a provision of Schedule (Transitional provision etc).

“() Regulations under this section that amend or repeal a provision of Schedule (Transitional provision etc) are subject to the negative resolution procedure.”—(*Margot James.*)

This amendment enables the Secretary of State, by regulations, to make transitional, transitory or saving provision in connection with the GDPR beginning to apply. It also enables regulations, subject to the negative resolution procedure, to amend NS3.

Clause 205

EXTENT

Amendments made: 70, page 122, line 11, leave out “and 182” insert

“,182 and (Post-review powers to make provision about representation of data subjects)”.

This amendment is consequential on NC16. It provides that the new Clause extends to England and Wales and Northern Ireland only.

*Amendment 71, page 122, line 16, for “204” substitute “204(2)”.—(*Margot James.*)*

This amendment is consequential on Amendment 68.

New Schedule 3

TRANSITIONAL PROVISION ETC

PART 1

GENERAL

Interpretation

1 (1) In this Schedule—

- “the 1984 Act” means the Data Protection Act 1984;
- “the 1998 Act” means the Data Protection Act 1998;
- “the 2014 Regulations” means the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141);
- “data controller” has the same meaning as in the 1998 Act (see section 1 of that Act);
- “the old data protection principles” means the principles set out in—
 - (a) Part 1 of Schedule 1 to the 1998 Act, and
 - (b) regulation 30 of the 2014 Regulations.

(2) A provision of the 1998 Act that has effect by virtue of this Schedule is not, by virtue of that, part of the data protection legislation (as defined in section 3).

PART 2

RIGHTS OF DATA SUBJECTS

Right of access to personal data under the 1998 Act

2 (1) The repeal of sections 7 to 9A of the 1998 Act (right of access to personal data) does not affect the application of those sections after the relevant time in a case in which a data controller received a request under section 7 of that Act (right of access to personal data) before the relevant time.

(2) The repeal of sections 7 and 8 of the 1998 Act and the revocation of regulation 44 of the 2014 Regulations (which applies those sections with modifications) do not affect the application of those sections and that regulation after the relevant time in a case in which a UK competent authority received a request under section 7 of the 1998 Act (as applied by that regulation) before the relevant time.

(3) The revocation of the relevant regulations, or their amendment by Schedule 18 to this Act, and the repeals and revocation mentioned in sub-paragraphs (1) and (2), do not affect the application of the relevant regulations after the relevant time in a case described in those sub-paragraphs.

(4) In this paragraph—

“the relevant regulations” means—

- (a) the Data Protection (Subject Access) (Fees and Miscellaneous Provisions) Regulations 2000 (S.I. 2000/191);
- (b) regulation 4 of, and Schedule 1 to, the Consumer Credit (Credit Reference Agency) Regulations 2000 (S.I. 2000/290);
- (c) regulation 3 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (S.I. 2004/3244);

“the relevant time” means the time when the repeal of section 7 of the 1998 Act comes into force;

“UK competent authority” has the same meaning as in Part 4 of the 2014 Regulations (see regulation 27 of those Regulations).

Right to prevent processing likely to cause damage or distress under the 1998 Act

3 (1) The repeal of section 10 of the 1998 Act (right to prevent processing likely to cause damage or distress) does not affect the application of that section after the relevant time in a case in which an individual gave notice in writing to a data controller under that section before the relevant time.

(2) In this paragraph, “the relevant time” means the time when the repeal of section 10 of the 1998 Act comes into force.

Right to prevent processing for purposes of direct marketing under the 1998 Act

4 (1) The repeal of section 11 of the 1998 Act (right to prevent processing for purposes of direct marketing) does not affect the application of that section after the relevant time in a case in which an individual gave notice in writing to a data controller under that section before the relevant time.

(2) In this paragraph, “the relevant time” means the time when the repeal of section 11 of the 1998 Act comes into force.

Automated processing under the 1998 Act

5 (1) The repeal of section 12 of the 1998 Act (rights in relation to automated decision-taking) does not affect the application of that section after the relevant time in relation to a decision taken by a person before that time if—

- (a) in taking the decision the person failed to comply with section 12(1) of the 1998 Act, or
- (b) at the relevant time—
 - (i) the person had not taken all of the steps required under section 12(2) or (3) of the 1998 Act, or
 - (ii) the period specified in section 12(2)(b) of the 1998 Act (for an individual to require a person to reconsider a decision) had not expired.

(2) In this paragraph, “the relevant time” means the time when the repeal of section 12 of the 1998 Act comes into force.

Compensation for contravention of the 1998 Act or Part 4 of the 2014 Regulations

6 (1) The repeal of section 13 of the 1998 Act (compensation for failure to comply with certain requirements) does not affect the application of that section after the relevant time in relation to damage or distress suffered at any time by reason of an act or omission before the relevant time.

(2) The revocation of regulation 45 of the 2014 Regulations (right to compensation) does not affect the application of that regulation after the relevant time in relation to damage or distress suffered at any time by reason of an act or omission before the relevant time.

(3) “The relevant time” means—

- (a) in sub-paragraph (1), the time when the repeal of section 13 of the 1998 Act comes into force;
- (b) in sub-paragraph (2), the time when the revocation of regulation 45 of the 2014 Regulation comes into force.

Rectification, blocking, erasure and destruction under the 1998 Act

7 (1) The repeal of section 14(1) to (3) and (6) of the 1998 Act (rectification, blocking, erasure and destruction of inaccurate personal data) does not affect the application of those provisions after the relevant time in a case in which an application was made under subsection (1) of that section before the relevant time.

(2) The repeal of section 14(4) to (6) of the 1998 Act (rectification, blocking, erasure and destruction: risk of further contravention in circumstances entitling data subject to compensation under section 13 of the 1998 Act) does not affect the application of those provisions after the relevant time in a case in which an application was made under subsection (4) of that section before the relevant time.

(3) In this paragraph, “the relevant time” means the time when the repeal of section 14 of the 1998 Act comes into force.

Jurisdiction and procedure under the 1998 Act

8 The repeal of section 15 of the 1998 Act (jurisdiction and procedure) does not affect the application of that section in connection with sections 7 to 14 of the 1998 Act as they have effect by virtue of this Schedule.

Exemptions under the 1998 Act

9 (1) The repeal of Part 4 of the 1998 Act (exemptions) does not affect the application of that Part after the relevant time in connection with a provision of Part 2 of the 1998 Act as it has effect after that time by virtue of paragraphs 2 to 7 of this Schedule.

(2) The revocation of the relevant Orders, and the repeal mentioned in sub-paragraph (1), do not affect the application of the relevant Orders after the relevant time in connection with a provision of Part 2 of the 1998 Act as it has effect as described in sub-paragraph (1).

(3) In this paragraph—

“the relevant Orders” means—

- (a) the Data Protection (Corporate Finance Exemption) Order 2000 (S.I. 2000/184);
- (b) the Data Protection (Subject Access Modification) (Health) Order 2000 (S.I. 2000/413);
- (c) the Data Protection (Subject Access Modification) (Education) Order 2000 (S.I. 2000/414);
- (d) the Data Protection (Subject Access Modification) (Social Work) Order 2000 (S.I. 2000/415);
- (e) the Data Protection (Crown Appointments) Order 2000 (S.I. 2000/416);
- (f) Data Protection (Miscellaneous Subject Access Exemptions) Order 2000 (S.I. 2000/419);
- (g) Data Protection (Designated Codes of Practice) (No. 2) Order 2000 (S.I. 2000/1864);

“the relevant time” means the time when the repeal of the provision of Part 2 of the 1998 Act in question comes into force.

(4) As regards certificates issued under section 28(2) of the 1998 Act, see Part 5 of this Schedule.

Prohibition by this Act of requirement to produce relevant records

10 (1) In Schedule 17 to this Act, references to a record obtained in the exercise of a data subject access right include a record obtained at any time in the exercise of a right under section 7 of the 1998 Act.

(2) In section 177 of this Act, references to a “relevant record” include a record which does not fall within the definition in Schedule 17 to this Act (read with sub-paragraph (1)) but which, immediately before the relevant time, was a “relevant record” for the purposes of section 56 of the 1998 Act.

(3) In this paragraph, “the relevant time” means the time when the repeal of section 56 of the 1998 Act comes into force.

Avoidance under this Act of certain contractual terms relating to health records

11 In section 178 of this Act, references to a record obtained in the exercise of a data subject access right include a record obtained at any time in the exercise of a right under section 7 of the 1998 Act.

PART 3

THE GDPR AND PART 2 OF THIS ACT

Exemptions from the GDPR: restrictions of rules in Articles 13 to 15 of the GDPR

12 In paragraph 20(2) of Schedule 2 to this Act (self-incrimination), the reference to an offence under this Act includes an offence under the 1998 Act or the 1984 Act.

Manual unstructured data held by FOI public authorities

13 Until the first regulations under section 24(8) of this Act come into force, “the appropriate maximum” for the purposes of that section is—

- (a) where the controller is a public authority listed in Part 1 of Schedule 1 to the Freedom of Information Act 2000, £600, and
- (b) otherwise, £450.

PART 4

LAW ENFORCEMENT AND INTELLIGENCE SERVICES PROCESSING

Logging

14 (1) In relation to an automated processing system set up before 6 May 2016, subsections (1) to (3) of section 62 of this Act do not apply if and to the extent that compliance with them would involve disproportionate effort.

(2) Sub-paragraph (1) ceases to have effect at the beginning of 6 May 2023.

Regulation 50 of the 2014 Regulations (disapplication of the 1998 Act)

15 Nothing in this Schedule, read with the revocation of regulation 50 of the 2014 Regulations, has the effect of applying a provision of the 1998 Act to the processing of personal data to which Part 4 of the 2014 Regulations applies in a case in which that provision did not apply before the revocation of that regulation.

Maximum fee for data subject access requests to intelligence services

16 Until the first regulations under section 94(4)(b) of this Act come into force, the maximum amount of a fee that may be required by a controller under that section is £10.

PART 5

NATIONAL SECURITY CERTIFICATES

National security certificates: processing of personal data under the 1998 Act

17 (1) The repeal of section 28(2) to (12) of the 1998 Act does not affect the application of those provisions after the relevant time with respect to the processing of personal data to which the 1998 Act (including as it has effect by virtue of this Schedule) applies.

(2) A certificate issued under section 28(2) of the 1998 Act continues to have effect after the relevant time with respect to the processing of personal data to which the 1998 Act (including as it has effect by virtue of this Schedule) applies.

(3) Where a certificate continues to have effect under sub-paragraph (2) after the relevant time, it may be revoked or quashed in accordance with section 28 of the 1998 Act after the relevant time.

(4) In this paragraph, “the relevant time” means the time when the repeal of section 28 of the 1998 Act comes into force.

National security certificates: processing of personal data under the 2018 Act

18 (1) This paragraph applies to a certificate issued under section 28(2) of the 1998 Act (an “old certificate”) which has effect immediately before the relevant time.

(2) If and to the extent that the old certificate provides protection with respect to personal data which corresponds to protection that could be provided by a certificate issued under section 27, 79 or 111 of this Act, the old certificate also has effect to that extent after the relevant time as if—

- (a) it were a certificate issued under one or more of sections 27, 79 and 111 (as the case may be),
- (b) it provided protection in respect of that personal data in relation to the corresponding provisions of this Act or the applied GDPR, and
- (c) where it has effect as a certificate issued under section 79, it certified that each restriction in question is a necessary and proportionate measure to protect national security.

(3) Where an old certificate also has effect as if it were a certificate issued under one or more of sections 27, 79 and 111, that section has, or those sections have, effect accordingly in relation to the certificate.

(4) Where an old certificate has an extended effect because of sub-paragraph (2), section 129 of this Act does not apply in relation to it.

(5) An old certificate that has an extended effect because of sub-paragraph (2) provides protection only with respect to the processing of personal data that occurs during the period of 1 year beginning with the relevant time (and a Minister of the Crown may curtail that protection by wholly or partly revoking the old certificate).

(6) For the purposes of this paragraph—

- (a) a reference to the protection provided by a certificate issued under—
 - (i) section 28(2) of the 1998 Act, or
 - (ii) section 27, 79 or 111 of this Act,

is a reference to the effect of the evidence that is provided by the certificate;

- (b) protection provided by a certificate under section 28(2) of the 1998 Act is to be regarded as corresponding to protection that could be provided by a certificate under section 27, 79 or 111 of this Act where, in respect of provision in the 1998 Act to which the certificate under section 28(2) relates, there is corresponding provision in this Act or the applied GDPR to which a certificate under section 27, 79 or 111 could relate.

(7) In this paragraph, “the relevant time” means the time when the repeal of section 28 of the 1998 Act comes into force.

PART 6

THE INFORMATION COMMISSIONER

Appointment etc

19 (1) On and after the relevant day, the individual who was the Commissioner immediately before that day—

- (a) continues to be the Commissioner,
- (b) is to be treated as having been appointed under Schedule 12 to this Act, and

(c) holds office for the period—

- (i) beginning with the relevant day, and
- (ii) lasting for 7 years less a period equal to the individual’s pre-commencement term.

(2) On and after the relevant day, a resolution passed by the House of Commons for the purposes of paragraph 3 of Schedule 5 to the 1998 Act (salary and pension of Commissioner), and not superseded before that day, is to be treated as having been passed for the purposes of paragraph 4 of Schedule 12 to this Act.

(3) In this paragraph—

“pre-commencement term”, in relation to an individual, means the period during which the individual was the Commissioner before the relevant day;

“the relevant day” means the day on which Schedule 12 to this Act comes into force.

Accounts

20 (1) The repeal of paragraph 10 of Schedule 5 to the 1998 Act does not affect the duties of the Commissioner and the Comptroller and Auditor General under that paragraph in respect of the Commissioner’s statement of account for the financial year beginning with 1 April 2017.

(2) The Commissioner’s duty under paragraph 11 of Schedule 12 to this Act to prepare a statement of account for each financial year includes a duty to do so for the financial year beginning with 1 April 2018.

Annual report

21 (1) The repeal of section 52(1) of the 1998 Act (annual report) does not affect the Commissioner’s duty under that subsection to produce a general report on the exercise of the Commissioner’s functions under the 1998 Act during the period of 1 year beginning with 1 April 2017 and to lay it before Parliament.

(2) The repeal of section 49 of the Freedom of Information Act 2000 (annual report) does not affect the Commissioner’s duty under that section to produce a general report on the exercise of the Commissioner’s functions under that Act during the period of 1 year beginning with 1 April 2017 and to lay it before Parliament.

(3) The first report produced by the Commissioner under section 138 of this Act must relate to the period of 1 year beginning with 1 April 2018.

Fees etc received by the Commissioner

22 (1) The repeal of Schedule 5 to the 1998 Act (Information Commissioner) does not affect the application of paragraph 9 of that Schedule after the relevant time to amounts received by the Commissioner before the relevant time.

(2) In this paragraph, “the relevant time” means the time when the repeal of Schedule 5 to the 1998 Act comes into force.

23 Paragraph 10 of Schedule 12 to this Act applies only to amounts received by the Commissioner after the time when that Schedule comes into force.

Functions in connection with the Data Protection Convention

24 (1) The repeal of section 54(2) of the 1998 Act (functions to be discharged by the Commissioner for the purposes of Article 13 of the Data Protection Convention), and the revocation of the Data Protection (Functions of Designated Authority) Order 2000 (S.I. 2000/186), do not affect the application of articles 1 to 5 of that Order after the relevant time in relation to a request described in those articles which was made before that time.

(2) The references in paragraph 9 of Schedule 13 to this Act (Data Protection Convention: restrictions on use of information) to requests made or received by the Commissioner under paragraph 6 or 7 of that Schedule include a request made or received by the Commissioner under article 3 or 4 of the Data Protection (Functions of Designated Authority) Order 2000 (S.I. 2000/186).

(3) The repeal of section 54(7) of the 1998 Act (duty to notify the European Commission of certain approvals and authorisations) does not affect the application of that provision after the relevant time in relation to an approval or authorisation granted before the relevant time.

(4) In this paragraph, “the relevant time” means the time when the repeal of section 54 of the 1998 Act comes into force.

Co-operation with the European Commission: transfers of personal data outside the EEA

25 (1) The repeal of section 54(3) of the 1998 Act (co-operation by the Commissioner with the European Commission etc), and the revocation of the Data Protection (International Co-operation) Order 2000 (S.I. 2000/190), do not affect the application of articles 1 to 4 of that Order after the relevant time in relation to transfers that took place before the relevant time.

(2) In this paragraph—

“the relevant time” means the time when the repeal of section 54 of the 1998 Act comes into force;

“transfer” has the meaning given in article 2 of the Data Protection (International Co-operation) Order 2000 (S.I. 2000/190).

Charges payable to the Commissioner by controllers

26 (1) The Data Protection (Charges and Information) Regulations 2018 (S.I. 2018/480) have effect after the relevant time (until revoked) as if they were made under section 136 of this Act.

(2) In this paragraph, “the relevant time” means the time when section 136 of this Act comes into force.

Requests for assessment

27 (1) The repeal of section 42 of the 1998 Act (requests for assessment) does not affect the application of that section after the relevant time in a case in which the Commissioner received a request under that section before the relevant time, subject to sub-paragraph (2).

(2) The Commissioner is only required to make an assessment of acts and omissions that took place before the relevant time.

(3) In this paragraph, “the relevant time” means the time when the repeal of section 42 of the 1998 Act comes into force.

Codes of practice

28 (1) The repeal of section 52E of the 1998 Act (effect of codes of practice) does not affect the application of that section after the relevant time in relation to legal proceedings or to the exercise of the Commissioner’s functions under the 1998 Act as it has effect by virtue of this Schedule.

(2) In section 52E of the 1998 Act, as it has effect by virtue of this paragraph, the references to the 1998 Act include that Act as it has effect by virtue of this Schedule.

(3) For the purposes of subsection (3) of that section, as it has effect by virtue of this paragraph, the data-sharing code and direct marketing code in force immediately before the relevant time are to be treated as having continued in force after that time.

(4) In this paragraph—

“the data-sharing code” and “the direct marketing code” mean the codes respectively prepared under sections 52A and 52AA of the 1998 Act and issued under section 52B(5) of that Act;

“the relevant time” means the time when the repeal of section 52E of the 1998 Act comes into force.

PART 7

ENFORCEMENT ETC UNDER THE 1998 ACT

Interpretation of this Part

29 (1) In this Part of this Schedule, references to contravention of the sixth data protection principle sections are to relevant contravention of any of sections 7, 10, 11 or 12 of the 1998 Act, as they continue to have effect by virtue of this Schedule after their repeal (and references to compliance with the sixth data protection principle sections are to be read accordingly).

(2) In sub-paragraph (1), “relevant contravention” means contravention in a manner described in paragraph 8 of Part 2 of Schedule 1 to the 1998 Act (sixth data protection principle).

Information notices

30 (1) The repeal of section 43 of the 1998 Act (information notices) does not affect the application of that section after the relevant time in a case in which—

- (a) the Commissioner served a notice under that section before the relevant time (and did not cancel it before that time), or
- (b) the Commissioner requires information after the relevant time for the purposes of—
 - (i) responding to a request made under section 42 of the 1998 Act before that time,
 - (ii) determining whether a data controller complied with the old data protection principles before that time, or
 - (iii) determining whether a data controller complied with the sixth data protection principle sections after that time.

(2) In section 43 of the 1998 Act, as it has effect by virtue of this paragraph—

- (a) the reference to an offence under section 47 of the 1998 Act includes an offence under section 143 of this Act, and
- (b) the references to an offence under the 1998 Act include an offence under this Act.

(3) In this paragraph, “the relevant time” means the time when the repeal of section 43 of the 1998 Act comes into force.

Special information notices

31 (1) The repeal of section 44 of the 1998 Act (special information notices) does not affect the application of that section after the relevant time in a case in which—

- (a) the Commissioner served a notice under that section before the relevant time (and did not cancel it before that time), or
- (b) the Commissioner requires information after the relevant time for the purposes of—
 - (i) responding to a request made under section 42 of the 1998 Act before that time, or
 - (ii) ascertaining whether section 44(2)(a) or (b) of the 1998 Act was satisfied before that time.

(2) In section 44 of the 1998 Act, as it has effect by virtue of this paragraph—

- (a) the reference to an offence under section 47 of the 1998 Act includes an offence under section 143 of this Act, and
- (b) the references to an offence under the 1998 Act include an offence under this Act.

(3) In this paragraph, “the relevant time” means the time when the repeal of section 44 of the 1998 Act comes into force.

Assessment notices

32 (1) The repeal of sections 41A and 41B of the 1998 Act (assessment notices) does not affect the application of those sections after the relevant time in a case in which—

- (a) the Commissioner served a notice under section 41A of the 1998 Act before the relevant time (and did not cancel it before that time), or
- (b) the Commissioner considers it appropriate, after the relevant time, to investigate—
 - (i) whether a data controller complied with the old data protection principles before that time, or
 - (ii) whether a data controller complied with the sixth data protection principle sections after that time.

(2) The revocation of the Data Protection (Assessment Notices) (Designation of National Health Service Bodies) Order 2014 (S.I. 2014/3282), and the repeals mentioned in sub-paragraph (1), do not affect the application of that Order in a case described in sub-paragraph (1).

(3) Sub-paragraph (1) does not enable the Secretary of State, after the relevant time, to make an order under section 41A(2)(b) or (c) of the 1998 Act (data controllers on whom an assessment notice may be served) designating a public authority or person for the purposes of that section.

(4) Section 41A of the 1998 Act, as it has effect by virtue of sub-paragraph (1), has effect as if subsections (8) and (11) (duty to review designation orders) were omitted.

(5) The repeal of section 41C of the 1998 Act (code of practice about assessment notice) does not affect the application, after the relevant time, of the code issued under that section and in force immediately before the relevant time in relation to the exercise of the Commissioner's functions under and in connection with section 41A of the 1998 Act, as it has effect by virtue of sub-paragraph (1).

(6) In this paragraph, "the relevant time" means the time when the repeal of section 41A of the 1998 Act comes into force.

Enforcement notices

33 (1) The repeal of sections 40 and 41 of the 1998 Act (enforcement notices) does not affect the application of those sections after the relevant time in a case in which—

- (a) the Commissioner served a notice under section 40 of the 1998 Act before the relevant time (and did not cancel it before that time), or
- (b) the Commissioner is satisfied, after that time, that a data controller —
 - (i) contravened the old data protection principles before that time, or
 - (ii) contravened the sixth data protection principle sections after that time.

(2) In this paragraph, "the relevant time" means the time when the repeal of section 40 of the 1998 Act comes into force.

Determination by Commissioner as to the special purposes

34 (1) The repeal of section 45 of the 1998 Act (determination by Commissioner as to the special purposes) does not affect the application of that section after the relevant time in a case in which—

- (a) the Commissioner made a determination under that section before the relevant time, or
- (b) the Commissioner considers it appropriate, after the relevant time, to make a determination under that section.

(2) In this paragraph, "the relevant time" means the time when the repeal of section 45 of the 1998 Act comes into force.

Restriction on enforcement in case of processing for the special purposes

35 (1) The repeal of section 46 of the 1998 Act (restriction on enforcement in case of processing for the special purposes) does not affect the application of that section after the relevant time in relation to an enforcement notice or information notice served under the 1998 Act—

- (a) before the relevant time, or
- (b) after the relevant time in reliance on this Schedule.

(2) In this paragraph, "the relevant time" means the time when the repeal of section 46 of the 1998 Act comes into force.

Offences

36 (1) The repeal of sections 47, 60 and 61 of the 1998 Act (offences of failing to comply with certain notices and of providing false information etc in response to a notice) does not affect the application of those sections after the relevant time in connection with an information notice, special information notice or enforcement notice served under Part 5 of the 1998 Act—

- (a) before the relevant time, or
- (b) after that time in reliance on this Schedule.

(2) In this paragraph, "the relevant time" means the time when the repeal of section 47 of the 1998 Act comes into force.

Powers of entry

37 (1) The repeal of sections 50, 60 and 61 of, and Schedule 9 to, the 1998 Act (powers of entry) does not affect the application of those provisions after the relevant time in a case in which—

- (a) a warrant issued under that Schedule was in force immediately before the relevant time,
- (b) before the relevant time, the Commissioner supplied information on oath for the purposes of obtaining a warrant under that Schedule but that had not been considered by a circuit judge or a District Judge (Magistrates' Courts), or
- (c) after the relevant time, the Commissioner supplies information on oath to a circuit judge or a District Judge (Magistrates' Courts) in respect of—
 - (i) a contravention of the old data protection principles before the relevant time;
 - (ii) a contravention of the sixth data protection principle sections after the relevant time;
 - (iii) the commission of an offence under a provision of the 1998 Act (including as the provision has effect by virtue of this Schedule);
 - (iv) a failure to comply with a requirement imposed by an assessment notice issued under section 41A of the 1998 Act (including as it has effect by virtue of this Schedule).

(2) In paragraph 16 of Schedule 9 to the 1998 Act, as it has effect by virtue of this paragraph, the reference to an offence under paragraph 12 of that Schedule includes an offence under paragraph 15 of Schedule 15 to this Act.

(3) In this paragraph, "the relevant time" means the time when the repeal of Schedule 9 to the 1998 Act comes into force.

(4) Paragraphs 14 and 15 of Schedule 9 to the 1998 Act (application of that Schedule to Scotland and Northern Ireland) apply for the purposes of this paragraph as they apply for the purposes of that Schedule.

Monetary penalties

38 (1) The repeal of sections 55A, 55B, 55D and 55E of the 1998 Act (monetary penalties) does not affect the application of those provisions after the relevant time in a case in which—

- (a) the Commissioner served a monetary penalty notice under section 55A of the 1998 Act before the relevant time,
- (b) the Commissioner served a notice of intent under section 55B of the 1998 Act before the relevant time, or
- (c) the Commissioner considers it appropriate, after the relevant time, to serve a notice mentioned in paragraph (a) or (b) in respect of—
 - (i) a contravention of section 4(4) of the 1998 Act before the relevant time, or
 - (ii) a contravention of the sixth data protection principle sections after the relevant time.

(2) The revocation of the relevant subordinate legislation, and the repeals mentioned in sub-paragraph (1), do not affect the application of the relevant subordinate legislation (or of provisions of the 1998 Act applied by them) after the relevant time in a case described in sub-paragraph (1).

(3) Guidance issued under section 55C of the 1998 Act (guidance about monetary penalty notices) which is in force immediately before the relevant time continues in force after that time for the purposes of the Commissioner's exercise of functions under sections 55A and 55B of the 1998 Act as they have effect by virtue of this paragraph.

(4) In this paragraph—

"the relevant subordinate legislation" means—

- (a) the Data Protection (Monetary Penalties) (Maximum Penalty and Notices) Regulations 2010 (S.I. 2010/31);

- (b) the Data Protection (Monetary Penalties) Order 2010 (S.I. 2010/910);

“the relevant time” means the time when the repeal of section 55A of the 1998 Act comes into force.

Appeals

39 (1) The repeal of sections 48 and 49 of the 1998 Act (appeals) does not affect the application of those sections after the relevant time in relation to a notice served under the 1998 Act or a determination made under section 45 of that Act—

- (a) before the relevant time, or
- (b) after that time in reliance on this Schedule.

(2) In this paragraph, “the relevant time” means the time when the repeal of section 48 of the 1998 Act comes into force.

Exemptions

40 (1) The repeal of section 28 of the 1998 Act (national security) does not affect the application of that section after the relevant time for the purposes of a provision of Part 5 of the 1998 Act as it has effect after that time by virtue of the preceding paragraphs of this Part of this Schedule.

(2) In this paragraph, “the relevant time” means the time when the repeal of the provision of Part 5 of the 1998 Act in question comes into force.

(3) As regards certificates issued under section 28(2) of the 1998 Act, see Part 5 of this Schedule.

Tribunal Procedure Rules

41 (1) The repeal of paragraph 7 of Schedule 6 to the 1998 Act (Tribunal Procedure Rules) does not affect the application of that paragraph, or of rules made under that paragraph, after the relevant time in relation to the exercise of rights of appeal conferred by section 28 or 48 of the 1998 Act, as they have effect by virtue of this Schedule.

(2) Part 3 of Schedule 18 to this Act does not apply for the purposes of Tribunal Procedure Rules made under paragraph 7(1)(a) of Schedule 6 to the 1998 Act as they apply, after the relevant time, in relation to the exercise of rights of appeal described in sub-paragraph (1).

(3) In this paragraph, “the relevant time” means the time when the repeal of paragraph 7 of Schedule 6 to the 1998 Act comes into force.

Obstruction etc

42 (1) The repeal of paragraph 8 of Schedule 6 to the 1998 Act (obstruction etc in proceedings before the Tribunal) does not affect the application of that paragraph after the relevant time in relation to an act or omission in relation to proceedings under the 1998 Act (including as it has effect by virtue of this Schedule).

(2) In this paragraph, “the relevant time” means the time when the repeal of paragraph 8 of Schedule 6 to the 1998 Act comes into force.

Enforcement etc under the 2014 Regulations

43 (1) The references in the preceding paragraphs of this Part of this Schedule to provisions of the 1998 Act include those provisions as applied, with modifications, by regulation 51 of the 2014 Regulations (other functions of the Commissioner).

(2) The revocation of regulation 51 of the 2014 Regulations does not affect the application of those provisions of the 1998 Act (as so applied) as described in those paragraphs.

PART 8

ENFORCEMENT ETC UNDER THIS ACT

Information notices

44 In section 142 of this Act—

- (a) the reference to an offence under section 143 of this Act includes an offence under section 47 of the 1998 Act (including as it has effect by virtue of this Schedule), and
- (b) the references to an offence under this Act include an offence under the 1998 Act (including as it has effect by virtue of this Schedule) or the 1984 Act.

Powers of entry

45 In paragraph 16 of Schedule 15 to this Act (powers of entry: self-incrimination), the reference to an offence under paragraph 15 of that Schedule includes an offence under paragraph 12 of Schedule 9 to the 1998 Act (including as it has effect by virtue of this Schedule).

Tribunal Procedure Rules

46 (1) Tribunal Procedure Rules made under paragraph 7(1)(a) of Schedule 6 to the 1998 Act (appeal rights under the 1998 Act) and in force immediately before the relevant time have effect after that time as if they were also made under section 194 of this Act.

(2) In this paragraph, “the relevant time” means the time when the repeal of paragraph 7(1)(a) of Schedule 6 to the 1998 Act comes into force.

PART 9

OTHER ENACTMENTS

Powers to disclose information to the Commissioner

47 (1) The following provisions (as amended by Schedule 18 to this Act) have effect after the relevant time as if the matters they refer to included a matter in respect of which the Commissioner could exercise a power conferred by a provision of Part 5 of the 1998 Act, as it has effect by virtue of this Schedule—

- (a) section 11AA(1)(a) of the Parliamentary Commissioner Act 1967 (disclosure of information by Parliamentary Commissioner);
- (b) sections 33A(1)(a) and 34O(1)(a) of the Local Government Act 1974 (disclosure of information by Local Commissioner);
- (c) section 18A(1)(a) of the Health Service Commissioners Act 1993 (disclosure of information by Health Service Commissioner);
- (d) paragraph 1 of the entry for the Information Commissioner in Schedule 5 to the Scottish Public Services Ombudsman Act 2002 (asp 11) (disclosure of information by the Ombudsman);
- (e) section 34X(3)(a) of the Public Services Ombudsman (Wales) Act 2005 (disclosure of information by the Ombudsman);
- (f) section 18(6)(a) of the Commissioner for Older People (Wales) Act 2006 (disclosure of information by the Commissioner);
- (g) section 22(3)(a) of the Welsh Language (Wales) Measure 2011 (nawm 1) (disclosure of information by the Welsh Language Commissioner);
- (h) section 49(3)(a) of the Public Services Ombudsman Act (Northern Ireland) 2016 (c. 4 (N.I.)) (disclosure of information by the Ombudsman);
- (i) section 44(3)(a) of the Justice Act (Northern Ireland) 2016 (c. 21 (N.I.)) (disclosure of information by the Prison Ombudsman for Northern Ireland).

(2) The following provisions (as amended by Schedule 18 to this Act) have effect after the relevant time as if the offences they refer to included an offence under any provision of the 1998 Act other than paragraph 12 of Schedule 9 to that Act (obstruction of execution of warrant)—

- (a) section 11AA(1)(b) of the Parliamentary Commissioner Act 1967;
- (b) sections 33A(1)(b) and 34O(1)(b) of the Local Government Act 1974;
- (c) section 18A(1)(b) of the Health Service Commissioners Act 1993;
- (d) paragraph 2 of the entry for the Information Commissioner in Schedule 5 to the Scottish Public Services Ombudsman Act 2002 (asp 11);
- (e) section 34X(5) of the Public Services Ombudsman (Wales) Act 2005 (disclosure of information by the Ombudsman);

- (f) section 18(8) of the Commissioner for Older People (Wales) Act 2006;
- (g) section 22(5) of the Welsh Language (Wales) Measure 2011 (nawm 1);
- (h) section 49(5) of the Public Services Ombudsman Act (Northern Ireland) 2016 (c. 4 (N.I.));
- (i) section 44(3)(b) of the Justice Act (Northern Ireland) 2016 (c. 21 (N.I.)).

(3) In this paragraph, “the relevant time”, in relation to a provision of a section or Schedule listed in sub-paragraph (1) or (2), means the time when the amendment of the section or Schedule by Schedule 18 to this Act comes into force.

Codes etc required to be consistent with the Commissioner’s data-sharing code

48 (1) This paragraph applies in relation to the code of practice issued under each of the following provisions—

- (a) section 19AC of the Registration Service Act 1953 (code of practice about disclosure of information by civil registration officials);
- (b) section 43 of the Digital Economy Act 2017 (code of practice about disclosure of information to improve public service delivery);
- (c) section 52 of that Act (code of practice about disclosure of information to reduce debt owed to the public sector);
- (d) section 60 of that Act (code of practice about disclosure of information to combat fraud against the public sector);
- (e) section 70 of that Act (code of practice about disclosure of information for research purposes).

(2) During the relevant period, the code of practice does not have effect to the extent that it is inconsistent with the code of practice prepared under section 121 of this Act (data-sharing code) and issued under section 124(4) of this Act (as altered or replaced from time to time).

(3) In this paragraph, “the relevant period”, in relation to a code issued under a section mentioned in sub-paragraph (1), means the period—

- (a) beginning when the amendments of that section in Schedule 18 to this Act come into force, and
- (b) ending when the code is first reissued under that section.

49 (1) This paragraph applies in relation to the original statement published under section 45E of the Statistics and Registration Service Act 2007 (statement of principles and procedures in connection with access to information by the Statistics Board).

(2) During the relevant period, the statement does not have effect to the extent that it is inconsistent with the code of practice prepared under section 121 of this Act (data-sharing code) and issued under section 124(4) of this Act (as altered or replaced from time to time).

(3) In this paragraph, “the relevant period” means the period—

- (a) beginning when the amendments of section 45E of the Statistics and Registration Service Act 2007 in Schedule 18 to this Act come into force, and
- (b) ending when the first revised statement is published under that section.

Consumer Credit Act 1974

50 In section 159(1)(a) of the Consumer Credit Act 1974 (correction of wrong information) (as amended by Schedule 18 to this Act), the reference to information given under Article 15(1) to (3) of the GDPR includes information given at any time under section 7 of the 1998 Act.

Freedom of Information Act 2000

51 Paragraphs 52 to 55 make provision about the Freedom of Information Act 2000 (“the 2000 Act”).

52 (1) This paragraph applies where a request for information was made to a public authority under the 2000 Act before the relevant time.

(2) To the extent that the request is dealt with after the relevant time, the amendments of sections 2 and 40 of the 2000 Act in Schedule 18 to this Act have effect for the purposes of determining whether the authority deals with the request in accordance with Part 1 of the 2000 Act.

(3) To the extent that the request was dealt with before the relevant time—

- (a) the amendments of sections 2 and 40 of the 2000 Act in Schedule 18 to this Act do not have effect for the purposes of determining whether the authority dealt with the request in accordance with Part 1 of the 2000 Act, but
- (b) the powers of the Commissioner and the Tribunal, on an application or appeal under the 2000 Act, do not include power to require the authority to take steps which it would not be required to take in order to comply with Part 1 of the 2000 Act as amended by Schedule 18 to this Act.

(4) In this paragraph—

“public authority” has the same meaning as in the 2000 Act;

“the relevant time” means the time when the amendments of sections 2 and 40 of the 2000 Act in Schedule 18 to this Act come into force.

53 (1) Tribunal Procedure Rules made under paragraph 7(1)(b) of Schedule 6 to the 1998 Act (appeal rights under the 2000 Act) and in force immediately before the relevant time have effect after that time as if they were also made under section 61 of the 2000 Act (as inserted by Schedule 18 to this Act).

(2) In this paragraph, “the relevant time” means the time when the repeal of paragraph 7(1)(b) of Schedule 6 to the 1998 Act comes into force.

54 (1) The repeal of paragraph 8 of Schedule 6 to the 1998 Act (obstruction etc in proceedings before the Tribunal) does not affect the application of that paragraph after the relevant time in relation to an act or omission before that time in relation to an appeal under the 2000 Act.

(2) In this paragraph, “the relevant time” means the time when the repeal of paragraph 8 of Schedule 6 to the 1998 Act comes into force.

55 (1) The amendment of section 77 of the 2000 Act in Schedule 18 to this Act (offence of altering etc record with intent to prevent disclosure: omission of reference to section 7 of the 1998 Act) does not affect the application of that section after the relevant time in relation to a case in which—

- (a) the request for information mentioned in section 77(1) of the 2000 Act was made before the relevant time, and
- (b) when the request was made, section 77(1)(b) of the 2000 Act was satisfied by virtue of section 7 of the 1998 Act.

(2) In this paragraph, “the relevant time” means the time when the repeal of section 7 of the 1998 Act comes into force.

Freedom of Information (Scotland) Act 2002

56 (1) This paragraph applies where a request for information was made to a Scottish public authority under the Freedom of Information (Scotland) Act 2002 (“the 2002 Act”) before the relevant time.

(2) To the extent that the request is dealt with after the relevant time, the amendments of the 2002 Act in Schedule 18 to this Act have effect for the purposes of determining whether the authority deals with the request in accordance with Part 1 of the 2002 Act.

(3) To the extent that the request was dealt with before the relevant time—

- (a) the amendments of the 2002 Act in Schedule 18 to this Act do not have effect for the purposes of determining whether the authority dealt with the request in accordance with Part 1 of the 2002 Act, but
- (b) the powers of the Scottish Information Commissioner and the Court of Session, on an application or appeal under the 2002 Act, do not include power to require the authority to take steps which it would not be required to take in order to comply with Part 1 of the 2002 Act as amended by Schedule 18 to this Act.

(4) In this paragraph—

“Scottish public authority” has the same meaning as in the 2002 Act;

“the relevant time” means the time when the amendments of the 2002 Act in Schedule 18 to this Act come into force.

Access to Health Records (Northern Ireland) Order 1993 (S.I. 1993/1250 (N.I. 4))

57 Until the first regulations under Article 5(4)(a) of the Access to Health Records (Northern Ireland) Order 1993 (as amended by Schedule 18 to this Act) come into force, the maximum amount of a fee that may be required for giving access under that Article is £10.

Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2450)

58 (1) The repeal of a provision of the 1998 Act does not affect its operation for the purposes of the Privacy and Electronic Communications (EC Directive) Regulations 2003 (“the PECR 2003”) (see regulations 2, 31 and 31B of, and Schedule 1 to, those Regulations).

(2) Where subordinate legislation made under a provision of the 1998 Act is in force immediately before the repeal of that provision, neither the revocation of the subordinate legislation nor the repeal of the provision of the 1998 Act affect the application of the subordinate legislation for the purposes of the PECR 2003 after that time.

(3) Part 3 of Schedule 18 to this Act (modifications) does not have effect in relation to the PECR 2003.

(4) Part 7 of this Schedule does not have effect in relation to the provisions of the 1998 Act as applied by the PECR 2003.

Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9))

59 Part 3 of Schedule 18 to this Act (modifications) does not have effect in relation to the reference to an accessible record within the meaning of section 68 of the 1998 Act in regulation 43 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.

Environmental Information Regulations 2004 (S.I. 2004/3391)

60 (1) This paragraph applies where a request for information was made to a public authority under the Environmental Information Regulations 2004 (“the 2004 Regulations”) before the relevant time.

(2) To the extent that the request is dealt with after the relevant time, the amendments of the 2004 Regulations in Schedule 18 to this Act have effect for the purposes of determining whether the authority deals with the request in accordance with Parts 2 and 3 of those Regulations.

(3) To the extent that the request was dealt with before the relevant time—

- (a) the amendments of the 2004 Regulations in Schedule 18 to this Act do not have effect for the purposes of determining whether the authority dealt with the request in accordance with Parts 2 and 3 of those Regulations, but
- (b) the powers of the Commissioner and the Tribunal, on an application or appeal under the 2000 Act (as applied by the 2004 Regulations), do not include

power to require the authority to take steps which it would not be required to take in order to comply with Parts 2 and 3 of those Regulations as amended by Schedule 18 to this Act.

(4) In this paragraph—

“public authority” has the same meaning as in the 2004 Regulations;

“the relevant time” means the time when the amendments of the 2004 Regulations in Schedule 18 to this Act come into force.

Environmental Information (Scotland) Regulations 2004 (S.S.I. 2004/520)

61 (1) This paragraph applies where a request for information was made to a Scottish public authority under the Environmental Information (Scotland) Regulations 2004 (“the 2004 Regulations”) before the relevant time.

(2) To the extent that the request is dealt with after the relevant time, the amendments of the 2004 Regulations in Schedule 18 to this Act have effect for the purposes of determining whether the authority deals with the request in accordance with those Regulations.

(3) To the extent that the request was dealt with before the relevant time—

- (a) the amendments of the 2004 Regulations in Schedule 18 to this Act do not have effect for the purposes of determining whether the authority dealt with the request in accordance with those Regulations, but
- (b) the powers of the Scottish Information Commissioner and the Court of Session, on an application or appeal under the 2002 Act (as applied by the 2004 Regulations), do not include power to require the authority to take steps which it would not be required to take in order to comply with those Regulations as amended by Schedule 18 to this Act.

(4) In this paragraph—

“Scottish public authority” has the same meaning as in the 2004 Regulations;

“the relevant time” means the time when the amendments of the 2004 Regulations in Schedule 18 to this Act come into force.”—(*Margot James.*)

This amendment inserts a Schedule making transitional, transitory and saving provision in connection with the coming into force of the Bill, including provision about subject access requests (see Part 2 of the Schedule) and about the Information Commissioner’s enforcement powers (see Parts 7 and 8 of the Schedule).

Brought up, and added to the Bill.

Schedule 1

SPECIAL CATEGORIES OF PERSONAL DATA AND CRIMINAL CONVICTIONS ETC DATA

Amendments made: 72, page 134, line 11, at end insert

- () a mayor for the area of a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;”.

This amendment adds mayors of combined authorities in England to the list of elected representatives for the purposes of paragraphs 23 and 24 of Schedule 1, which authorise certain processing of special categories of personal data by such representatives.

Amendment 73, page 134, line 19, at end insert —

- () a police and crime commissioner.”—(*Margot James.*)

This amendment adds police and crime commissioners established under section 1 of the Police Reform and Social Responsibility Act 2011 to the list of elected representatives for the purposes of paragraphs 23 and 24 of Schedule 1, which authorise certain processing of special categories of personal data by such representatives.

Schedule 2

EXEMPTIONS ETC FROM THE GDPR

Amendment proposed: 15, page 141, line 17, leave out paragraph 4.—(Tom Watson.)

The House divided: Ayes 282, Noes 310.

Division No. 155]

[6.27 pm]

AYES

Abbott, rh Ms Diane
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Austin, Ian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carden, Dan
Champion, Sarah
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Coyle, Neil
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marsha
De Piero, Gloria

Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Fellows, Marion
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
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
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hardy, Emma
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendry, Drew
Hepburn, Mr Stephen
Hermon, Lady
Hill, Mike
Hillier, Meg
Hobhouse, Wera
Hodgson, Mrs Sharon
Hoey, Kate
Hollern, Kate

Hopkins, Kelvin
Hosie, Stewart
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
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, Karen
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Lewis, Mr Ivan
Linden, David
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
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
O'Mara, Jared
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, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Saville Roberts, Liz
Shah, Naz
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
Streeter, Wes
Tami, Mark
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Twigg, Derek
Twigg, Stephen
Twist, Liz

Umunna, Chuka
Vaz, Valerie
Walker, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Whitford, Dr Philippa
Williams, Hywel

Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Wishart, Pete
Woodcock, John
Zeichner, Daniel

Tellers for the Ayes:
Thangam Debonnaire and
Fiona Onasanya

NOES

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, Sir Graham
Braverman, Suella
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, Sir Christopher
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Sir Geoffrey
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen

Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Elphicke, Charlie
Eustice, George
Evennett, rh David
Fabricant, Michael
Fallon, rh Sir Michael
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 Dame Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
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, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heapey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, rh Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, rh Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenkyns, Andrea
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, rh 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
Loughton, Tim
Mackinlay, Craig
Macleane, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit

Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
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, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, rh 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, rh Claire
Philp, Chris
Pincher, Christopher
Prentis, Victoria
Prisk, Mr 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
 Soubry, rh Anna
 Spelman, rh Dame
 Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 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, rh Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:

**Paul Maynard and
 Jo Churchill**

Question accordingly negated.

Amendments made: 141, page 141, line 39, leave out from “(vi)” to end of line 44.

Paragraph 4(2) of Schedule 2 lists provisions of the GDPR which do not apply to the extent that their application would be likely to prejudice certain matters relating to immigration. This amendment removes Articles 5(1)(a) and (b) from the list (except so far as they correspond to rights and obligations provided for in provisions mentioned in paragraph 4(2)(i) to (vi), see paragraph 4(2)(vii)).

Amendment 142, page 141, line 48, at end insert—

“and, subject to sub-paragraph (2)(vii) of this paragraph, the provisions of Article 5 listed in paragraph 1(b).”

This amendment is consequential on Amendment 141.

Amendment 139, page 152, line 27, at end insert “, or

(b) information in respect of which a duty of confidentiality is owed by a professional legal adviser to a client of the adviser.”—(Margot James.)

This amendment extends the legal professional privilege exemption in Part 4 of Schedule 2 to include information in respect of which a duty of confidentiality is owed by a professional legal adviser to a client of the adviser. See also Amendment 140.

Schedule 6

THE APPLIED GDPR AND THE APPLIED CHAPTER 2

Amendments made: 74, page 177, line 31, leave out from beginning to end of line 3 on page 178 and insert—

“(none) ‘Subsections (1), (2) and (7) of section 198 of the 2018 Act have effect for the purposes of this Regulation as they have effect for the purposes of that Act but as if the following were omitted—

- (a) in subsection (1), the reference to subsection (3), and*
- (b) in subsection (7), the words following paragraph (d).”*

This amendment amends paragraph 8 of Schedule 6 which makes provision about the territorial application of the applied GDPR. This amendment is consequential on amendments made to Clause 198 (territorial application) in Public Bill Committee.

Amendment 75, page 185, line 43, leave out “182” and insert—

“(Post-review powers to make provision about representation of data subjects)”. —(Margot James.)

This amendment is consequential on Amendment 63 and NC16.

Schedule 11

OTHER EXEMPTIONS UNDER PART 4

Amendment made: 140, page 197, line 2, at end insert “, or

(b) information in respect of which a duty of confidentiality is owed by a professional legal adviser to a client of the adviser.”—(Margot James.)

This amendment extends the legal professional privilege exemption in Schedule 11 to include information in respect of which a duty of confidentiality is owed by a professional legal adviser to a client of the adviser. See also Amendment 139.

Schedule 12

THE INFORMATION COMMISSIONER

Amendment made: 76, page 200, line 32, after “fees” insert “, charges, penalties”.—(Margot James.)

This amendment makes clear that the sums that the Commissioner is required to pay to the Secretary of State include charges (such as charges imposed by regulations made under Clause 136) and penalties.

Schedule 13

OTHER GENERAL FUNCTIONS OF THE COMMISSIONER

Amendment made: 77, page 202, line 12, at end insert—

“(2) Section 3(14)(c) does not apply to the reference to personal data in sub-paragraph (1)(h).”—(Margot James.)

This amendment secures that the reference to personal data in paragraph 1(1)(h) includes all types of personal data. It disapplies Clause 3(14)(c), which provides that references to personal data in Parts 5 to 7 of the bill are usually to personal data to which Chapter 2 or 3 of Part 2, Part 3 or Part 4 applies.

Schedule 15

POWERS OF ENTRY AND INSPECTION

Amendments made: 78, page 205, line 19, , after “if” insert—

“a judge of the High Court,”

This amendment and Amendments 80 and 86 enable a judge of the High Court or, in Scotland, a judge of the Court of Session to deal with an application for a warrant made by the Information Commissioner under Schedule 15.

Amendment 79, page 205, line 28, at end insert—

“or is capable of being viewed using equipment on such premises”.

This amendment enables a warrant to be granted in respect of premises where evidence of a failure or offence can be viewed using equipment on the premises, not just where such evidence is to be found on the premises.

Amendment 80, page 205, line 31, after “if” insert—

“a judge of the High Court,”

See the explanatory statement for Amendment 78.

Amendment 81, page 206, line 41, at end insert—

“() to require any person on the premises to provide, in an appropriate form, a copy of information capable of being viewed using equipment on the premises which may be evidence of that failure or offence,”

This amendment and Amendments 83 and 85 require a warrant in respect of premises to authorise the Commissioner to require a person to provide a copy of information capable of being viewed using equipment on the premises.

Amendment 82, page 206, line 43, after “premises” insert—

“and of any information capable of being viewed using equipment on the premises”.

This amendment and Amendment 84 require a warrant in respect of premises to authorise the Commissioner to require a person to provide an explanation of information capable of being viewed using equipment on the premises.

Amendment 83, page 207, line 8, at end insert—

“() to require any person on the premises to provide, in an appropriate form, a copy of information capable of being viewed using equipment on the premises which may enable the Commissioner to make such a determination,”

See the explanatory statement for Amendment 81.

Amendment 84, page 207, line 10, after “premises” insert—

“and of any information capable of being viewed using equipment on the premises”.

See the explanatory statement for Amendment 82.

Amendment 85, page 207, line 18, at end insert—

“() For the purposes of this paragraph, a copy of information is in an “appropriate form” if —

(a) it can be taken away, and

(b) it is visible and legible or it can readily be made visible and legible.”

See the explanatory statement for Amendment 81.

Amendment 86, page 210, line 13, at end insert—

“() references to a judge of the High Court have effect as if they were references to a judge of the Court of Session,”.—(Margot James.)

See the explanatory statement for Amendment 78.

Schedule 17

RELEVANT RECORDS

Amendments made: 87, page 214, line 22, at end insert—

“() the Department of Justice in Northern Ireland;”

See the explanatory statement for Amendment 89.

Amendment 88, page 214, line 42, at end insert—

“Part 5 of the Police Act 1997,”

(i) Part 5 of the Police Act 1997,”

This amendment provides that the Secretary of State’s functions under Part 5 of the Police Act 1997 are “relevant functions” for the purposes of paragraph 4 of Schedule 17 (relevant records relating to statutory functions).

Amendment 89, page 215, line 6, at end insert—

“() In relation to the Department of Justice in Northern Ireland, the ‘relevant functions’ are its functions under Part 5 of the Police Act 1997.”

This amendment and Amendment 87 provide that the Department of Justice in Northern Ireland’s functions under Part 5 of the Police Act 1997 are “relevant functions” for the purposes of paragraph 4 of Schedule 17 (relevant records relating to statutory functions).

Amendment 90, page 215, line 8, after “under” insert —

(a) Part 5 of the Police Act 1997, or

(b) ”

This amendment provides that the Scottish Ministers’ functions under Part 5 of the Police Act 1997 are “relevant functions” for the purposes of paragraph 4 of Schedule 17 (relevant records relating to statutory functions).

Amendment 91, page 215, line 11, at end insert—

“() Part 5 of the Police Act 1997,”.—(Margot James.)

This amendment provides that the Disclosure and Barring Service’s functions under Part 5 of the Police Act 1997 are “relevant functions” for the purposes of paragraph 4 of Schedule 17 (relevant records relating to statutory functions).

Schedule 18

MINOR AND CONSEQUENTIAL AMENDMENTS

Amendments made: 92, page 216, line 1, leave out sub-paragraph (2) and insert—

“() In subsection (2), for ‘issued under section 52B (data-sharing code) of the Data Protection Act 1998’ substitute “prepared under section 121 of the Data Protection Act 2018 (data-sharing code) and issued under section 124(4) of that Act’.”

This amendment replaces a consequential amendment of section 19AC of the Registration Service Act 1953. The new wording makes clear that the code referred to is the data-sharing code prepared under Clause 121 and issued under Clause 124(4).

Amendment 93, page 216, line 29, leave out “160” and insert—

“(Applications in respect of urgent notices)”

This amendment amends a consequential amendment to the Parliamentary Commissioner Act 1967 and is consequential on NC15.

Amendment 94, page 217, line 2, leave out “160” and insert—

“(Applications in respect of urgent notices)”

This amendment amends a consequential amendment to the Local Government Act 1974 and is consequential on NC15.

Amendment 95, page 217, line 17, leave out “160” and insert—

“(Applications in respect of urgent notices)”

This amendment amends a consequential amendment to the Local Government Act 1974 and is consequential on NC15.

Amendment 96, page 223, line 38, leave out “160” and insert—

“(Applications in respect of urgent notices)”

This amendment amends a consequential amendment to the Health Service Commissioners Act 1993 and is consequential on NC15.

Amendment 97, page 224, line 12, at end insert—

“, with the exception of section 62 and paragraphs 13, 15, 16, 18 and 19 of Schedule 15 (which amend other enactments)”.

This amendment provides that certain provisions of the Data Protection Act 1998, which amend other enactments, are not to be repealed.

Amendment 98, page 231, line 19, , leave out “160” and insert—

“(Applications in respect of urgent notices)”

This amendment amends a consequential amendment to the Scottish Public Services Ombudsman Act 2002 and is consequential on NC15.

Amendment 99, page 236, line 2, leave out “160” and insert—

“(Applications in respect of urgent notices)”

This amendment amends a consequential amendment to the Public Services Ombudsman (Wales) Act 2005 and is consequential on NC15.

Amendment 100, page 236, line 36, , leave out “160” and insert—

“(Applications in respect of urgent notices)”

This amendment amends a consequential amendment to the Commissioner for Older People (Wales) Act 2006 and is consequential on NC15.

Amendment 101, page 239, line 34, leave out subparagraph (2) and insert—

“() In subsection (6), for ‘issued under section 52B (data-sharing code) of the Data Protection Act 1998’ substitute ‘prepared under section 121 of the Data Protection Act 2018 (data-sharing code) and issued under section 124(4) of that Act’.”

This amendment replaces a consequential amendment of section 45E of the Statistics and Registration Service Act 2007. The new wording makes clear that the code referred to is the data-sharing code prepared under Clause 121 and issued under Clause 124(4).

Amendment 102, page 245, line 2, leave out “160” and insert—

“(Applications in respect of urgent notices)”

This amendment amends a consequential amendment to the English language text of the Welsh Language (Wales) Measure 2011 and is consequential on NC15.

Amendment 103, page 245, line 6, leave out “160” and insert—

“(Applications in respect of urgent notices)”

This amendment amends a consequential amendment to the Welsh language text of the Welsh Language (Wales) Measure 2011 and is consequential on NC15.

Amendment 104, page 252, line 9, leave out “160” and insert—

“(Applications in respect of urgent notices)”

This amendment amends a consequential amendment to the Public Services Ombudsman Act (Northern Ireland) 2016 and is consequential on NC15.

Amendment 105, page 253, line 9, leave out “160” and insert—

“(Applications in respect of urgent notices)”

This amendment amends a consequential amendment to the Justice Act (Northern Ireland) 2016 and is consequential on NC15.

Amendment 106, page 254, line 23, leave out subparagraph (2) and insert—

“() In subsection (2), for ‘issued under section 52B (data-sharing code) of the Data Protection Act 1998’ substitute ‘prepared under section 121 of the Data Protection Act 2018 (data-sharing code) and issued under section 124(4) of that Act’.”

This amendment replaces a consequential amendment of section 43 of the Digital Economy Act 2017. The new wording makes clear that the code referred to is the data-sharing code prepared under Clause 121 and issued under Clause 124(4).

Amendment 107, page 254, line 37, leave out subparagraph (2) and insert—

“() In subsection (2), for ‘issued under section 52B (data-sharing code) of the Data Protection Act 1998’ substitute ‘prepared under section 121 of the Data Protection Act 2018 (data-sharing code) and issued under section 124(4) of that Act’.”

This amendment replaces a consequential amendment of section 52 of the Digital Economy Act 2017. The new wording makes clear that the code referred to is the data-sharing code prepared under Clause 121 and issued under Clause 124(4).

Amendment 108, page 255, line 13, leave out subparagraph (2) and insert—

“() In subsection (2), for ‘issued under section 52B (data-sharing code) of the Data Protection Act 1998’ substitute ‘prepared under section 121 of the Data Protection Act 2018 (data-sharing code) and issued under section 124(4) of that Act’.”

This amendment replaces a consequential amendment of section 60 of the Digital Economy Act 2017. The new wording makes clear that the code referred to is the data-sharing code prepared under Clause 121 and issued under Clause 124(4).

Amendment 109, page 255, line 28, leave out subparagraph (2) and insert—

“() In subsection (2), for ‘issued under section 52B (data-sharing code) of the Data Protection Act 1998’ substitute ‘prepared under section 121 of the Data Protection Act 2018 (data-sharing code) and issued under section 124(4) of that Act’.”

This amendment replaces a consequential amendment of section 70 of the Digital Economy Act 2017. The new wording makes clear that the code referred to is the data-sharing code prepared under Clause 121 and issued under Clause 124(4).

Amendment 110, page 257, line 12, at end insert—

“Section (Destroying or falsifying information and documents etc)	Destroying or falsifying information and documents etc”
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This amendment amends a consequential amendment to the Estate Agents (Specified Offences) (No. 2) Order 1991 to include a reference to the offence in NC14.

Amendment 111, page 260, line 8, at end insert—

“Data Protection (Corporate Finance Exemption) Order 2000 (S.I. 2000/184)

238A The Data Protection (Corporate Finance Exemption) Order 2000 is revoked.

Data Protection (Conditions under Paragraph 3 of Part II of Schedule 1) Order 2000 (S.I. 2000/185)

238B The Data Protection (Conditions under Paragraph 3 of Part II of Schedule 1) Order 2000 is revoked.

Data Protection (Functions of Designated Authority) Order 2000 (S.I. 2000/186)

238C The Data Protection (Functions of Designated Authority) Order 2000 is revoked.

Data Protection (International Co-operation) Order 2000 (S.I. 2000/190)

238D The Data Protection (International Co-operation) Order 2000 is revoked.

Data Protection (Subject Access) (Fees and Miscellaneous Provisions) Regulations 2000 (S.I. 2000/191)

238E The Data Protection (Subject Access) (Fees and Miscellaneous Provisions) Regulations 2000 are revoked.

Consumer Credit (Credit Reference Agency) Regulations 2000 (S.I. 2000/290)

238F In the Consumer Credit (Credit Reference Agency) Regulations 2000, regulation 4(1) and Schedule 1 (statement of rights under section 9(3) of the Data Protection Act 1998) are revoked.

Data Protection (Subject Access Modification) (Health) Order 2000 (S.I. 2000/413)

238G The Data Protection (Subject Access Modification) (Health) Order 2000 is revoked.

Data Protection (Subject Access Modification) (Education) Order 2000 (S.I. 2000/414)

238H The Data Protection (Subject Access Modification) (Education) Order 2000 is revoked.

Data Protection (Subject Access Modification) (Social Work) Order 2000 (S.I. 2000/415)

238I The Data Protection (Subject Access Modification) (Social Work) Order 2000 is revoked.

Data Protection (Crown Appointments) Order 2000 (S.I. 2000/416)

238J The Data Protection (Crown Appointments) Order 2000 is revoked.

Data Protection (Processing of Sensitive Personal Data) Order 2000 (S.I. 2000/417)

238K The Data Protection (Processing of Sensitive Personal Data) Order 2000 is revoked.

Data Protection (Miscellaneous Subject Access Exemptions) Order 2000 (S.I. 2000/419)

238L The Data Protection (Miscellaneous Subject Access Exemptions) Order 2000 is revoked.

Data Protection (Designated Codes of Practice) (No. 2) Order 2000 (S.I. 2000/1864)

238M The Data Protection (Designated Codes of Practice) (No. 2) Order 2000 is revoked.”

This amendment revokes a number of Orders and regulations made under Parts 1, 2, 4 and 6 of the Data Protection Act 1998.

Amendment 112, page 264, line 15, at end insert—

“Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order 2002 (S.I. 2002/2905)

276A The Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order 2002 is revoked.

Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426)

276B The Privacy and Electronic Communications (EC Directive) Regulations 2003 are amended as follows.

276C In regulation 2(1) (interpretation), in the definition of “the Information Commissioner” and “the Commissioner”, for “section 6 of the Data Protection Act 1998” substitute “the Data Protection Act 2018”.

276D (1) Regulation 4 (relationship between these Regulations and the Data Protection Act 1998) is amended as follows.

(2) The existing text becomes sub-paragraph (1).

(3) In that sub-paragraph, for “the Data Protection Act 1998” substitute “the data protection legislation”.

(4) After that sub-paragraph insert—

“(2) In this regulation—

“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

“personal data” and “processing” have the same meaning as in Parts 5 to 7 of that Act (see section 3(2), (4) and (14) of that Act).”

(3) Regulation 2(2) and (3) (meaning of certain expressions) do not apply for the purposes of this regulation.”

(5) In the heading of that regulation, for “the Data Protection Act 1998” substitute “the data protection legislation”.

This amendment revokes an Order made under paragraph 10 of Schedule 3 to the Data Protection Act 1998. It also makes consequential amendments of the Privacy and Electronic Communications (EC Directive) Regulations 2003. See also the transitional provision in NS3.

Amendment 113, page 265, line 45, at end insert—

“Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (S.I. 2004/3244)

286A In regulation 3(1) of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, omit “the appropriate limit referred to in section 9A(3) and (4) of the 1998 Act and”.

This amendment amends provision about the appropriate limit for the purposes of section 9A of the Data Protection Act 1998 and section 12 of the Freedom of Information Act 2000 in consequence of the repeal of the Data Protection Act 1998.

Amendment 114, page 273, line 19, at end insert—

“Data Protection (Processing of Sensitive Personal Data) Order 2006 (S.I. 2006/2068)

302A The Data Protection (Processing of Sensitive Personal Data) Order 2006 is revoked.”

This amendment revokes an Order made under paragraph 10 of Schedule 3 to the Data Protection Act 1998.

Amendment 115, page 279, line 20, at end insert—

“or section (Destroying or falsifying information and documents etc) of that Act (destroying or falsifying information and documents etc);”

This amendment amends a consequential amendment to the Companies (Disclosure of Address) Regulations 2009 to include a reference to the offence in NC14.

Amendment 116, page 280, line 10, at end insert—

“or section (Destroying or falsifying information and documents etc) of that Act (destroying or falsifying information and documents etc);”

This amendment amends a consequential amendment to the Overseas Companies Regulations 2009 to include a reference to the offence in NC14.

Amendment 117, page 280, line 31, at end insert—

“Data Protection (Processing of Sensitive Personal Data) Order 2009 (S.I. 2009/1811)

321A The Data Protection (Processing of Sensitive Personal Data) Order 2009 is revoked.”

This amendment revokes an Order made under paragraph 10 of Schedule 3 to the Data Protection Act 1998.

Amendment 118, page 283, line 7, at end insert—

“Data Protection (Monetary Penalties) (Maximum Penalty and Notices) Regulations 2010 (S.I. 2010/31)

329A The Data Protection (Monetary Penalties) (Maximum Penalty and Notices) Regulations 2010 are revoked.”

This amendment revokes an Order made under sections 55A and 55B of the Data Protection Act 1998.

Amendment 119, page 284, line 43, at end insert—

“Data Protection (Monetary Penalties) Order 2010 (S.I. 2010/910)

338A The Data Protection (Monetary Penalties) Order 2010 is revoked.”

This amendment revokes an Order made under section 55E of the Data Protection Act 1998.

Amendment 120, page 287, line 39, at end insert—

“Data Protection (Processing of Sensitive Personal Data) Order 2012 (S.I. 2012/1978)

347A The Data Protection (Processing of Sensitive Personal Data) Order 2012 is revoked.”

This amendment revokes an Order made under paragraph 10 of Schedule 3 to the Data Protection Act 1998.

Amendment 121, page 289, line 20, at end insert—

“Data Protection (Assessment Notices) (Designation of National Health Service Bodies) Order 2014 (S.I. 2014/3282)

357A The Data Protection (Assessment Notices) (Designation of National Health Service Bodies) Order 2014 is revoked.”

This amendment revokes an Order made under section 41A of the Data Protection Act 1998.

Amendment 122, page 290, line 9, at end insert—

“or section (Destroying or falsifying information and documents etc) of that Act (destroying or falsifying information and documents etc);”

This amendment amends a consequential amendment to the Companies (Disclosure of Date of Birth Information) Regulations 2015 to include a reference to the offence in NC14.

Amendment 123, page 293, line 11, leave out “; or”

See the explanatory statement for Amendment 124.

Amendment 124, page 293, line 14, after “notice);” insert—

“or section (Destroying or falsifying information and documents etc) of that Act (destroying or falsifying information and documents etc);”

- (i) section (Destroying or falsifying information and documents etc) of that Act (destroying or falsifying information and documents etc);”

This amendment makes a further consequential amendment to the Register of People with Significant Control Regulations 2016 to include a reference to the offence in NC14.

Amendment 125, page 294, line 16, at end insert—

“(ea) section (Information orders) (information orders);”

This amendment and Amendment 131 apply new Clause NC13, with a modification, for the purposes of enforcing the Electronic Identification and Trust Services for Electronic Transactions Regulations 2016 and the eIDAS Regulation (defined in the 2016 Regulations).

Amendment 126, page 294, line 18, at end insert—

“(ga) section (Destroying or falsifying information and documents etc) (destroying or falsifying information and documents etc);”

This amendment applies new Clause NC14 for the purposes of enforcing the Electronic Identification and Trust Services for Electronic Transactions Regulations 2016 and the eIDAS Regulation (defined in the 2016 Regulations).

Amendment 127, page 294, line 34, at end insert—

“(ta) section (Applications in respect of urgent notices) (applications in respect of urgent notices);

(tb) section 173 (jurisdiction);”

This amendment and Amendment 135 apply new Clause NC15 and Clause 173, with modifications, for the purposes of enforcing the Electronic Identification and Trust Services for Electronic Transactions Regulations 2016 and the eIDAS Regulation (defined in the 2016 Regulations).

Amendment 128, page 295, line 16, at end insert—

“(3) In that section, subsection (2) has effect as if paragraph (a) were omitted.”

This amendment is consequential on Amendment 28. It amends consequential provision applying Clause 141 of the Bill, with modifications, for the purposes of enforcing the Electronic Identification and Trust Services for Electronic Transactions Regulations 2016 and the eIDAS Regulation (defined in the 2016 Regulations).

Amendment 129, page 295, line 24, after “143” insert—

“or (Destroying or falsifying information and documents etc)”

This amendment is consequential on NC14 and Amendment 126. It amends consequential provision applying Clause 142(7) of the Bill, with modifications, for the purposes of enforcing the Electronic Identification and Trust Services for Electronic Transactions Regulations 2016 and the eIDAS Regulation (defined in the 2016 Regulations).

Amendment 130, page 295, line 27, at beginning insert—

“section (Destroying or falsifying information and documents etc) or”

This amendment is consequential on NC14 and Amendment 126. It amends consequential provision applying Clause 142(8) of the Bill, with modifications, for the purposes of enforcing the Electronic Identification and Trust Services for Electronic Transactions Regulations 2016 and the eIDAS Regulation (defined in the 2016 Regulations).

Amendment 131, page 295, line 27, at end insert—

“Modification of section (Information orders) (information orders)

4A Section (Information orders)(2)(b) has effect as if for “section141(2)(b)” there were substituted “section141(2).”

See the explanatory statement for Amendment 125.

Amendment 132, page 295, line 38, after “(8)” insert “, (8A).”

This amendment is consequential on Amendment 38. It amends consequential provision applying Clause 144 of the Bill, with modifications, for the purposes of enforcing the Electronic

Identification and Trust Services for Electronic Transactions Regulations 2016 and the eIDAS Regulation (defined in the 2016 Regulations).

Amendment 133, page 295, line 40, at end insert—

“(d) subsection (8A)(a) has effect as if for “as described in section146(2) or that an offence under this Act” there were substituted “to comply with the eIDAS requirements or that an offence under section 143 or (Destroying or falsifying information and documents etc) or paragraph 15 of Schedule15”.

This amendment is consequential on Amendment 38. It amends consequential provision applying Clause 144 of the Bill for the purposes of enforcing the Electronic Identification and Trust Services for Electronic Transactions Regulations 2016 and the eIDAS Regulation (defined in the 2016 Regulations).

Amendment 134, page 297, line 18, after “143” insert—

“or (Destroying or falsifying information and documents etc)”

This amendment is consequential on NC14 and Amendment 126. It amends consequential provision applying paragraph 1 of Schedule 15 to the Bill, with modifications, for the purposes of enforcing the Electronic Identification and Trust Services for Electronic Transactions Regulations 2016 and the eIDAS Regulation (defined in the 2016 Regulations).

Amendment 135, page 298, line 38, at end insert—

“Modification of section173 (jurisdiction)

18A (1) Section 173 has effect as if subsections (2)(c) and (d) and (3) were omitted.

(2) Subsection (1) of that section has effect as if for “subsections (3) and (4)” there were substituted “subsection (4).”

See the explanatory statement for Amendment 127.

Amendment 136, page 299, line 9, after “143,” insert—

“(Destroying or falsifying information and documents etc),”

See the explanatory statement for Amendment 126.

Amendment 137, page 299, line 10, after “143” insert—

“or (Destroying or falsifying information and documents etc)”

See the explanatory statement for Amendment 126.

Amendment 138, page 302, line 39, at end insert—

“Data Protection (Charges and Information) Regulations 2018 (S.I. 2018/480)

396A In regulation 1(2) of the Data Protection (Charges and Information) Regulations 2018 (interpretation), at the appropriate places insert—

““data controller” means a person who is a controller for the purposes of Parts 5 to 7 of the Data Protection Act 2018 (see section3(6) and (14) of that Act);”;

““personal data” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section3(2) and (14) of that Act);”.—(Margot James.)

This amendment makes consequential amendments to the Data Protection (Charges and Information) Regulations 2018.

Madam Deputy Speaker (Dame Rosie Winterton): I will now suspend the House for no more than five minutes in order to make a decision about certification. The Division bells will be rung two minutes before the House resumes. Following certification, a Minister will move the appropriate consent motion, copies of which will be available in the Vote Office and will be distributed by Doorkeepers.

6.41 pm

Sitting suspended.

6.43 pm

On resuming—

Madam Deputy Speaker (Dame Rosie Winterton): I can now inform the House that I have completed certification of the Bill, as required by the Standing Order. I have confirmed the view expressed in the Speaker's provisional certificate issued on 8 May. Copies of the final certificate will be made available in the Vote Office and on the parliamentary website.

Under Standing Order No. 83M, a consent motion is therefore required for the Bill to proceed. Copies of the motion are available in the Vote Office and on the parliamentary website, and have been made available to Members in the Chamber. Does the Minister intend to move the consent motion?

Margot James indicated assent.

The House forthwith resolved itself into the Legislative Grand Committee (England and Wales) (Standing Order No. 83M).

[DAME ROSIE WINTERTON *in the Chair*]

6.44 pm

The Second Deputy Chairman of Ways and Means (Dame Rosie Winterton): I remind hon. Members that if there is a Division, only Members representing constituencies in England and Wales may vote. As the knife has fallen, there can be no debate.

Motion made, and Question put forthwith (Standing Order No. 83M(5)).

That the Committee consents to the following certified clauses of the Data Protection Bill [Lords]

Clauses certified under SO No. 83L(2) as relating exclusively to England and Wales and being within devolved legislative competence
Clause 190 of the Bill, as amended in Public Bill Committee (Bill 190).—(Margot James.)

Question agreed to.

The occupant of the Chair left the Chair to report the decision of the Committee (Standing Order No. 83M(6)).

The Deputy Speaker resumed the Chair; decision reported.

Pete Wishart (Perth and North Perthshire) (SNP): On a point of order, Madam Deputy Speaker. I hope the House takes the time to consider very seriously the fact that once again English Members have not had the opportunity to debate the critical issues in clause 190, which has been certified. What can you do, Madam Deputy Speaker, to ensure that English Members in the English Parliament get the opportunity to debate those critical English-only issues?

Madam Deputy Speaker (Dame Rosie Winterton): That is not a point of order.

Third Reading

Queen's and Prince of Wales's consent signified.

6.46 pm

Matt Hancock: I beg to move, That the Bill be now read the Third time.

What a great pleasure this is. The Bill gives people more power and control over their lives online while supporting innovation and entrepreneurship in the digital age. It will deliver real benefits across the country and help our businesses to compete and trade abroad. Strong data protection laws give customers confidence in the products and services that they buy, and that is good for

business. The Bill provides a full data protection framework as we leave the EU, consistent with the general data protection regulation.

We have heard many things during our debates in the Chamber and in Committee, including concerns about small businesses. I reassure colleagues that the Information Commissioner's Office has produced specific advice for them, as well as detailed advice for charities and local government.

The Bill provides a bespoke tech framework that is tailored to the needs of our criminal justice agencies and the intelligence services. That will protect the rights of victims, witnesses and suspects while making sure that we can tackle the changing nature of the global threats that the UK faces.

The Bill has received coverage from around the world, including Australia, the Philippines and, indeed, Suffolk. Let me be clear: the Bill is about preparing Britain for the future. As we leave the EU, the Bill sets out full spectrum data protection legislation, and I hope that the House will give it its Third Reading.

I am very grateful for the way in which the House has engaged with the Bill. I want to put on record my thanks to many people: my hon. Friend the Minister for Digital and the Creative Industries, in particular, for her sterling work day in, day out; my predecessor, who is now Northern Ireland Secretary, who worked hard with me on the Bill before her promotion; the Under-Secretary of State for the Home Department, my hon. Friend the Member for Louth and Horncastle (Victoria Atkins), for grappling with the Bill in a brand new brief; the Digital, Culture, Media and Sport Committee, whose members made many contributions; the Public Bill Committee; the Information Commissioner herself, with whom we have worked very closely on the Bill and who is a great star; and the Whips, Clerks, Committee Chairs, Mr Speaker and the Deputy Speakers. They have all been of great assistance. I also thank the Front-Bench teams of Her Majesty's loyal Opposition, the Scottish National party and other parties for, on the whole, their highly constructive attitude to this important legislation.

The Bill that we send back to the other place has been improved in three key respects. First, we have made good on the promises made by Lord Ashton in the other place. For instance, we have delivered certainty for patient support groups—a cause passionately championed by my noble Friend Baroness Neville-Jones. We have provided reassurance for those on the frontline, safeguarding the emotional, physical and mental health of some of our most vulnerable citizens. We have legislated for a statutory review of the private enforcement provisions of the Bill, which will ensure that we leave no stone unturned in our search for strong and effective oversight of data controllers, particularly where children are concerned.

Secondly, the House has ensured that we have learned the lessons from the Cambridge Analytica scandal, which exploded during the passage of the Bill. The ongoing investigation into that is unprecedented in its scale and importance. We have increased the powers of the Information Commissioner to ensure she has enough resources. Some say that that scandal put data protection at the top of the news. Some even say it made data protection sexy. With the Bill, we can be assured that the Information Commissioner will have the powers that she needs to ensure that those who flout the law are

[*Matt Hancock*]

held to account for their actions. I want particularly to thank the Digital, Culture, Media and Sport Committee for its proposals, which we took on board to strengthen the Bill in response to that scandal. Finally, we have ensured that when it comes to the freedom of the press, we are prepared for the future, not stuck in the past.

The Bill will give people more control over their data, support businesses in their use of data and prepare Britain for Brexit. Over a generation, the Data Protection Act 1998, which this Bill replaces, has commanded broad public consensus and cross-party support. That has been one of its strengths. I hope that this Bill will gain cross-party support on Third Reading so that no matter the debate on some of the points of detail, we will have a broad consensus behind our data protection approach here in the UK for the years to come, because that is one of the strengths of our digital economy—a digital economy that is powering ahead. I hope that the Bill can add to the fundamental underpinnings of the strength of our economy and our society for the future. I commend it to the House.

6.52 pm

Tom Watson: I refer hon. Members to my entry in the Register of Members' Financial Interests. I want to thank all the individuals and organisations that submitted evidence and participated in the discussions about what we all know to be a fiendishly complicated Bill. I am grateful to the Clerks, the *Hansard* reporters and the Doorkeepers for making the passage of the Bill possible.

Given that this is a fiendishly complicated Bill, we put forward our best team on the Public Bill Committee. I particularly thank my Labour Front-Bench colleagues—my right hon. Friend the Member for Birmingham, Hodge Hill (Liam Byrne) and my hon. Friend the Member for Sheffield, Heeley (Louise Haigh)—who are both the brightest of their generation. I would also like to thank my hon. Friends the Members for Ogmire (Chris Elmore), for Bristol North West (Darren Jones) and for Cambridge (Daniel Zeichner), and Members of other Opposition parties, who made great contributions to the Bill. The contributions in today's debate from my right hon. Friend the Member for Doncaster North (Edward Miliband), the right hon. and learned Member for Rushcliffe (Mr Clarke) and the hon. Member for Edinburgh West (Christine Jardine) were intelligent, wise and moving.

Our position has always been that we do not oppose the Bill. We recognise that it contains a number of measures that need to be passed into law by the end of this month, and we have never had any interest in standing in the way of the broad thrust of the Bill or most of its contents. However, we have had a number of specific concerns, and we have sought to improve some parts of the Bill. We have little time to dwell on those issues, but I would like to mention a couple.

We believe that the proposals for a data bill of rights were strong and had merit. They would have created a statutory code of enforceable rights, including the right of the individual to access all their data held or controlled by organisations and large social media companies. With our SNP colleagues, we have also debated how the Home Office will receive a wide exemption when processing the data of newcomers to this country. Given its recent

record, the Home Office is not a Department to which we want to give new sweeping powers over personal data. Keeping this exemption is a continuation of the hostile environment, and we should be ashamed that it remains in the Bill.

Our biggest disappointment, however, is that we did not convince enough Members to commence part 2 of the Leveson inquiry. The victims were solemnly promised that this inquiry would be completed, and today this House has let them down. However, we consider this unfinished business, and I have to say to the Secretary of State that when he is in the twilight of his political career—careers in this place always end in such a way—he will come to regret his decision to side so stridently with the press barons against the victims.

To conclude, the Bill is necessary, but there have been missed opportunities. There has been a missed opportunity to correct the sins of the past on Leveson, and also a failure to look at how we should begin to deal with the future of data capitalism and its impact on people in the new digital age. I hope that the Government will continue to engage on these issues in the coming weeks and months, and we will continue to press them on the subject of citizens' data rights.

6.56 pm

Peter Heaton-Jones: It is a pleasure to be able to speak briefly at the conclusion of our proceedings on the Bill. I have followed it with interest throughout all its stages, and I had the pleasure of sitting on the Public Bill Committee. I echo what has been said about the fine contributions made by Members on both sides of the House at all stages, and I thought that the Committee was extraordinarily well conducted. I particular enjoyed my light-hearted sparring with the right hon. Member for Birmingham, Hodge Hill (Liam Byrne), and the people at BBC Radio Essex will have been delighted that they got a disproportionate amount of airtime as a result.

This is a good Bill. Data protection is incredibly important—and increasingly so. The Bill has successfully navigated the choppy waters that are coming towards us, created by the need for the GDPR to be implemented in only about 14 days' time. If I may say so, the Secretary of State and his entire team have navigated those waters with skill and elegance to ensure that we in the UK now have legislation that does what it needs to do as far as the GDPR is concerned, on which I congratulate them. The Government, the House and the other place have looked into this matter very carefully and rigorously, and they have arrived at what I think is a good package of measures that will do what it needs to do as far as data protection is concerned.

My interest has been in the amendments concerning press regulation, as Members on both sides of the House will remember. I believe that the House has reached the right decision on what started off as an amendment in the other place and what was set out in new clause 18 today. Not to go ahead with Leveson 2 is the right decision. However, I agree with the sentiment that we must keep the victims of what will undoubtedly still be a difficult press environment at the centre of our thinking. It is important that we have not lost the opportunity to do that, and I know the Secretary of State and his team will continue to do so, but I think we have got the balance right today.

I congratulate the whole ministerial team and all those who have taken part in these deliberations. I have followed with interest the arguments made by Members on both sides.

Matt Hancock: My hon. Friend mentioned some people he wanted to thank, and there is one other person I want to thank: my hon. Friend the Member for Chelmsford (Vicky Ford). She was involved with the development of the GDPR in the European Parliament right from the start, and I want to put on the record our thanks, and my personal thanks, for her guidance. She has lived with the Bill for far longer than anybody else in the Chamber.

Peter Heaton-Jones: Yet another mention for Essex, where people will be absolutely delighted.

This is the Government getting on with business. We promised that we would do this in our manifesto, on which we were elected, and we have got on with and delivered it. I will be delighted to see the Bill reaching the statute book. This is the Government delivering what they need to deliver, and doing it in a very rigorous, elegant and clever way. This is a digital Bill for the digital age, and I am pleased to support it.

Question put and agreed to.

Bill accordingly read the Third time and passed, with amendments.

DEFERRED DIVISIONS

Motion made, and Question put forthwith (Standing Order No. 41A(3)),

That, at this day's sitting, Standing Order No. 41A (Deferred divisions) shall not apply to the Motion in the name of Jeremy Corbyn relating to Education (Student Support).—(*Jo Churchill.*)

Question agreed to.

Education (Student Support)

Madam Deputy Speaker (Dame Rosie Winterton): I must inform the House that the Speaker has certified the instrument as relating exclusively to England and being within devolved legislative competence. The motion is therefore subject to double majority voting of the whole House and those representing constituencies in England.

7 pm

Angela Rayner (Ashton-under-Lyne) (Lab): I beg to move,

That an humble Address be presented to Her Majesty, praying that the Education (Student Support) (Amendment) (No. 2) Regulations 2018 (S.I., 2018, No. 443), dated 28 March 2018, a copy of which was laid before this House on 28 March, be annulled.

I thank the Leader of the House for scheduling this debate, which marks an important moment. In this Parliament, Members have had to assert our right to decide the law of the land—a right that some Ministers have tried to avoid by denying us votes on statutory instruments. In this case, the Government let the 40-day period lapse without providing time. They have now agreed to the step, which I think may be unprecedented, of revoking their own regulations and relaying them to allow us a binding vote. Whatever the decision tonight, I hope that we have established the right of the Opposition to secure votes on the Floor of the House. The Government cannot simply legislate by the back door.

On the regulations, the Government's actions once again seem to defy basic sense. Just last week, they rejected our motion to implement their own guarantee and manifesto commitment on school funding. Now, they are ploughing ahead with their plan to scrap bursaries for yet more nursing students, despite knowing full well the disastrous consequences that will follow.

Two years ago, the Government ignored the Opposition and those who work in the health sector when they scrapped the undergraduate bursary. The results were predictable. In 2016, before the abolition, there were more than 47,000 nursing applicants in England. In 2018, the figure fell to about 31,000—a fall of over 15,000. It is clear that this is the reason why we have seen the sharpest ever decline in nursing applications. I know what the Minister will say. He will say that the number of applications is less important than the number of acceptances; he will say that the Government have committed to create more trainee places for nurses. They promised an increase of 5,000 nursing places and said that the nursing bursary had to be scrapped to make that possible, but what have they delivered? Seven hundred fewer students training to be nurses.

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): Does the hon. Lady agree that what is important is that we train more nurses and that there are more applicants than the number we need to train, so that there is good competition that ensures we get the best candidates? It is not necessary to have masses more than we need; we just need enough.

Angela Rayner: I agree with the hon. Lady that we need to ensure that we have not only more applicants, but more people in training. However, 700 fewer students have been training to be nurses since 2017.

Mr Jim Cunningham (Coventry South) (Lab): Once again it is women who are being hurt, particularly adult women who have brought up a family and want to take up a new career in nursing. They are being denied that opportunity or being forced into debt.

Angela Rayner: Forced debt for students and nurses of whatever gender is a really important issue, which I will come on to. My hon. Friend is absolutely right to highlight that we need to encourage both genders to see nursing as a legitimate career.

I mentioned that there are 700 fewer students training to be nurses. That is the first fall in close to a decade.

Karen Lee (Lincoln) (Lab): Does my hon. Friend agree that the bottom line is that without applications we cannot train nurses? That is just all there is to it.

Angela Rayner: My hon. Friend is absolutely right and I congratulate her on her outstanding dedication to nursing.

The Government said that they can fill the gap with nursing apprentices. They promised 1,000 of them, yet it has now been revealed that just 30 apprentice nurses have started the course. To miss a target may be unfortunate, but to miss it by 97% and carry on regardless just seems reckless. The shortfall is not the only problem with relying entirely on apprenticeships. A nursing apprentice will take four years to become a registered nurse. Even if there is a miraculous surge in apprentices starting this summer, we would not see any new qualified nurses on our wards until 2022.

Maria Caulfield (Lewes) (Con): I am not sure the hon. Lady understands what life is like on a bursary as a student nurse. There is just £400 a month to live on. Apprentice nurses are paid. They are a member of a team and they have a guaranteed job at the end of it. That is a very different system, which is a step forward in progress towards getting more nurses into the profession.

Angela Rayner: I respect the hon. Lady and I pay tribute to her for her work in the NHS as a nurse, but the figures show that not only is this change making it difficult for trainee nurses, who do an excellent job on our wards, it is contrary to what we need. Applications fell by 33%, with a 42% drop in mature students. In contrast, an undergraduate nursing course can take three years and postgraduate courses, referred to in the regulations, can take two years, making them some of the quickest ways to tackle the shortfall in numbers.

The same is true with the nursing associates suggested by the Government as another solution. The Government's policy is not only unfair, it is failing completely on their own terms. They have pushed ahead with a policy that has reduced the number of people training to work in our NHS and now they are trying to do it again. I should add that trainee nurses in any of these routes have to do the day job as well. I pay tribute to our nurses for the fantastic job they do every single day in our NHS. Trainee nurses do not get paid the going rate. Those affected by the regulations actually have to borrow money for the privilege.

I hope the Government are clear that simply having more trainees on wards is not a solution to staff shortages. They are there to learn their job, not to do someone else's. There is clear evidence that using support workers

or trainees as replacements for qualified nurses has potentially disastrous consequences for care. I hope the Minister will confirm that that is not the Government's intention.

This measure does not make any financial sense. Tuition and a bursary for a postgraduate or diploma student could cost less than the average premium the NHS pays for an agency nurse for a single year. Providers have suggested that they could expand their courses by up to 50% if funding was available. This comes at a time when there are 40,000 nursing vacancies in the NHS. The Government's failure to fill vacancies is so severe that the Migration Advisory Committee has placed nursing on the shortage occupation list, even as potential recruits in our constituencies are denied the support that they need to serve in the NHS.

Layla Moran (Oxford West and Abingdon) (LD): Does the hon. Lady agree that in the end, the only people we must care about are the patients? In Oxfordshire, in the John Radcliffe Hospital, 170 beds were closed primarily because there was a staff nursing shortage. These measures are not going to fix the immediate problem. Why are the Government continuing to do something that is not evidence-based and will not work?

Angela Rayner: I absolutely agree with the hon. Lady. She is absolutely right to point out that all our focus has to be on making sure that the jewel in Britain's crown—the national health service—has the qualified staff to do the job and keep our patients and loved ones safe.

I have talked about the failure to fill the vacancies in the NHS at the moment, and that is even before we consider the impact of Brexit on the 21,000 brilliant nurses who have come from EU countries to serve in our national health service. Only two months ago, the Health Secretary said that the winter crisis in our NHS was “probably...the worst ever”, but if he carries on like this, there will be worse to come.

It is one thing for Ministers to push ahead with policies against the warning of the Opposition. It is quite another for them to ignore their Departments' impact assessments, yet that is precisely what Ministers have done. The Department for Education's assessment of the changes to the bursary said that it would disproportionately affect women and ethnic minority students, yet Ministers have wilfully pressed ahead. Then the Department of Health and Social Care found that the change could make women, older students and students with lower incomes less likely to participate in postgraduate nursing courses. Again, Ministers pressed ahead, and we have seen the consequences not just in the number of applications, but in who has applied. Just as they were warned, the profile of our future nurses has become less representative. In particular, there has been a 42% fall in applications from mature students.

This is not simply a matter of fairness or even just about the benefit of a diverse workforce providing frontline care to a diverse population. Older nursing graduates are more likely to stay longer in the NHS and are more likely to choose areas such as mental health or learning disability nursing, which are facing severe staff shortages. Just yesterday, campaigners warned of the impact that the abolition of the bursary has had on those areas.

Vicky Ford (Chelmsford) (Con): The hon. Lady is making a very powerful point, but we need to be very focused with our intervention. I represent an area that has a nursing school. Although applications have dropped, we still have five applicants for every place and 30% more qualified applicants for every place, so if we are to take measures, we need to make sure that they are very targeted in the areas in which we intervene.

Angela Rayner: I absolutely agree that we have to make sure that we target interventions and make sure that they work, but part of the reason I have brought the motion before the House today is that the interventions are simply not working. Since 2017, we have 700 fewer students training to be nurses, so the impact is absolutely clear, and I hope that Government Members will support our motion.

Some universities are even looking at closing down specialist courses entirely. If today's regulations pass, there is every reason to believe that this will get worse. Nearly two thirds of postgraduate nursing students are over 25, more than a quarter are from ethnic minorities and 80% are women, so the impact of today's regulations will surely be even worse than the previous cuts. Even if the Government are determined to make the change, there are good reasons not to make it now. This policy would move postgraduate nursing students over to the main student finance system, which means dealing with the Student Loans Company.

There is every reason to believe that the Student Loans Company is not yet ready. In recent weeks, the Government have been dealing with an error by the company that has led to 793 nurses being hit with unexpected demands to repay accidental overpayments they were unaware of. The Government's response was a hardship fund of up to £1,000 per student, yet the Minister for Universities, Science, Research and Innovation, the hon. Member for East Surrey (Mr Gyimah), admitted in a written answer to my hon. Friend the Member for Blackpool South (Gordon Marsden) that the majority of students were overpaid by more than £1,000 and will be left short. Perhaps when he responds, the Minister will tell us how he can possibly expect nursing students affected by this policy to have any faith in the system they will be stuck in.

With the Government finally embarking on their flagship review of higher education, they could have allowed this issue to be considered as part of the review before going ahead with this change today. Ministers have insisted that this change is necessary now to make how we fund training sustainable, yet there is little reason to believe that it will achieve this. The average NHS nurse earns just over £31,000 a year and the average graduate now leaves university with £50,000 of debt. A new nurse with a postgraduate qualification will take 86 years to repay their undergraduate debt on the average NHS salary—that is before we add interest—which is nearly triple the current repayment period before debt is written off, meaning they will not even begin to repay the debt. How many postgraduate students affected by this policy will repay any of, let alone all, their additional loan, and how much of that debt will simply be written off by the taxpayer in decades to come?

Rachel Maclean (Redditch) (Con): Does the hon. Lady not agree it is completely wrong to talk about debt in the way she is—in this place—as though it is some

sort of credit card debt? It completely misrepresents the situation for young people from disadvantaged backgrounds thinking about going to university. Her words will be putting them off.

Angela Rayner: I am not sure it is my words that are putting people off; I would say the thought of having £50,000 of debt hanging over them for a very long time is putting people off going into education.

Karen Lee: I started my nurse training in 2000 as a single mum. When I finished, I had £15,000 of debt—and that was with a bursary. It took me five years to pay it off. People say we should not talk about debt, but we have to talk about it—debt is debt. Students come out with debate. I came out with debt. I sit here listening to people who know nothing about this talking as if they do. It simply is not true.

Angela Rayner: The passion from my hon. Friend reflects how people feel up and down the country. It is funny because we all know what happened at the general election—and the verdict was clear on the Government's position on education and student debt and tuition. [HON. MEMBERS: "You lost!"] And of course the Government lost their majority at the same time, and the weak and wobbly Prime Minister has done nothing to make anyone in the country feel more confident about her future—but I digress.

How many postgraduate students affected by this policy repay any of, let alone all, their additional loan? Will the Minister explain how this is sustainable? How much will really be saved in the long run? Or is this another example of what the Treasury Select Committee has called the fiscal illusion—in this case, of a student finance system that allows the Government to pretend they have made a saving when they are simply passing the bill down to the next generation? It is no wonder that all the devolved nations have maintained their own NHS bursaries.

Dr Caroline Johnson: The hon. Lady talked about the general election and promises on education and education funding. Will the Labour party be keeping its education promises to repay the debts of students who have already incurred them?

Angela Rayner: I should have thought that Conservative Members would have read what was a great manifesto. They have hidden theirs now—I cannot see it, because it is hard to find—but ours was absolutely clear, and we continue to be clear about the fact that we would abolish tuition fees. The debt that our students face at the moment is the result of a tripling of student debt on the Conservatives' watch.

I hope that Conservative Members will support our motion, not least given the financial consequences of Government cuts for their own budgets, but also because I believe that we should welcome nursing students from all over the United Kingdom. If we do so, the whole country will benefit. If the House votes for the motion, that vote will be a clear call for the Government to rethink the cuts, restore the bursary, and respect the will of the House.

A few months ago, the Health Secretary said that the NHS was "nothing without its nurses". I support that sentiment tonight, but the sentiment without substance is not enough. I am sure that there is not a single

[Angela Rayner]

Member in the Chamber who would not acknowledge the urgent need for us to recruit more nurses, so I ask all Members to put their votes where their voices are. I commend the motion to the House.

7.21 pm

The Minister for Health (Stephen Barclay): I join the hon. Member for Ashton-under-Lyne (Angela Rayner) in welcoming the opportunity to discuss the increase in the number of postgraduate places that will be unlocked as a consequence of the statutory instrument. She ended her speech by saying that there was an “urgent need” to recruit more. The central premise of her opposition to a change that will remove the arbitrary cap imposed by the bursary, and hence unlock additional places for postgraduate students, seems a strange one on which to base her speech, given that we are ensuring that we can continue to increase the number of nurses that the Government have delivered through the postgraduate route, as we have through the undergraduate route.

At present, about 2,500 students gain access to nursing, midwifery and allied healthcare professions through the postgraduate route, a number that is constrained by the cap. The policy that we are discussing has already been applied to the much larger population of about 28,000 undergraduates studying the same subject. The statutory instrument will ensure consistency in the approach to both populations, while enabling both to increase their number by 25%.

This is part of a much wider package of Government measures. We are, for instance, increasing the number of apprenticeships. I know that my right hon. Friend the Member for Harlow (Robert Halfon), as Chair of the Education Committee, has repeatedly championed their importance as a route into nursing for those who do not want to go to university. Similarly, my hon. Friend the Member for Chelmsford (Vicky Ford) has campaigned repeatedly in respect of medical school places. There are five new medical schools and 1,500 new medical places, again as part of the increase in the number of nurses. We have made a commitment through “Agenda for Change”, working with the trade unions, to deliver pay increases and we have programmes such as the return to work programme, which has seen more than 4,000 former nursing staff applying to return to the profession.

Robert Halfon (Harlow) (Con): I will be supporting my hon. Friend this evening. I welcome what he said about apprentices. I think this squares the circle. We need to rocket-boost apprenticeship programmes in the NHS. I intend to say more about that in my speech, but may I ask whether he is committed to that today?

Stephen Barclay: I was just taking inspiration. Let me explain the route into nursing through apprenticeships. A four-year package will enable people who do not want to go to university—this is a point that my right hon. Friend has repeatedly made in the Education Committee—to progress to nursing roles by means of what he has often referred to as a ladder. Healthcare assistants tend to feel trapped in roles that do not give them an opportunity to progress. This is at the heart of what the Government stand for: giving people an opportunity to progress at different stages in their lives through the apprenticeship route.

Sir Desmond Swayne (New Forest West) (Con): Will my hon. Friend address the allegation that there are 700 fewer nurses in training?

Stephen Barclay: My right hon. Friend will not be surprised to learn that that is a selective picking of the facts because it does not include direct entrants, to cite just one example that was not included. I could go on, but I know the—[HON. MEMBERS: “Go on”.] It does not take account of direct entrants; that is one population that was not included. It also—

Karen Lee rose—

Stephen Barclay: Would the hon. Lady like me to go on or to give way?

Karen Lee: Would the Minister confirm the number?

Stephen Barclay: I am happy to confirm that. We now have 13,100 more nurses on wards since 2010 and we have a commitment to expand the numbers—[*Interruption.*] It is a new programme and we are expanding the number of apprenticeships. We have committed to 5,000 this year, expanding to 7,500.

It is interesting, is it not? Having routes that give people opportunities to progress—having different choices for people and empowering individuals, not all of whom want to go to university—so that people from different backgrounds can go into the profession is the very essence of what our party stands for. It is shame—

Dr Philippa Whitford (Central Ayrshire) (SNP): Does the Minister therefore challenge the figure of only 30 apprentices and does he recognise that with a four-year course they will not be ready until 2022, and there is a need for nurses now?

Stephen Barclay: I absolutely recognise that the apprenticeship route will take four years, but the Government have given a clear commitment to that and that is backed up by significant—[*Interruption.*] The UCAS figures are embargoed, so I do not have the latest figure. The point is that it is a four-year programme and it will take time to roll out, but it is backed by significant funding: the NHS is contributing £200 million to the apprenticeship levy. That is a signal of this Government’s commitment. The Minister for Apprenticeships and Skills is here, championing the apprenticeship route, as are other Members through the Select Committees. It is a shame that some Opposition Members are not reflecting on the benefits offered by apprenticeships as an alternative route into the nursing profession that will deliver more nurses. That should be welcomed.

John Howell (Henley) (Con): I think my hon. Friend the Minister has forgotten that the Minister for Education, my right hon. Friend the Member for Bognor Regis and Littlehampton (Nick Gibb), is also here, which reinforces the point that the starting point for promoting nursing is at school. Does my hon. Friend agree?

Stephen Barclay: I do agree with my hon. Friend. Indeed we have three Ministers from the Department for Education here, which again shows the Government’s joined-up approach. The NHS, as the employer of 1.5 million people, is a standard setter that can provide leadership in the apprenticeships market and looks at

doing so not just for nursing apprenticeships, but across a range of apprenticeship routes. The Minister for Apprenticeships and Skills, who is a former Minister in the Department of Health, understands that issue extremely well.

Layla Moran: Does the Minister really think that this needs to be an either/or? Could we not do the very good work that is going on with apprenticeships and also maintain this important bursary? Does he have something to say to the chief executive of the Royal College of Nursing, who says these changes are short-sighted? Has the RCN's position changed?

Stephen Barclay: I agree with the hon. Lady that we can do both: we can have the apprenticeship route, but we can also increase the number who do postgraduate training as an entry point into the profession. It is also why we are looking to expand the number of undergraduates. This is also empowering for students because it means that, while they are undertaking their course, they will receive more funding than they would under the existing system. Under the move to the loan system, depending on the circumstances of the course, health students will typically receive up to 25% more in the financial resources available to them for living costs during the time they are at university. For example, a student without dependants living away from home could access £9,256 under the loans system, compared with £6,975 under the NHS bursary system.

Jonathan Ashworth (Leicester South) (Lab/Co-op): The Minister is being typically gracious in giving way. He said in his opening remarks that he wanted to unlock additional places but, according to the RCN, far from unlocking additional places, the removal of the bursary has led to a fall of 700 places on nursing degrees and a 3% decline in the number of people starting nursing courses since 2016. Is it his view that the RCN is lying?

Stephen Barclay: The hon. Gentleman is quoting selectively. He is right to point to 2016, because the number of nurses in training was at a record high—an achievement by this Government for which little credit was given by the Opposition. The new system will take time to bed in, but it is important to ensure that more places are available and that there are more applicants, and that is our approach.

Maria Caulfield: Opposition Members seem to be portraying the bursary system as a panacea, but it was not a well-functioning system. There were more applicants than available places, and it was a real struggle for students from poorer backgrounds, such as myself, to live on £400 a month with no alternative income. The system also only catered for students with an academic background. The new apprenticeship system allows degree-entry nursing, but not necessarily through the academic route.

Stephen Barclay: As a nurse, my hon. Friend speaks with great authority and she is right. This is about empowering those who want to be a nurse, not all of whom want to go to university. She is also right to remind the House that many people's ambitions are choked off by the existing system. Under the bursary system, over 30,000 people who applied to be a nurse

were rejected. Too many people were being rejected, and we need more nurses, so we have a package of measures to increase the number of nursing places. Nothing has been said about those who were thwarted in that ambition. Universities, too, have consistently argued that healthcare postgraduate courses were an area prime for growth if we offered suitable loan products.

Dr Andrew Murrison (South West Wiltshire) (Con): The Minister is right to highlight the university sector but has he, like me, recently visited his local further education college? If he has, I am sure that staff will have expressed the same view that I heard in Trowbridge recently: the new apprenticeship route into nursing is good for FE colleges that want to offer nurse training. Some colleges currently feel constrained because they are frozen out by universities but, in setting up such courses, colleges will be able to offer nursing to a much greater range of people than is currently the case.

Stephen Barclay: As a medic, my hon. Friend alights on an important point that I am happy to pick up. A number of the professions are degree entry, which precludes the further education college sector, so I will be happy to discuss that with him.

It is worth drawing to the House's attention that it is not just universities that have been pushing for a change. Professor Dame Jessica Corner, the chair of the Council of Deans of Health, said:

"Our members report receiving a high number of good quality applications for most courses and they will continue to recruit through to the summer. Where courses have historically had a large number of applicants, fewer applicants might well not affect eventual student numbers".

The key issue is not just how many people apply; it is ensuring that there are sufficient applicants for the places and then increasing the number of places on offer.

Paul Blomfield (Sheffield Central) (Lab): Will the Minister give way?

Stephen Barclay: I have given way quite a lot, so I will make a little progress.

In addressing the Opposition's points, we have moved slightly outside the scope of the SI before the House, which concerns postgraduates, into a discussion about undergraduates, and the Chair of the Health Committee, my hon. Friend the Member for Totnes (Dr Wollaston), made the point that the postgraduate market has certain features that are distinct from the undergraduate market. In certain disciplines, such as mental health and learning and disability, some older applicants may be more risk averse about taking on a student loan, depending on when they did their first degree. If it was before 1998, they probably will not have a student loan, but let us not forget that the Labour party introduced tuition fees, so many who studied after 1998 will have a loan.

Working in conjunction with colleagues in the Department for Education, and taking some of the lessons about targeted support that have been learned in teaching, we intend to offer £10,000 golden hellos to postgraduate students in specific hard-to-recruit disciplines—mental health, learning and disability, and district nursing—to reflect the fact that those disciplines often have particular recruitment difficulties. That £9.1 million package will be supplemented by a further £900,000 to mitigate a particular challenge with recruiting

[Stephen Barclay]

in any geographical areas. For example, if an area such as Cornwall suddenly found itself having difficulty in recruiting speech and language therapy recruits, a targeted measure—perhaps at a different quantum from £10,000—could be implemented in order to reflect those geographical issues.

Dr Sarah Wollaston (Totnes) (Con): I thank the Minister for meeting me to discuss the concerns raised by the Health Committee in our nursing workforce inquiry. As he has stated, applicants for learning disability and mental health nursing tend to be older, and those applicants are more likely to stay. They are particularly affected, so I am grateful to the Minister for listening to our concerns. Putting the needs of patients first by allowing for these targeted extra packages is very welcome.

Stephen Barclay: I am grateful for that support from the Chair of the Health Committee. Having spent four years on the Committee myself, I know the value that members of Select Committees bring to the House. The Health Committee, particularly under her chairmanship, is hugely valued in the Department. The mitigation package that has been put before the House tonight reflects the constructive engagement that we have had with the Committee. We realise the importance of having consistency between undergraduates and postgraduates, and of expanding the supply of places, but it is also important to recognise that there might be specific areas in which there are recruitment challenges, and that targeted action to mitigate those challenges is appropriate.

Vicky Ford: I thank the Minister for the announcement that he has just made. At the nursing college in Chelmsford, and also at Cambridge and Peterborough, we have 30% more qualified applicants, but there have been fewer applicants for mental health nursing. This targeted intervention will really help to address that need. Will he confirm that this will be locally based where necessary—that is, in the areas where we need the help most?

Stephen Barclay: I am happy to confirm to my hon. Friend that there will be a local element to the targeting of the package. She has been a powerful advocate in helping to secure the new medical school at Chelmsford, which will be a huge boost to the local health economy.

The statutory instrument before the House tonight is part of package being brought forward by this Government, alongside the “Agenda for Change” increase in pay and alongside our ambitions to increase the number of apprenticeships and to encourage people to return to the profession. We have already made this change for the much bigger population of 28,000 undergraduates, and it is right that we should now apply that consistently to the 2,500 postgraduates. We have a targeted measure of support to address any hard-to-recruit areas, and I therefore commend this statutory instrument to the House.

7.37 pm

Dr Philippa Whitford (Central Ayrshire) (SNP): As the Minister says, we are here to discuss removing the bursary from postgraduate nursing students, but it would be crazy not to learn from the experience of the past two years following the removal of the undergraduate

bursary in 2016. Scotland maintained that bursary, as indeed did Northern Ireland and Wales. We provide £6,500 as a bursary and up to £2,500 carers allowance for those with caring commitments, and obviously there are no tuition fees, so that saves another £9,000 a year. Our students are therefore £18,000 a year better off. Only in England has the undergraduate bursary been removed and tuition fees introduced. So nurses in England will face coming out with debts of £50,000 to £60,000.

As has already been said, there has been a 33% fall in applications. Several Government Members have said that there are still plenty of applications, but what talent has been lost in that third? Exactly who are the people who are not applying for nursing because there is no longer a bursary? There has been an even bigger fall—42%—in the number of mature students applying, yet we know that mature nursing students have a much greater tendency to stay in the place where they start and to stay in nursing. We are discussing postgraduate students tonight, and the biggest advantage of postgraduate students is that they will be trained more quickly. The Minister mentioned the fact—although he did not expand on it—that postgraduates already have student loans. The idea of asking them to take on second student loan is likely to result not in a 33% or 42% drop but in an even bigger drop.

The Minister talks about the extra money that the NHS is investing, but why not invest it in attracting people to study nursing as a degree? It is fine to talk about nursing apprenticeships, but we hear that only 30 people have taken those up, and they will not be ready until 2022, so they are not a quick answer. I have nothing against the idea of nurse apprentices, but nurses are now leaders in the health service; we have advanced nurse practitioners and nurses who are managing and leading services. That requires them to be educated to degree level and to have the experience to act as leaders.

What we hear from the Royal College of Nursing is not that there are now 700 fewer nurses in total, but that 700 fewer nurses have started training through the degree course, yet all this change was meant to be about expanding that number. It has not expanded; it reduced last year. The danger is that that pattern will continue and be even more marked for postgraduate students.

In Scotland, obviously, we have maintained the bursary. Instead of a 3% fall in the number of people starting studying, we have seen an 8% rise. Indeed, we have already seen a 10% increase in the number of people signing up for nursing places this year. We all need nurses, because all four national health services are struggling with the workforce, but NHS Improvement reports that there are 36,000 vacancies in NHS England. That is catastrophic. Literally, one in 10 nursing jobs in England is empty. That is more than twice the vacancy rate we face in Scotland. This is safety issue. The Secretary of State talked about safety. This is part of what led to the junior doctors’ strike, because we are talking about avoidable deaths. Research shows that the only measure that reduces avoidable deaths in hospital is the ratio of registered nurses to patients—not healthcare assistants, auxiliaries, doctors or anyone else. This is about registered nurses actually looking after patients.

The extra places that we were told would be funded by removing the undergraduate bursary will start only this autumn, so they will not be ready until 2021. The apprentices will not be ready until 2022. Postgraduate

students starting this autumn will at least be ready in 2020. This is urgent. The NHS in England is struggling for want of nurses. They are the people who make the difference to safety. The Government should be investing in whatever will produce high-quality nurse leaders as quickly as possible, and that is postgraduates.

7.42 pm

Robert Halfon (Harlow) (Con): To achieve social justice and deal with the skills deficit, we need a skills revolution. In many sectors, we have a real skills shortage, particularly at level 4 and above. Young people are pushed towards traditional degrees, but only 52% are getting jobs after graduation that require a degree, according to the Chartered Institute of Personnel and Development. On the flipside, degree apprenticeships are just not growing fast enough, and we need to invest more in further education and skills provision.

I welcome what the Minister has said today, and I thank him for meeting me to discuss this issue. We must go further on nursing apprenticeships, which I believe are the answer to this whole problem. We can square the circle and support nurses by rapidly expanding the apprenticeship programme. Hon. Members will know that I am a passionate advocate of apprenticeships, and I therefore support the introduction of new routes into nursing, through degree apprenticeships and the creation of the nursing associate role.

Nursing degree apprentices will not have to pay anything themselves, as my hon. Friend the Member for Lewes (Maria Caulfield), a brilliant former nurse, explained. They will be able to become degree-registered nurses in four years. Similarly, the new nursing associate role will provide extra capacity in the workforce, and many of those who train as nursing associates may decide to continue to degree-level nursing.

The twin themes of the Education Committee in this Parliament are social justice and productivity. Nursing degree apprenticeships are key to both. They offer an attractive route both for mature students and for those with children, ensuring that all those who wish to train as nurses have the opportunity to do so. I am not suggesting that people should not have the choice of a three-year undergraduate course, but we must maximise the opportunities provided by degree apprenticeships. Doing so would mean that we have a sufficient nursing workforce and that aspiring nurses have options for training.

I have real worries about the fact only 30 people began training as a nurse through the nursing apprenticeship schemes this year, and we need to rapidly improve the number of people doing degree apprenticeships. There needs to be a taskforce involving the Minister for Apprenticeships and Skills, the Minister for Universities, Science, Research and Innovation, Health Ministers, the Institute for Apprenticeships and others to drive this forward and to encourage people with a proper advertising campaign, using the £200 million levy. Thirty is just not enough; we need many thousands of people. If people in my constituency and across the country knew about the schemes, they would want to take them up.

Dr Morrison: Does my right hon. Friend agree that part of the way we might expand the numbers taking the apprenticeship route is to unleash the power of the

further education sector? The sector now has degree-awarding powers and would be very attractive to a large number of people not just in the big urban centres but in the smaller regions, too.

Robert Halfon: Like me, my hon. Friend is a big champion of further education and understands it completely. This could be an incredible moment for our further education colleges because, along with some very good private providers, they could be leading the way in providing degree apprenticeships.

Julian Knight (Solihull) (Con): My wife was a renal nurse for 15 years, and she says that one of the key changes that happened in her time as a nurse was the university-fication of the nursing profession. Does my right hon. Friend agree that having this diverse route is a much better way to do things and brings in people from all backgrounds?

Robert Halfon: My hon. Friend is right. My hope is that, rather than 50% of all students just going to university, one day 50% of all students will be doing degree apprenticeships in all subjects, but especially in the subjects we need, particularly in coding, healthcare, science, engineering and nursing.

Dr Wollaston: I welcome my right hon. Friend's work as Chair of the Select Committee on Education. Does he agree that we are losing too many healthcare assistants because in the past there have not been the opportunities for them to progress? These regulations are an important way to retain such a valued part of our workforce.

Robert Halfon: As so often, my hon. Friend is a mind reader. I will address her point, but of course she is right.

These jobs should not be limited to degree level; we should ensure there are apprenticeships in healthcare professions from level 3. We must have sufficient progression for those already working in the sector. The nursing associate role is a positive step that will provide opportunities for healthcare assistants to progress within the sector. From there, they could train to become registered nurses, if they wish.

Bambos Charalambous (Enfield, Southgate) (Lab): Will the right hon. Gentleman give way?

Robert Halfon: This is the last intervention because I am conscious that other people want to speak.

Bambos Charalambous: In the light of the poor recruitment to the apprenticeship schemes, does the right hon. Gentleman agree it is best to keep both routes open—the bursaries and the apprenticeship schemes—to maximise the number of people coming into the system?

Robert Halfon: I thought that initially, but I have listened to my hon. Friend the Minister's arguments. There was previously a cap, and not everybody was able to get into the system. If we can encourage people down the apprenticeship route, they earn while they learn, there is no debt and they get a lot more than they would get if they had a bursary.

Michelle Donelan (Chippenham) (Con): Will my right hon. Friend give way?

Robert Halfon: This is genuinely the last time I give way. It is impossible to say no to my fellow member of the Education Committee.

Michelle Donelan: Further to the intervention made by my hon. Friend the Member for South West Wiltshire (Dr Murrison), my constituency neighbour, I, too, met Wiltshire College last week, and it is eager to take on nursing apprenticeships. The college shows we can get past the few roadblocks, because it is already affiliated with universities in offering degrees. That is one way in which we can look positively at increasing the number of apprenticeships, rather than looking at it negatively, as we hear from the Opposition.

Robert Halfon: My hon. Friend is a remarkable member of our Committee and she is right in what she says. It is good that the Minister for Health, the Minister for School Standards, the Minister for Universities, Science, Research and Innovation and the Minister for Apprenticeships and Skills are here, because we need to unblock the roadblocks and bureaucracy and really make these things happen, so that thousands of people are doing this, not just 30.

We need to ensure that we are making the progression as smooth as possible. Our Committee is concluding its inquiries on value for money in higher education and the quality of apprenticeships and skills training. Nursing bursaries are relevant to both, so we decided last week to hold a one-off evidence session on the subject in the next few weeks. I hope that the Minister for Health will accept our invitation to discuss the matter in greater detail then. I urge him to carry on championing nursing apprenticeships for other healthcare professionals and to set out in detail, at a later date, what the Government will do on apprenticeships. Let us make that culture change, so that apprenticeships are not seen as the inferior option to traditional courses. The change must start in Whitehall, and only when it happens will we see nursing apprenticeships used to their full potential, contributing effectively to tackling the skills deficit and helping the most disadvantaged to have the careers that they and our country need.

7.51 pm

Karen Lee (Lincoln) (Lab): As Members probably know, I was a nurse until last June. I did 12 years in cardiology and almost three in out-patient gynaecology clinics. As an ex-nurse, I could not be any more in opposition to this amendment to nursing bursaries, as I am concerned that it will fail to address the problems with nursing recruitment and will intensify the fall in applications to nursing courses. Overall, applications have fallen by 33% since March 2016, when bursaries were withdrawn. At that time, the Royal College of Nursing, a much respected and non-political body, said the changes were unfair and risky, and the Royal College of Midwives argued that the move threatened the future of maternity services in England.

I hope that all of us in this Chamber acknowledge that there is a workforce crisis across the whole NHS. As the RCN has said,

“plans by the government to remove the NHS bursary for pre-registration students in England must be stopped immediately”.

It goes on to say that

“nurses need bespoke financial support if the government is to meet its commitment to grow the nursing workforce and meet the future population demand for health and care services”.

The National Audit Office has reported that the impact of the EU referendum appears to be driving EU nurses away, and both the Care Quality Commission and the NAO have raised safety concerns relating to nursing shortages—it is not just Opposition Members who are saying that.

Alex Sobel (Leeds North West) (Lab/Co-op): My hon. Friend gave many years' service as a nurse and I am sure she worked with many nurses who came here from abroad. The Migration Advisory Committee has placed nursing back on the shortage occupation list. In the light of that, is not this statutory instrument wrongheaded, as we need nurses to come through all routes if we have a nursing shortage?

Karen Lee: I completely agree with that.

There are 40,000 nursing vacancies across the NHS and, for the second year in a row, more nurses are leaving the profession than joining, with one in three expected to retire in the next 10 years. The Government have made much of the nursing associate role and apprenticeships for nurses. Nursing associates provide a support role for nurses, and the RCN feels that diluting and substituting registered nurses with associate nurses has potentially life-threatening consequences for patients. That is the RCN saying that, not me.

This Government also speak in glowing terms about the apprentice nurse role. I do take the points made by the right hon. Member for Harlow (Robert Halfon)—he means well—but it takes four years to train as an apprentice nurse and our health service is, as the RCN says, in crisis right now. Furthermore, this route is not currently providing the 1,000 new nurses per year that the Government planned for, with RCN figures suggesting that there are just 30 apprentice nurses at present—I will give that answer.

I was a mature student. I was 41 when I started my training, and a single parent. We have heard a lot tonight about how we will encourage people who do not want to go down the university route. I worked in Tesco on a checkout. I had been to grammar school and it had failed me, so I had to go to night school to get my A-levels to become a nurse. That took me a year, three nights a week, on top of working. I then worked for three years as a nursing student to become a nurse. I could not have completed my training without a bursary. I also borrowed £5,000 a year from the Royal Bank of Scotland, so I came out hugely in debt, even though I had a bursary, and it took me five years to clear that debt.

James Cartlidge (South Suffolk) (Con): You shouldn't have.

Karen Lee: That is what I had to do to become a nurse. I think I got around £500 of bursary at that time, and I had myself and my 10-year-old daughter to keep.

My friend Ali was a wife and a mum, and she needed her bursary, and my friends Clare, Haley, Adele and Lisa were younger and single, but they still needed their bursaries, because everybody has bills to pay. None of us could have trained without our bursaries and none of those friends would have gone on to be the nurses they

are today without them. Please, will no one on the Government Benches talk about encouraging disadvantaged people to train as nurses? When we had bursaries, we did—I did.

The bottom line is that more nurses equals better healthcare provision. We cannot go on with an NHS in the state it is currently in. The Government continue to ignore completely the wise words of those who are experts in their field—like the Royal College of Nursing—when it comes to the support available for future healthcare professionals. They seem to think that they know best, but the reality does not bear out that fantasy. The regulations must be scrapped and the Government should reinstate nursing bursaries immediately.

I stand in this Chamber time and again defending our NHS, and I hear people who have no idea what it is like on the ground. Sometimes they sit looking at their phones when people like me are talking. I despair. If the Government will not listen to me, I hope they will heed the wise words of the RCN, because it is right on this. Please listen to the RCN and please reinstate nursing bursaries.

7.56 pm

Maria Caulfield (Lewes) (Con): May I start by declaring that I still work as a nurse on the bank shift, mainly at the Royal Marsden Hospital in London? It is a pleasure to do so.

I have previously been very outspoken against the removal of bursaries and the move to a tuition fee-based system, for practical reasons: student nurses are different from most students. The course requires them to do a set number of practical hours, and the fact that those are often unsocial and irregular means that it is almost impossible for student nurses to get other part-time work to supplement their time on their courses. We have heard today that student nurses are often mature students who have come from other professions and so already have financial commitments, such as mortgages and loans, that they have to bear in mind when they start a nursing course. Postgraduates who have existing debt are often reluctant to take on more to become a student nurse.

However, since the changes were introduced a couple of years ago, the background has changed. We have seen the rise of the apprenticeship route for nursing and of the associate nurse. My difference with Opposition Members is that I have actually worked with some associate nurses who are in training, and with apprenticeship nurses in training, and the difference is phenomenal. They are enjoying their courses a huge amount more because they are working in a practical setting. It is not just about what they are learning on their nursing course; they are back to being part of the team. They are not students who just come to their placement from university; they are learning about being part of a hospital team and a clinical community.

Associate nurses and apprentice nurses are more than just students; they bring experience with them. Many have backgrounds as healthcare assistants. The experience that they bring from a variety of settings is phenomenal. I know about the support that they have given me on shifts as a bank nurse, and that would not have been available with student nurses previously. We are underestimating their power.

I echo some of the comments in the debate: we do need to ramp up the apprentice and associate routes, because that is the way forward. The bursary system was far from ideal. I lived on a bursary of £400 a month for the three years that it took me to train as a nurse, with little or no additional income. As the hon. Member for Lincoln (Karen Lee) said, student nurses rack up significant debt during those three years. That shows that the bursary system was far from ideal. The statutory instrument took some of those points into account, establishing a hardship fund for struggling students and grants for childcare, travel and accommodation—none of which were available under the bursary system. They are there to support students who have financial pressures.

The bursary system has failed to achieve the number of students that we need. There was a cap on the number of places. Each and every year there were more applicants, but there were not more students coming through the system, because the cap did not allow those applying to secure the places. We need to embrace change, and use this as an opportunity to increase the number of nurses. We should also make student nurses feel valued, and give them a variety of routes into nursing. They have the associate nurse role, which means that they are healthcare assistants who want to do their associate training. They can then top up their training in the future to become registered nurses, or they can go down the apprenticeship route to qualify.

I see Opposition Members laughing. They seem to find it difficult to understand how a Conservative Member of Parliament can be a nurse—I am talking about someone who came from a deprived background and who took the route into nursing because she could not get into university. I will not apologise. I am not afraid to speak out for student nurses and for nurses. I worked with the RCN in the “Scrap the cap” campaign. I spoke out when there was a move away from the bursary system, but, with my hand on my heart, I can say that the associate and apprenticeship routes into nursing are the way forward. It is misleading to pretend that the bursary system was a panacea, that student nurses were happy and that we were fulfilling the numbers that we needed.

I am a member of the RCN and I fully respect everything that it does to support nurses, but its briefing has been slightly misleading. It lists only two routes into nursing: the two-year postgraduate route, and the three-year route into nursing. It does not even mention the associate route or the apprenticeship route, which we need to take into account. It also highlights the fact that applications into nursing have fallen, but it has not mentioned that 2017 saw the second-highest number of students ever accepted on to nursing courses—26,620 students—and that was despite an overall fall in the total number of applications.

Karen Lee: I have the briefing here, and it does mention it.

Maria Caulfield: I thank the hon. Lady for her intervention. As a member of the RCN, I, too, have had the briefing, and it does not mention the associate and apprenticeship routes into nursing.

The bursary system was not the panacea that Opposition Members claim it to be. I am happy to stand up to fight for nurses when I think that Labour Members may have

[Maria Caulfield]

a point, but I think they are now moving into the realm of scoring political points, which is their usual tactic. There is a better way to get nurses into training, and I urge Ministers to continue both the associate route and the apprenticeship route, to give student nurses alternative routes into nursing, to boost nursing numbers and to develop nursing into a degree-entry healthcare profession.

8.2 pm

Vernon Coaker (Gedling) (Lab): May I just say to the hon. Member for Lewes (Maria Caulfield) that this is not about scoring political points? It is about debating in this House of Commons something that is of immense importance to our country. I agree with her that no one has a monopoly on these things, but it is only right and proper that we have an open and frank debate about the matter. That means that there will be a clash of views and a clash of opinions, but out of that will come better policy, and I hope that the Government, as they move forward, will listen to some of the concerns that have been raised, even if they do not change their policy. There is nothing wrong with that. That is not political point scoring; that is holding the Government to account for the policies they are pursuing.

Let me also say this: the only reason why the Government are being held to account is that my hon. Friends on the Opposition Front Bench have obtained this debate. They deserve a great deal of credit for that, because the Government were not going to debate these regulations. Indeed, the House of Lords Committee, that scrutinises these secondary legislation reports said that it was unprecedented for the Government to be forced to hold a debate in this place when revoking one set of regulations and replacing them with another. So, it is quite right that we are actually saying this to the Government. We would not be able to get the Government to put forward their views as to why removing bursaries is a good thing, and we would not be able to explain why we are holding them to account, were it not for the fact that we raised this matter in the way that we have.

The hon. Member for Lewes criticised the Royal College of Nursing's figures, but the RCN—a highly respected body in this country—has laid out the statistics, including for many of the routes that she says it has not, regarding the fall in the number of applications since NHS bursaries were got rid of two years ago. There has been a 33% fall in the number of applications for nursing degrees. It may be that that does not matter, but the Government still need to address and defend it and explain why the RCN is wrong to highlight that as a figure that should cause us concern.

Maria Caulfield: That is the point: despite the fall in the number of applications, the number of placements has actually increased to its second-highest level ever. If the bursary system was so great, why were the nursing student numbers not coming through it, and how come we had such a high drop-out rate of student nurses?

Vernon Coaker: Let us see where this goes. The hon. Lady's point is that it does not matter that there has been a 33% fall in applications, because other things will happen, but that is not the view of the Royal College of Nursing. Applications from mature students have been disproportionately affected by the funding

reform; the number of applicants aged over 25 has fallen by 42%. I do not know whether the Minister intends to respond—it would be a shame if he did not—but perhaps he can explain why that figure does not matter. That point needs to be addressed in debate. The hon. Lady disagrees, but I say that it does matter, and that it will cause problems for future nursing recruitment.

Dr Whitford: The hon. Member for Lewes (Maria Caulfield) asks why not enough nurses were coming through. Is that not simply because there was a cap on places? The Government keep linking the bursary with the cap. The issue was not the bursary; it was the cap. If the Government want to invest in nurses, they should lift the cap but not remove the bursary, because that will shrink the number of applications.

Vernon Coaker: I thank the hon. Lady for her intervention. I say to the Minister that there is hard evidence from the Government's own equality analysis that the reforms will

“increase the amount of student loan borrowing for postgraduate students and could lead to a fall in student numbers. The government has acknowledged that, due to the student intake, the impact will fall largely on women, older students and, to a lesser extent, students from ethnic minorities.”

Where is the Government's defence of that, and what are they doing to mitigate it? I have no doubt that the Government would say, “We have done *x*, *y* and *z*.” Indeed, that is what the hon. Member for Lewes has said, but where is the Minister's explanation?

It is not just the Government equality analysis that says we should be concerned about the changes. A House of Lords Secondary Legislation Scrutiny Committee report, published just a few days ago, also raised concerns. First it criticised the process and then it said:

“Our second, no less strongly felt concern is with the wider impact on recruitment to post-graduate nursing courses which may result from the switch from bursary to loan support”.

That is why this debate is so important. There is evidence from a highly respected Select Committees of this House, and from the Government's own equality analysis, and were it not for the actions of my Front-Bench colleagues, we would not even be debating the issue and the House of Commons would not even be reflecting on a major change to the way in which we fund the postgraduate training of our nurses.

We all agree that the nurses of this country deserve our respect, and that they do a wonderful job, but the point of this debate is to ask whether we are going to address the shortage of nurses following the removal of nursing bursaries. As my hon. Friend the Member for Ashton-under-Lyne (Angela Rayner) said, we have serious concerns and doubts about that, and it is quite right that those are debated.

Let us see whether the hon. Member for Lewes is right, or whether the Royal College of Nursing is right that the huge fall in applications we have seen at undergraduate level will be reflected at postgraduate level, and that down the track the Government will regret ignoring the professional bodies and their own equality analysis. The Government need to reflect on that and see what more can be done. Rhetoric about our nurses being brilliant is fine, and we all share that admiration, but at the end of the day, what this country needs is hard-nosed policy that works.

8.10 pm

Rachel Maclean (Redditch) (Con): I will keep my remarks brief. It is a great pleasure to follow the hon. Member for Gedling (Vernon Coaker). I agree with him that we need a new long-term system that works and removes the cap from people who wish to study as nurses. The vice-chancellor of Oxford Brookes University, Alistair Fitt, has said that nursing bursaries “had to end” and were not a sustainable system. The cap on places was discouraging people who wished to enter the nursing profession, which is so important for all our constituencies.

In Worcestershire, we need more nurses, not fewer. I welcome the work that has been going on in a partnership between my NHS trust and the University of Worcester. I backed their calls for a medical school, and the work being done on the ground is already reducing nursing vacancy rates. They are down from 8.4% to 7.5%, and nursing turnover rates are down from 14% to 10% in the last year. That is a tribute to local professionals working hard to tackle the real problems in my area for the benefit of my constituents. I want to see more of that.

Under the new system under the regulations, postgraduate healthcare students will be 25% better off as they take part in their studies. These are new measures, and we need to back the Government. We should not vote for the Labour party’s motion to annul these Government regulations, which will help more people to enter the nursing profession at senior levels. We are talking about the senior leadership roles that we need in all our hospitals to deal with the needs of our population and their healthcare.

Finally—I said I would be brief, and I will be—we definitely need to stop the rhetoric about student debt, because it puts people off going to university. I refer Labour Members to the comments of Martin Lewis, a respected financial expert, who just last week said that it was completely wrong—[*Interruption.*]

Madam Deputy Speaker (Mrs Eleanor Laing): Order. The hon. Lady is making a serious speech. There should not be so much chuntering going on.

Rachel Maclean: Thank you, Madam Deputy Speaker.

Martin Lewis’s comments were, it is true, aimed at politicians on both sides of the House, but we have all heard the Labour party’s recent claims about student debt. The idea that that is the same thing as a debt has, in reality, put people from different backgrounds off studying at university. Student debt is not the same thing as a credit card debt. It is a graduate tax that people pay only when their income reaches a certain level, and that is the same for nursing students. We have to go forward with a sustainable solution.

Dr Whitford: Will the hon. Lady give way?

Rachel Maclean: I will not, because time is short.

Conservative Members will work to fight against the weaponisation for political ends of students and people who want to be students. We will open up more opportunities for everyone in this country to make a career in the NHS, if that is what they choose to do, and we will run the economy in a balanced way to support

our precious NHS during this Parliament and in the years to come. I will not be voting for Labour’s motion tonight.

Question put.

The House proceeded to a Division.

Madam Deputy Speaker (Mrs Eleanor Laing): I remind the House that the motion is subject to double-majority voting of the House, and of Members representing constituencies in England.

The House having divided: Ayes 234, Noes 295.

Votes cast by Members for constituencies in England: Ayes 199, Noes 273.

Division No. 156]

[8.14 pm

AYES

Abbott, rh Ms Diane	Drew, Dr David
Ali, Rushanara	Duffield, Rosie
Allin-Khan, Dr Rosena	Eagle, Ms Angela
Amesbury, Mike	Eagle, Maria
Antoniazzi, Tonia	Efford, Clive
Ashworth, Jonathan	Elliott, Julie
Barron, rh Sir Kevin	Ellman, Mrs Louise
Benn, rh Hilary	Elmore, Chris
Berger, Luciana	Esterson, Bill
Betts, Mr Clive	Evans, Chris
Blomfield, Paul	Farrelly, Paul
Brabin, Tracy	Fitzpatrick, Jim
Bradshaw, rh Mr Ben	Fletcher, Colleen
Brennan, Kevin	Fovargue, Yvonne
Brown, Lyn	Foxcroft, Vicky
Brown, rh Mr Nicholas	Frith, James
Bryant, Chris	Furniss, Gill
Buck, Ms Karen	Gaffney, Hugh
Burden, Richard	Gapes, Mike
Burgon, Richard	Gardiner, Barry
Butler, Dawn	George, Ruth
Byrne, rh Liam	Gill, Preet Kaur
Cable, rh Sir Vince	Glendon, Mary
Cadbury, Ruth	Godsiff, Mr Roger
Campbell, rh Mr Alan	Green, Kate
Campbell, Mr Ronnie	Greenwood, Lilian
Carden, Dan	Griffith, Nia
Champion, Sarah	Grogan, John
Charalambous, Bambos	Gwynne, Andrew
Clwyd, rh Ann	Haigh, Louise
Coaker, Vernon	Hamilton, Fabian
Cooper, Julie	Hardy, Emma
Cooper, Rosie	Harris, Carolyn
Cooper, rh Yvette	Hayes, Helen
Corbyn, rh Jeremy	Hayman, Sue
Coyle, Neil	Healey, rh John
Creasy, Stella	Hepburn, Mr Stephen
Cruddas, Jon	Hermon, Lady
Cryer, John	Hill, Mike
Cummins, Judith	Hillier, Meg
Cunningham, Alex	Hobhouse, Wera
Cunningham, Mr Jim	Hodgson, Mrs Sharon
Dakin, Nic	Hoey, Kate
Davey, rh Sir Edward	Hollern, Kate
David, Wayne	Hopkins, Kelvin
Davies, Geraint	Howarth, rh Mr George
De Cordova, Marsha	Huq, Dr Rupa
De Piero, Gloria	Hussain, Imran
Dent Coad, Emma	Jardine, Christine
Dhesi, Mr Tanmanjeet Singh	Jarvis, Dan
Dodds, Anneliese	Johnson, Diana
Doughty, Stephen	Jones, Darren
Dowd, Peter	Jones, Gerald

Jones, Graham P.
 Jones, Sarah
 Jones, Susan Elan
 Kane, Mike
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Killen, Ged
 Kinnock, Stephen
 Kyle, Peter
 Laird, Lesley
 Lammy, rh Mr David
 Lavery, Ian
 Lee, Karen
 Leslie, Mr Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Lewis, Mr Ivan
 Lloyd, Stephen
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lynch, Holly
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mann, John
 Marsden, Gordon
 Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 McCabe, Steve
 McDonagh, Siobhain
 McDonald, Andy
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Moon, Mrs Madeleine
 Moran, Layla
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Norris, Alex
 O'Mara, Jared
 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, Emma
 Reynolds, Jonathan
 Rimmer, Ms Marie
 Rodda, Matt
 Rowley, Danielle
 Ruane, Chris
 Russell-Moyle, Lloyd
 Ryan, rh Joan
 Sheerman, Mr Barry
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Cat
 Smith, Eleanor
 Smith, Jeff
 Smith, Laura
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stevens, Jo
 Stone, Jamie
 Streeting, Wes
 Tami, Mark
 Thomas, Gareth
 Thomas-Symonds, Nick
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Twigg, Derek
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka
 Vaz, Valerie
 Walker, Thelma
 Watson, Tom
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Whitford, Dr Philippa
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Woodcock, John
 Zeichner, Daniel

Tellers for the Ayes:
Thangam Debbonaire and
Fiona Onasanya

NOES

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
 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, Sir Graham
 Braverman, Suella
 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, Sir Christopher
 Churchill, Jo
 Clark, Colin
 Clark, rh Greg
 Clarke, Mr Simon
 Cleverly, James
 Clifton-Brown, Sir Geoffrey
 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
 Donelan, Michelle
 Dorries, Ms Nadine
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Duddridge, James
 Duguid, David
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip

Ellis, Michael
 Ellwood, rh Mr Tobias
 Eustice, George
 Evennett, rh David
 Fabricant, Michael
 Fallon, rh Sir Michael
 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 Dame Cheryl
 Glen, John
 Goldsmith, Zac
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Luke
 Graham, Richard
 Grant, Bill
 Grant, Mrs Helen
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Griffiths, Andrew
 Gyimah, Mr Sam
 Hair, Kirstene
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harris, Rebecca
 Harrison, Trudy
 Hart, Simon
 Hayes, rh Mr John
 Heald, rh Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hinds, rh Damian
 Hoare, Simon
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Howell, John
 Huddleston, Nigel
 Hughes, Eddie
 Hunt, rh Mr Jeremy
 Hurd, rh Mr Nick
 Jack, Mr Alister
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenkyns, Andrea
 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, rh 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
 Lopez, Julia
 Lopresti, Jack
 Loughton, Tim
 Mackinlay, Craig
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Masterton, Paul
 Maynard, Paul
 McLoughlin, rh Sir Patrick
 McPartland, Stephen
 McVey, rh Ms Esther
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Mills, Nigel
 Milton, rh Anne
 Moore, Damien
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, James
 Morton, Wendy
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, rh Caroline
 Norman, Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John

Percy, Andrew
 Perry, rh Claire
 Philp, Chris
 Pincher, Christopher
 Prentis, Victoria
 Prisk, Mr Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Seely, Mr Bob
 Selous, Andrew
 Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Soubry, rh Anna
 Spelman, rh Dame
 Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 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
 Wollaston, Dr Sarah

Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
 Amanda Milling and
 Nigel Adams

Question accordingly negated.

Business without Debate

DELEGATED LEGISLATION

Madam Deputy Speaker (Mrs Eleanor Laing): With the leave of the House, I propose to take motions 5 and 6 together.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

CHILDREN AND YOUNG PERSONS

That the draft Child Safeguarding Practice Review and Relevant Agency (England) Regulations 2018, which were laid before this House on 19 March, be approved.

CONSTITUTIONAL LAW

That the draft Welsh Ministers (Transfer of Functions) Order 2018, which was laid before this House on 28 March, be approved.—(*Paul Maynard.*)

Question agreed to.

PETITION

Royal Bank of Scotland closure in Nairn, Grantown and Aviemore

8.31 pm

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): No matter the spin from the senior management of the Royal Bank of Scotland or the silence from the Government over their 70% shareholding, the people of Aviemore, for whom I present this petition tonight, say that the closure of their branch is nothing less than a betrayal.

The petition states:

The petition of residents of Inverness, Nairn, Badenoch & Strathspey,

Declares that the proposed closure of the branches of the publicly-owned Royal Bank of Scotland in the areas of Nairn, Grantown, Aviemore and Inverness will have a detrimental effect on local communities and the local economy.

The petitioners therefore request that the House of Commons urges Her Majesty's Treasury, the Department for Business, Energy and Industrial Strategy and the Royal Bank of Scotland to take into account the concerns of petitioners and take whatever steps they can to halt the planned closure of these branches.

And the petitioners remain, etc.

[P002147]

Universal Credit and Terminal Illness

Motion made, and Question proposed, That this House do now adjourn.—(Paul Maynard.)

8.32 pm

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): When I was elected in 2015, I had an early meeting with the Macmillan citizens advice bureau. I had lots of dealings with the citizens advice bureau before being elected and know that it dealt with hundreds of cases, some of which I brought to it as the then leader of the council. It dealt with people with chaotic lives—desperate people in difficult conditions—and it is fair to say that its staff were battle-hardened professionals helping people. I think it is very telling that, when they told me about the struggles of the terminally ill when they transfer to universal credit, it was the first time that I had ever seen them in tears.

Imagine the moment that a person hears from their doctor that they are terminally ill. In that instant, nothing for them or their families will ever be the same again. It is one fateful moment that changes everything—their entire world. Suddenly, priorities shift and they become acutely aware of every second as it passes. Terminal illness deeply affects families in our communities and the very least that they should expect, when asking for help from a Government, is that support is prompt and sympathetic to their situation. The trouble is that that is not what they are getting. It is not even close to that.

As I mentioned, my constituency was one of the first to experience universal credit. As the then leader of the Highland Council, I highlighted many issues that we experienced with the pilot. As a local authority, we fed back the countless issues that we encountered. All those concerns were ignored in the name of agile development and the Government recklessly proceeded to live service, causing unprecedented poverty to hundreds of single people in my constituency. We begged for mercy. We asked, we cajoled, we demanded that something be done, but, despite it all, we were ignored.

As I said, I was elected to this place in 2015, when the Government were pressing ahead with the roll-out of full service, leaving families, the disabled, single parents and children for months without money, and for no other reason than they had failed to listen and failed to act, and so failed the very people they were supposed to serve.

Jim Shannon (Strangford) (DUP): I congratulate the hon. Gentleman on his tenacity, his courage and his determination on this issue. We all admire him for his efforts. Does he not agree that charities such as Macmillan Cancer Support do a wonderful job helping terminally ill people to source benefits, that it is imperative they have up-to-date training to do this and, more importantly, that Government staff dealing with terminally ill people are taught how to deal with them with a compassion and respect that seems not to come naturally to at least some people?

Drew Hendry: I agree entirely that a change of pace is needed and that an attempt must be made to adopt towards people put in these positions a genuinely

sympathetic approach and to demonstrate an empathy for what they are going through that has been sadly missing.

Chris Stephens (Glasgow South West) (SNP): My hon. Friend has described the situation on the Highland Council. Could he enlighten the House as to who is picking up the slack for universal credit? Is it local authorities, food banks and other charities?

Drew Hendry: My hon. Friend rightly answers his own question. It is indeed the local authorities, the food banks and the local charities, as well as those serving the community by supporting people in these positions. During the transfer to full service, our constituency office was swamped with universal credit issues.

Mr Jim Cunningham (Coventry South) (Lab): We can trace this back to the Government's talk of austerity in the last two general elections and their promise to cut £12 billion from the social budgets. That is why we are in this situation today. They can dress it up however they like, saying it is a wonderful thing, but we all know it is not. It is a cruelty being inflicted not only on terminally ill people but on ordinary people earning poverty wages today. Would the hon. Gentleman not agree?

Drew Hendry: The hon. Gentleman is exactly right in his description of the circumstances that have brought about this situation.

Since the roll-out of full service, I have stood here too many times to relay the devastation roll-out has caused for many of my constituents. I have supported hundreds of constituents with their universal credit issues, I have all the case studies, I have shared them and given voice to them as their MP, but, again, that has all been ignored. Such was the devastation we experienced from full-service roll-out that we even set up a universal credit roundtable group, which included the Highland Council, local Department for Work and Pensions staff, Citizens Advice, housing officers and others, to come up with local workarounds. We wrote to the Prime Minister, the previous Minister and anyone who would listen. We tried to be constructive. We shared real stories to back up our arguments. We offered process solutions. I even held a summit that included heartbreaking testimony from constituents and invited every Conservative Member to attend. Again, we were ignored.

For many, many months, I have campaigned alongside Macmillan CAB in my constituency, as well as Marie Curie, the Motor Neurone Disease Association and clinicians, on the specific issues facing people with a terminal illness.

Marion Fellows (Motherwell and Wishaw) (SNP): I have a personal interest in this debate. I am very glad that, when my husband was declared terminally ill in December, he could only claim attendance allowance, which was not under universal credit. Some of these stories are horrendous. I speak from experience: people who are terminally ill want to do the best for their families, but under this system they cannot.

Drew Hendry: I thank my hon. Friend, not only for her intervention but for her fortitude and bravery in raising that particular matter. It hit home in showing why the whole issue is so important, and why it is so important for something to be done.

Dr Philippa Whitford (Central Ayrshire) (SNP): My hon. Friend mentioned working with groups such as the Motor Neurone Disease Association. As many Members know, my experience has been walking that journey with women with breast cancer. I always used to say to them, “Make sure that you put every day in your back pocket when you go to bed, and say, ‘That was a good day.’” In Scotland we are trying to extend the period so that we recognise people as terminally ill for a much longer period so they will receive their benefits. To waste the months that someone might have left by haggling about money while the days are ticking away is just cruel and uncivilised.

Drew Hendry: My hon. Friend has identified the nub of the issue. People literally do not have time for this.

I recently set up an all-party parliamentary group on these issues, which is supported by many of the organisations that I have mentioned, but the issues are still ignored. This evening, as I relay to the House the specific impact that universal credit is having on people with terminal illness, I ask the Minister not to follow the same path, but to listen carefully to the very real experiences of the families who face the prospect of losing loved ones, yet have to watch them fight for financial support.

Before the introduction of universal credit, terminally ill people with six months or less to live were able to fast-track their benefit claims to ensure that they could spend at least their last weeks and months with the support to which they were entitled. That has not been the experience of those who are unfortunate enough to be terminally ill in an area where universal credit has been rolled out. It is the worst kind of postcode lottery, and it will reach many more places if the Government proceed with the roll-out in its current form.

The first issue that I want to discuss is the Government’s legal definition of terminal illness. The Motor Neurone Disease Association and Marie Curie, among others, tell us that it seriously restricts access to benefits for those living with a terminal illness who do not fall into the “last six months of life” category specified in the Welfare Reform Act 2012. People with conditions such as terminal heart failure, chronic obstructive pulmonary disease, MND and other terminal conditions who may live longer than 10 months, but equally may die in a shorter period, must apply for social security in the usual way, and will be subject to all the normal assessments, which—unbelievably—can include work assessments.

People living with such conditions, and their families, face a significant financial burden as a result. Some 82% of people with MND describe the financial impact of the disease as “very negative” or “moderately negative”. People of working age and people with children living at home are particularly vulnerable to negative financial consequences. I note that people with MND will once again be protesting outside the House on 16 May, and I look forward to supporting them there until there is movement on this issue.

The financial effect of MND on those living with the condition becomes more difficult to manage as the disease progresses and a person’s care, support and equipment needs increase. On average, the cost of living with MND is an extra £12,000 a year, not including loss of income. So why should an arbitrary time limit of six months be attached to the status of the terminally

ill? It is a timescale that means nothing to people with degenerative conditions with no cure, who have no hope of improvement. There is no evidence-based reason why the Minister cannot choose a different path, as the Scottish Government have done with their new limited powers relating to disability benefits. They see support for people who are terminally ill as a complex, sensitive and difficult issue, but they have put dignity and respect at the heart of their Social Security (Scotland) Bill. Jeane Freeman, the Minister for Social Security, has said:

“We are very aware that behind the decisions that we make, are thousands of people who we put front and centre of our actions. The central principle is that terminally ill individuals should be provided with the support they need, quickly.”

That is all that we ask of this Government. We ask them to see those people as people, and not as the number that they represent on a spreadsheet.

The Scottish Government’s amendment to the Bill was framed carefully to ensure that the sensitive and difficult conversations between an individual and their clinician, which are required in these difficult circumstances, are held when they are medically necessary to allow for optimal patient care. Providing for maximum clinical judgment is the best way to achieve that.

The Scottish Government have opted to set no arbitrary timeframe to the definition of terminal illness; instead they allow the chief medical officer, in consultation with the registered medical practitioners, to set a framework in guidance. It is this guidance that will decide when an individual has a progressive disease that can reasonably be expected to cause that individual’s death. Both the chief medical officer and the chief nursing officer, and national experts, have reviewed and fully support the Scottish Government’s proposals as the best way to achieve timely support for those with terminal illness.

Also embedded in Scotland’s Social Security (Scotland) Bill—and therefore enshrined in legislation—are clear “special rules” for terminal illness cases. These guarantee terminally ill people quick access to disability assistance, ensuring that an individual does not have to satisfy a qualifying period in relation to their diagnosis and that they will not have to undergo further assessments to prove that they have a terminal illness. The awards will be calculated at the latest from the date of application and they will automatically get the highest rate of financial support to which they are entitled. That is in line with the Scottish Government’s commitment to the principle of providing support when it is needed. It maintains fast-tracking for the people with terminal illness to remove barriers to their receiving care as soon as possible.

Marie Curie has echoed its support of the Scottish Government and would like to see the UK Government follow their lead in setting a fairer definition of terminal illness. It asks that decisions around a terminal illness diagnosis be clinically made and supported through the issue of a DS1500 to a patient by their health professional. Ahead of this debate, Marie Curie told me:

“With the Scottish Government defining terminal illness on clinical judgement and Universal Credit remaining the purview of Westminster, we are concerned that differences between the two systems will create administrative problems. If Westminster were to follow suit and amend its definition of terminal illness to a clinical judgement, we could avoid a potentially harmful situation when Universal Credit is almost fully rolled out.”

[Drew Hendry]

Marie Curie is joined by 58 clinicians who signed a letter in support of changes to the Social Security (Scotland) Bill.

Similarly, MND told me:

“The UK Government should adopt the definition of terminal illness set out in the Social Security (Scotland) Bill 2018”, and that

“The DWP should update its guidance to assessors and claim managers, to emphasise that the validity of a DS1500 signed by a health professional should not be challenged.”

I therefore have some asks for the Minister. I ask her to listen—to really listen—to what she is hearing from people suffering from these terminal conditions and really listen to the professionals and clinicians. I also ask her to scrap the arbitrary six-month definition. It means nothing to 90% of people with a condition medically classed as, or linked to, a terminal illness.

Even those who have been identified as terminally ill, as defined by this Government, with less than six months to live do not escape the nightmare of universal credit. That includes 65,900 people across all the nations of the UK. They continue to experience delays upon delays. I join MND and Marie Curie in their calls for cuts to those unreasonable delays.

Therefore, I have another ask for the Minister. The benefits for those with a terminal illness under universal credit should be fast-tracked, ideally paid in advance and within a calendar week of when the application has been made, and a DS1500 given to the DWP. The current wait of five weeks for “fast-track” support is simply unacceptable.

There are also those on universal credit who have lost the right not to know they are dying. Instead, they are forced to complete the forms, which force them to answer the question, effectively saying, “Yes, I am dying.” Before the introduction of universal credit, advocacy could do this for them. What possible reason could there be to remove this right? A completed DS1500 form should be considered sufficient evidence by the DWP that a person is terminally ill and will not get better, and that their condition will deteriorate from that point until their death. A DS1500 should be allowed to be issued on behalf of a person and accepted by the DWP in the same way as if submitted by the applicant themselves.

So I have another ask for the Minister: the DWP should immediately establish a process to ensure that DS1500s can be submitted by a third party without the explicit consent of the claimant.

Then there are those people left with a devastating cut to their income due to the removal of the severe disability premium. Without any change in their diagnosis, such people are left around £2,000 a year worse off, and the sad reality is that they will not even live a year as this Government’s definition of terminally ill means a predicted life expectancy of less than six months. I have another ask: the DWP should urgently review its policy on the inclusion of severe and enhanced disability premiums within universal credit to ensure that disabled adults do not experience a reduction in vital support. Perhaps one of the most shocking issues is that people with less than six months to live have been asked to meet a job coach to justify their unemployment because the guidelines around forms are unclear. Someone with a terminal

illness, as evidenced by a DS1500, should not be required to undergo any face-to-face assessment for support under universal credit or undergo any further assessment or reassessment. I ask the Minister urgently to set out clear guidelines on that because the guidelines are not working.

These are just some of the issues that people with a terminal illness face because of this Government’s failure to put dignity and respect at the heart of their welfare policies. I ask the Minister to imagine what it must be like to face all this stress in the last months of life—a time when the person and their family should be cherishing every precious remaining moment together. People should not have to jump through welfare hoops and spend their final weeks and months dealing with a broken system. Getting financial support is not an option for them; it is a necessity to keep a roof over their head.

I fully expect the Minister to tell me that I am wrong and that all is well with the system, because that is all that I have heard whenever I have raised such issues. Perhaps we will even hear that, despite the evidence and the testimony of all the groups involved, that this is simply scaremongering, and I have heard that response on the many times I have raised this issue. I have raised it at Prime Minister’s questions three times in a row. I have raised it many more times in debates, and I have heard the claim that terminally ill people are being served well. Terminally ill people and their families watching this debate are seeking an answer.

The reality is that, because of this Government’s failing welfare system, people are spending their last days fighting a cruel and broken system. The Minister has the power to change that. She can do as the Scottish Government have done and think about the people concerned, about their debilitating illnesses, about their families and their children and about their final days. I believe that the Minister wants to do that, and this is her opportunity to prove it. She can make a start by making the changes that I have outlined.

8.53 pm

The Minister for Disabled People, Health and Work (Sarah Newton): I thank the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry) for securing this debate on an incredibly important subject, and I praise the hon. Member for Motherwell and Wishaw (Marion Fellows)—I hope that I can call her my friend, because we were both Tuesday Whips for some time and we enjoyed our time together—for her bravery in speaking this evening at what is a terrible time for her, as it would be for anyone of us facing terminal illness. There will be no one in the House who has not had a member of their family or someone that they know receive the devastating news that their life is coming to an end. It is difficult for us to hear, and we all must do our best to treat everybody with the sensitivity, empathy, respect and dignity that has been requested this evening.

I want to reassure hon. Members that staff in the Department for Work and Pensions really do their utmost to support claimants and their families during this difficult period. The Department has significant experience in dealing with the legacy benefits system, and a lot of that learning has been transferred to universal credit.

Drew Hendry *rose*—

Sarah Newton: The hon. Gentleman has asked me to respond to a lot of questions, which I really want to do, and we have very little time left this evening, so let me say from the outset that I am happy to meet him face to face to go through anything that I have not covered to his satisfaction this evening. It is great that he has set up an all-party parliamentary group. I have worked directly with those stakeholders and charities myself, and I would be happy to meet him in his role as the chairman of the APPG to go through some of the issues. Inevitably, in the time left tonight, I am not going to be able to cover everything that I would like to cover.

I want to emphasise that, once we understand that someone has a terminal illness, we do not want them to have to fill in lots of different forms. We want them to be able to concentrate on what really matters to them in the time that they have left. I know from this debate and others that the hon. Gentleman has raised concerns about the DS1500, so it is important that I explain a little about the process to the House. Claimants and healthcare professionals use the form—it is not a claim form; it is a form—to tell us about a terminal condition. It is not mandatory for claimants to complete the form. It is an opportunity for them to tell us about their condition, and it helps us to ensure, as soon as we know that they are terminally ill, that we can waive all the requirements that are usually associated with universal credit relating to conversations with work coaches about employment. All that is waived. Right from that moment, there is a fast-track system. Once we receive the DS1500, people are immediately entitled to those benefits.

The hon. Gentleman mentioned a lack of clarity in the DWP's handling of these issues. He has raised this matter before, and we took it really seriously. We updated the guidance—a copy was put in the Library in February—to ensure that all the medical professionals and people in the DWP understand the processes, so that people can be fast-tracked.

Dr Whitford: Will the Minister give way?

Sarah Newton: I am not going to give way, because I only have a couple of minutes left and every moment I give way means that I cannot answer the questions that I have been asked. However, I sincerely want to carry on this conversation. I will answer as many questions as I can tonight, but I know that Madam Deputy Speaker will ask me to sit down shortly. We can carry on the conversation, however.

There was a conversation this evening about the definition of terminal illness. Our definition of someone who is terminally ill is that they have a progressive disease and a life expectancy of six months or less. We understand that this is not an exact science, and there is

much debate among medical professionals about this. We do not ask claimants to give us evidence of their life expectancy, so terminally ill claimants may well remain on benefits for longer than six months. For example, with personal independence payments, around 40% of terminally ill claimants remain on benefits for longer than a year. We take a pragmatic, person-centred approach to these decisions. These rules were first introduced in 1990. We have regular conversations with the medical profession, and we want to ensure that people are given an absolute guarantee of the financial support that they and their families need and that their claims are handled swiftly to reduce the burden on individuals.

Having listened to the medical profession, we understand that six months strikes about the right balance between providing the support that people need and confidence in the prognosis, because the longer the prognosis, the less likely it is to be accurate. Making the period longer than six months would therefore make the diagnosis, and potentially the conversation between doctor and patient, that much more difficult. The Department works very closely with doctors and clinicians, and we are always looking for ways to improve the experience for any of our claimants and for any of our benefits.

We know that people need support with the DS1500 form. Our staff can offer support and we have consent arrangements in place so that third parties—excellent organisations such as Macmillan—can work directly with us. We have visiting services so that someone can go to a patient's home to go through this, and the Department has well-established appointeeship arrangements for people who are unable to manage their own affairs.

With regard to how universal credit works in this situation, as soon as we know that someone is terminally ill, they will receive an additional £318.76 a month in their universal credit entitlement, paid from day one, and there are no work-related requirements at all.

I am out of time and have not been able to address all the work that we have been doing, listening carefully to our partners and making sure that the interface between universal credit and the legacy benefits of employment and support allowance and personal independence payment runs as smoothly as possible. It is incredibly important that we listen and learn and make improvements, so that this tragic situation that people find themselves in is dealt with as sensitively and swiftly as possible. I am absolutely determined to do that and will be very pleased to meet the hon. Gentleman and the all-party parliamentary group to go through their questions in more detail and provide further information and assurances.

Question put and agreed to.

9.1 pm

House adjourned.

Westminster Hall

Wednesday 9 May 2018

[ANDREW ROSINDELL *in the Chair*]

Economies of the UK Islands

9.30 am

Alan Mak (Havant) (Con): I beg to move,

That this House has considered the economies of the UK islands.

It is a pleasure to serve under your chairmanship, Mr Rosindell. I thank the Speaker's Office for granting this debate, the Minister for coming to respond and all right hon. and hon. Members for joining me. In particular, I thank my hon. Friend the Member for Isle of Wight (Mr Seely) for the important role he has played in instigating and securing this debate, and in launching the all-party parliamentary group for UK islands, of which I am proud to be a founding member.

Island geography has played a pivotal role in shaping Britain's history, and has contributed to the culture, society, institutions and economy that we enjoy today. Similarly, the smaller islands that are part of the UK also have their unique history, communities and economic structures, stemming from their own geography. Nearly every aspect of life on these islands, including their economies, is impacted on in some way by their geography. The debate is about showcasing and celebrating the economic strengths of our islands, highlighting the challenges they face and exploring how central and local government can help our islands get fit for the future. We are all islanders in one form or another and we should work together to protect and enhance these extraordinary communities and their economies.

Within my constituency, Havant, I have the honour of representing more than 17,000 residents on Hayling Island, one of Britain's most successful inhabited islands. The island has a fascinating history dating back to the iron age, stretching through the 11th century, the salt production industry and serving as a location for a mock invasion in preparation for the D-day landings. As important as Hayling's remarkable past are the exciting possibilities for its economic future. Northney, West Town, Eastoke, Sea Front and Mengham all boast an array of strong, independent businesses. Some of these are small, such as the Hayling Island Bookshop, reputed to be the smallest independent bookshop in Britain. It was a finalist in the parliamentary best small shops awards. There are others, such as Bentley Walker, which started life as an electrical goods shop and has now diversified into a provider of satellite-based internet technologies, serving customers around the world. Others, such as Northney Ice Cream, the Coastguard Café and the Seaside Florist, are family-owned. All of these Hayling businesses and others have their own character. While owners and employers are always eager to help the local community, they also give the island its distinctive welcoming character and a strong sense of community, engendering a strong sense of loyalty among local residents.

That warmth has made Hayling a great place to visit and helped it to build a strong visitor economy. The tourism industry is worth more than £160 million to the Havant and Hayling area each year. Hayling's beaches

are award-winning; the three main beaches of the island have won both the European blue flag and the Keep Britain Tidy group's seaside award flag for cleanliness and management. Eastoke Corner beach has been awarded a blue flag for more than two decades, attracting visitors from each of the three busy holiday parks across the island, which are also key employers.

Beyond the beaches, the island's sailing clubs also bring in visitors who enjoy our natural environment. The annual Virgin kitesurfing festival also attracts thousands of water sports enthusiasts from around the world. The island's remarkably low crime rate makes it a safe place for business to start and grow. The coastal and semi-rural nature of the island lends itself to the establishment of new businesses set up by local entrepreneurs such as John Geden, who established Sinah Common Honey. Each jar of honey is said to derive from nectar from more than 1 million flowers. Hayling's rich rural environment provides a sustainable, natural dimension to Hayling's economy. As of March 2018, only 115 of Hayling's 17,573 residents were claiming unemployment benefits of any kind—just 1.2% of the population, compared with the English average of 2.1%.

Although Hayling's unique geography is a source of economic strength and community spirit, the island and others around the UK also face unique challenges. There is a consistent need on Hayling Island and other islands across the UK to work harder to create sustainable and attractive employment opportunities for our residents, especially younger residents and school leavers. Any dip in opportunities for younger generations carries with it potentially destabilising knock-on effects for our wider economy. A brain drain, even a temporary one, can mean that our local businesses struggle to hire workers. The 2011 census indicated that there were 4,060 people living on Hayling Island who worked elsewhere, out of a working population of 9,934. Just under half our working residents commute off the island via a single road bridge most days of the week.

It is absolutely crucial that we equip all our islanders, especially our young people, with the skills to succeed in the economy of today and that of the future. I therefore welcome the fact that four of Hayling's schools, Mill Rythe Infant School, Mengham Infant and Junior Schools and Hayling College are rated as good by Ofsted, with Mill Rythe Junior School rated as outstanding. As with many coastal communities, however, we still have pockets of deprivation and underachievement that hold back our economic potential and productivity.

Although schools across the whole Havant constituency, including Hayling Island, receive higher than the national average in per-pupil funding, I believe that the Government's new national funding formula can do more to help pupils who suffer from the most extreme forms of deprivation, particularly in coastal communities. I have met the Minister for School Standards and the new Secretary of State for Education on several occasions to lobby them on this issue. I hope the Exchequer Secretary shares my desire to ensure that every young islander gets the best start in life, so that they can contribute effectively to our economy in the future.

The other challenge our island economy faces is the over-exposure of our business community to changes in the island's service infrastructure. We live in an age of digitisation, as I have emphasised in my other work in this House on the economic opportunities of the fourth industrial revolution. As online banking increases,

[Alan Mak]

footfall in local banks will inevitably fall. This has led to the closure of Mengham's NatWest and Barclays branches on Hayling, and I am sure other hon. Members face similar situations in their constituencies.

Although residents on the mainland can mitigate the closures by driving to a nearby branch that remains open, Hayling only had one branch of each main bank. In recent years, closures have forced many residents to travel to the mainland using the single road with increasing regularity. I am aware that this has been touched on and tackled elsewhere through the access to banking protocol, the Griggs review and the access to banking standard, and is ultimately a commercial decision beyond the Government's control, but I want to raise it to emphasise the heightened sensitivity of the economies of the UK's islands to changes in the economic infrastructure—they impact on us severely.

Public transport is key to a vibrant economy within an island as large as Hayling—transport between the island and the mainland, and in neighbouring areas, such as Portsmouth. Any diminution in service has a disproportionate impact on island communities for residents and visitors alike, especially on islands such as Hayling, which are both coastal and semi-rural. The Hayling ferry, for example, is a valued community resource that also helps the island economically. The ferry's owners and operators are putting together a business plan to make it commercially viable in the long term, working with local councillors—something I support. I hope that my hon. Friend the Minister will join me in wishing them every success as they seek to secure a long-term solution to ensure that we have a positive local impact from the ferry. Road infrastructure is equally vital. High-quality road networks are important, particularly as new housing is proposed on Hayling Island to meet local demands. Digital, structural and economic services are vital to the economic wellbeing of our island.

We live in a world of unparalleled opportunity thanks to technological innovation and a host of businesses are now footloose thanks to the advent of the internet and online shopping. On Hayling Island, 96.9% of premises can receive superfast broadband, set against a UK average of 93.5%. We are fortunate to be close to the mainland with a strong digital infrastructure, but I know that many islands are not so fortunate. With services such as banking increasingly moving online, fast download speeds are essential. That should be an area in which the Government can support island communities.

I commend the Government's efforts to date to support island communities. In 2011, the Government established the coastal communities fund and since then, four funding rounds have been completed, awarding a combined total of £173 million. Only 9% of that funding, however, has been awarded to projects based on islands, and 70% of that has been allocated to islands in Scotland. I do not begrudge any of the funds that have gone to those recipients. Instead, I seek to highlight our collective and continued need for sustained development and support for the UK's islands, including Hayling Island.

In March 2015, the then Department for Communities and Local Government established coastal community teams in order to encourage, "sustainable economic development and regeneration in coastal towns."

Each of the 146 coastal community teams that have been established were awarded £10,000, yet only three were exclusively based on islands. I am delighted that one, the South Hayling Island coastal community team, was based on Hayling Island.

Although the coastal communities fund was established with the aim of providing funding to create sustainable economic growth and jobs, it has become largely project-focused rather than addressing the structural, systemic and strategic challenges faced by UK islands. Consequently, I hope the Minister and the Government will consider expanding or complementing the coastal communities fund so that it can provide stronger strategic and structural support to the economies of UK islands. The reformed fund would be exclusively available to island communities, such as Hayling Island, to apply for.

Mr Bob Seely (Isle of Wight) (Con): I thank my hon. Friend for securing the debate. I strongly support the proposal, and I am glad that he is raising it with the Minister, because one of the problems is that islands are sometimes too small for the Treasury to be interested in as economic enterprise zones, which we need on the Isle of Wight and in the Medina valley specifically. With an enlarged coastal communities fund, perhaps one that looked specifically at driving economic regeneration, relatively small sums of money could make a great deal of difference and would go down very well.

Alan Mak: I thank my hon. Friend for that sound intervention and again for his role in securing the debate. I entirely agree with his points. As I was saying, a reformed coastal communities fund would be incredibly important to coastal communities such as Hayling Island and his constituency. It would be exclusively available to island communities to apply for to help them to meet the specific and unique challenges they face as a result of their specific and unique geography. As I mentioned in my opening remarks, those challenges include an oversensitivity to changes in local infrastructure, expensive or sometimes congested transport connections to the mainland, a skills gap and a need to support local, independent businesses, all of which could hamper economic growth if not addressed.

In conclusion, we are all islanders. Britain and its satellite islands are a beacon to the world of how innovative, welcoming and economically successful islands can be. After all, the UK is one of the largest and most successful island economies in the world. However, to make our island economies sustainable and resilient, on Hayling Island and beyond, we must help to tackle the systemic and structural challenges they face. I hope that central and local government will play their part. By doing this, we can ensure that islanders across the UK enjoy the bright economic future they deserve, and that they not only are fit for the future, but get to the future first.

9.42 am

Mr Alistair Carmichael (Orkney and Shetland) (LD): It is a pleasure to serve under your chairmanship, Mr Rosindell. I, too, congratulate the hon. Member for Havant (Alan Mak) on securing the debate. It is a rare and welcome opportunity to discuss island issues. The hon. Gentleman said that we are all islanders. I am doubly blessed in that regard, because I am an islander

by birth—I was born and brought up on Islay, off the west coast—and I am an islander by choice, having raised my family with my wife in Orkney. I have represented Orkney and Shetland here since 2001.

It is worth reflecting on what it means to be an islander and to live in an island community. Island communities are special places. Being an islander changes the way people see the world. One of my great bugbears is hearing people talk about insularity, meaning that islanders are somehow inward-looking. In fact, islanders are much more outward-looking, because they are dependent on their links with the rest of the world in a way that people in the larger conurbations on the mainland take for granted. To be an islander is not to be insular, however much that might offend the classicists, but to lead a different sort of life in a modern and connected world.

We are often excluded. Hon. Members have heard me speak before on the subject of all too often being excluded from or charged extra for deliveries that people in towns and cities take for granted. However, I do not want this speech to be a constant litany of the problems that island communities face. If nothing else, I hope the Minister takes away from the debate an understanding that our island communities have challenges, as every community in the country does, but we offer opportunities for the Government as well. Island communities can contribute in a whole range of ways to the work of Government, be it in Westminster, Holyrood or wherever else.

Many of the issues that we face as island communities are shared in common with communities across the whole country. Brexit is probably the dominant issue that I hear about when I speak to businesses in my communities. Orkney is a predominantly agricultural community and Shetland is a predominantly fishing-based community, where fishing still makes up about one third of the local economy. The shape of our future relationship with Europe—particularly in relation to the fishing industry and whether we will continue to have a relationship with Brussels and a common policy on fisheries, and the shape of future agricultural support, which is guaranteed only to 2022—is a big issue for our economy.

That highlights one of the biggest problems. As can be seen from the number of hon. Members present, there are not that many island communities in this country and we do not have that high a level of population, so we often fall off the end of the table because we need a slightly different provision and our island needs are not always understood. We are the most vulnerable to the law of unintended consequences.

Post-Brexit, as we move to reformed agricultural and fisheries policies, there are real opportunities to design them in a way that will work for farmers and fisherman across the whole country, and to build into them the flexibility that we have been denied over the years, which has been enormously detrimental to our fleet and the fishing industry.

The economic profile of most island communities is not dissimilar from that of Orkney and Shetland. We have an economy of predominantly locally grown small and medium-sized enterprises. For islands, as for all small communities, that is a good thing with real opportunities. It allows us to keep a lot of the money that we raise and spend within the island community.

The modern economy in our island communities, however, is a lot more than the farmers and fishermen that hon. Members might instinctively think of. In my constituency, I have several growing and successful software engineering companies. They offer well-paid and attractive employment opportunities to younger people who may have been away for higher education and want to return.

There is a role for Government, not just in terms of the economic development and growth of those companies, but in terms of the provision of infrastructure. One of the main hindrances to the economy in my constituency is the continuing poor level of broadband and mobile phone connectivity. The latter is slowly improving, but as the rest of the country looks towards 5G, most of my constituents can still only dream of 3G or 4G.

A different approach from the Government to rolling out that sort of infrastructure could be transformative for us. If we said to the big corporates such as BT, “Of course you can get a licence to roll out the next generation in Glasgow, Edinburgh, Manchester, London, Birmingham or wherever else, but you have to start at the periphery and work your way in,” that would mean that, instead of constantly playing catch-up and always following on, as a community with the opportunity to benefit most from that sort of innovation, we could be at the cutting edge.

In recent years, one of the most important parts of our local economy, on both Orkney and Shetland, has been the growth of tourism. We have gone from the days when bed and breakfast was provided by a few farmers’ wives to supplement their farming income to a position now where tourism is a significant part of our local economy. Obviously, it is part of an economy that is enormously vulnerable to outside influences, for example currency fluctuations. Also, terrorism and the attractiveness of our country as a whole will have a very long tail by the time that they reach Orkney and Shetland.

Tourism is also an industry that has big seasonal variations. People work long hours during the summer months but will perhaps just keep their businesses ticking over in the winter. Now, if somebody is in receipt of tax credits, for example, such big fluctuations of income throughout the financial year can be occasionally enormously problematic. Again, that is another example of the way in which the decisions made at the centre, which might work very well for 95% of people, can cause real difficulties in the way that they affect the remainder. When we hear about something benefiting the 95%, those of us who are islanders know that we will inevitably be largely among the remaining 5%.

The biggest opportunity for islands to contribute to our future wealth and prosperity in this country comes from the development of renewable energy. The first generation of wind turbines was tested in a prototype on Bugar Hill in Evie, in Orkney. Ever since then, those of us within the isles have been enthusiastic in our promotion of the next generation of electricity and energy development.

The development of wave and tidal power brings another opportunity. It is still very much in its infancy, but again it would require just a little bit of tweaking to make the regulation and the development funding work. Development money for wave and tidal power sits in a pot for developing technologies, alongside offshore wind. It is pretty well accepted that offshore wind is no longer a developing technology but is now a fairly mature

[*Mr Alistair Carmichael*]

technology. However, as a consequence of that development and the way in which the price of offshore wind has fallen, the full funding for developing technologies is then scooped up by offshore wind and the money that should be there to help wave and tidal power to develop is simply taken by offshore wind.

I do not begrudge offshore wind a penny of that money, but some dedicated pot of development funding for wave and tidal power would be of transformative benefit to the industry, and it would certainly be of enormous economic benefit to the island communities that I represent. Predominantly, though, it would allow us to contribute to the rest of the country.

We are not looking for any special favours or special treatment. We are not even looking for extra money from the coastal communities fund, although people should remember that that money came from the Crown Estate's marine estate, and so we have contributed plenty to that fund over the years, through our fish farms, marinas and piers. We just want the opportunity to be allowed to contribute to the rest of the country to the fullest extent that we possibly can, and in that way we can all understand that through good times and bad we will share the risks and the opportunities.

9.54 am

Mr Bob Seely (Isle of Wight) (Con): Thank you for calling me, Mr Rosindell; it is a pleasure to serve under your chairmanship.

I also thank my hon. Friend the Member for Havant (Alan Mak) for securing this debate and for being part of the all-party parliamentary group for UK islands. His presence here is very welcome and he spoke very eloquently about the needs of Hayling Island; once upon a time, when I was very young, I visited it and I remember how lovely it was. I also thank the right hon. Member for Orkney and Shetland (Mr Carmichael) for his contribution: it is always good to hear of the experiences of other islands.

As we know, this is not a debate about places such as the Channel Islands and the Isle of Man, which are Crown dependencies. This debate is about islands that are fully within the governance of the United Kingdom, but clearly they have physical characteristics that make them islands and give them distinct traits. Indeed, our islands are unique and special places, and to represent my island is a passion and a privilege, which I am incredibly grateful for. I love being here, but I would not want to represent anywhere other than the Isle of Wight.

Islands are, by definition, at the fringes of our nation, but they also help to define us, and they have a special place in our geography and culture. However, my argument to the Minister who is here today—I am very grateful for his presence—is that islands do not always get their fair share, because they are overlooked. In the case of my island and my constituency—the Isle of Wight—that is especially true.

By way of example, the Scottish islands get the Scottish islands needs allowance, or SINA, which comes from the Scottish Government. So they get the Barnett formula money, which is generous, and on top of that they get the SINA. If I remember correctly and have my facts right—I am sure the right hon. Member for Orkney

and Shetland will correct me if I am wrong—the Western Isles, Orkney and Shetland get an extra £6 million a year through SINA, in acknowledgment of the fact that supplying Government services on islands tends to cost more than it does on the mainland. The Isle of Wight gets none of that money, despite the fact that we have a population four times bigger than that of the Western Isles, for example, and two, three or four times bigger than that of Orkney, Shetland and other islands.

So we do not get our fair share, and when it comes to “fair” funding we are unfairly funded. The central reason for that is simple: it is the Solent. Government funding systems are not designed to deal with isolation by water. The rural isolation grant and the rural farming grants are all predicated on a sense of isolation, but isolation on land and not isolation by water. One of the arguments that I am trying to make, and I have already made it to the Minister's colleagues in other Departments, is that a fair funding formula needs to take into account isolation by water.

I have gone straight into the meat of my speech; I will now go backwards a little bit. We are very much open for business on the Isle of Wight; we are trying to attract new businesses to the island; and our regeneration team and our council have a very ambitious programme, which I absolutely support, and I will work hand in glove with them.

In fact, we have a unique scientific heritage. Marconi set up the first experimental wireless station off the south coast of the island, on St Catherine's Down, which, by the way, is one of the sunniest places in Britain; seaplanes were built by Saunders-Roe in East Cowes; and we have major employers and a cluster of defence, composite and high-tech industries, including companies such as Gurit, BAE Systems, GKN, which is now part of Melrose, and Vestas. Indeed, a high percentage of the world's large offshore turbine blades are made on the Isle of Wight at the Vestas factory. Vestas is doing great work on the island, and I thank it, as I do all employers, for its presence. So we are very much home to high-tech businesses that are at the cutting edge of their industries.

As I have said, however, there is a problem with providing Government services on the island. A University of Portsmouth 2015 study said that the extra costs of providing Government services on the Isle of Wight were £6.4 million a year, because of the costs of being an island. The university broke that figure down into three: first, the cost of self-sufficiency, because of the lack of spill-over of public goods provision; second, what it called an “island premium”, which is the additional cost of conducting business on and with islands, which the right hon. Member for Orkney and Shetland will know about; and thirdly, the sense of dislocation, which is the physical and perceived separation from the mainland and which could come from providing services to a smaller population and a smaller market.

I will give an example. At care homes, there was a clear mistake that we are rectifying. Elderly folks were put into care homes earlier than on the mainland, yet our care homes were costing more than the mainland because of the lack of competition between them. To some extent, another issue was their high quality. The cost was pushing additional burden on to our adult social care costs, which skewed our funding so that we could not spend the money on infrastructure to provide

jobs and on a jobs agenda. That is absolutely vital in keeping our youngsters on the Island, which helps make us the vibrant and successful community that we are, and which we are building on as well.

In those three different ways—full self-sufficiency, the island premium and dislocation—there is an extra cost for Government services on the Isle of Wight. That has been estimated, in an academically rigid, peer-reviewed article, to be £6.4 million a year, and that does not include other factors that I would like to bring to the attention of the Minister. One of those is the Green Book estimate. Green Book estimates are the terms and references for Government investment, and they do not work for the Island because we are physically isolated. We cannot do the things that work for Southampton, Portsmouth or, indeed, for Havant, because we are physically separated. The Green Book estimates process counts against the Isle of Wight in providing infrastructure.

I have mentioned separation by water in terms of the rural isolation grant. For farming grants, things are prejudiced against us because we are in the wealthy south-east. In many ways, we get all the downside of being part of the wealthy south-east—we do not get that extra support as we are seen to be in the wealthiest area of the country—when in many ways our economy is similar to that of west Devon or Cornwall. There is some tourism, some culture, farming and little clusters of high-tech industry. Whereas lovely places such as Cornwall get money thrown at them through EU grants and Government support, we have had very little of that.

The amount of money we would ask for from central Government to make the Island even more of a success is really very small. I would love to sit down and have that conversation with the Minister in greater detail. The answer is not devolution, because the housing system sadly does not work for us, and we will be arguing why we are an exception. We want a modest, tailored package of support that recognises that we are an island. That £6 million extra in fair funding would be of benefit for the council, and would recognise that because we are an island, we need an A&E and a maternity unit, because someone cannot give birth on a helicopter going to the mainland, and the ambulance cannot wait for four hours to get the ferry overnight. Our funding in health services and many other things is skewed by the fact that we are an island, and that is not recognised.

We have many little clusters of excellence. Our tourism economy is significantly improving. We will very soon have one of the best broadband services in the world. Thanks to our wonderful local company, WightFibre, and the Department for Digital, Culture, Media and Sport—I thank them very much indeed—we are getting significant sums of money so that we will get ultra-superfast broadband for five out of six houses on the Island. If someone has a broadband business, the place they want to be is not London, Old Street, Moorgate or Brighton, but Cowes or Newport, where they will get broadband speeds comparable with Singapore. What I need to do, working with colleagues in the council, is determine how we get the other one sixth of houses in the more rural and very rural areas linked up to that as well, so that people can have Singapore broadband speeds in their little farmhouse in Newtown Creek, Brighthstone, Chale or wherever.

Most importantly, education is critical to our future. It is improving and is becoming a success story. We probably need to work on restructuring our sixth forms, but most importantly, I would like to have a conversation with the Treasury and the relevant Ministers about getting significantly more higher education to the Isle of Wight, specifically a university campus. I would like that to be in Newport as part of our critical Newport harbour redevelopment. It may be that it goes elsewhere. Higher education would clearly lead to much higher levels of higher education, but it would also drive our software businesses, which the right hon. Member for Orkney and Shetland spoke about, and other key investments.

We have also won special status from the Arts Council, and we are building a much stronger cultural offer for tourism, education, aspiration and, critically, regeneration. It is important for the Minister to be aware of that. I would love to have a conversation with him about our farming and small businesses. I am having a conversation with the Minister for Agriculture, Fisheries and Food, my hon. Friend the Member for Camborne and Redruth (George Eustice), about mobile slaughtermen. Once we leave the European Union, we will be too small to have an abattoir, yet our field structure on the Island is perfectly suited to animal husbandry, and we are very keen to support local food production, which is good for multiple reasons, over and above employment.

Mr Carmichael: I understand exactly what the hon. Gentleman says when he talks about the Island being too small to have an abattoir—we have the same issue in the Northern Isles—but I suggest that is not actually the case. The Isle of Wight is surely too small to have an abattoir only in the way we regulate and manage abattoirs currently. A more sensitive system of regulation would surely allow a good business there.

Mr Seely: The right hon. Gentleman makes a very good point, and I am happy to take that correction. Post-Brexit, we need to change the rules for farming so that we have smaller abattoirs or mobile slaughtermen who can kill animals humanely on the farm to allow them to go into the human food chain in a way that does not exist at the moment.

Finally, I would like to have a conversation with the relevant Minister in due course about BAE and the need to have a complex radar technology demonstrator in Cowes. If we wish to keep radar technology in this country for the next 50 years—there is a critical national interest in doing so—the only realistic place to have it is where the aircraft carriers, the Type 45 and all the Royal Navy warships are made, which is in West Cowes at the BAE plant. I want to bring together BAE and Government to have that conversation. We are talking about small sums of money—£5 million, £10 million or £15 million—to secure a complex radar technology demonstrator, so that we can keep those high-tech jobs and that high-tech knowledge on the Island. I will wind-up now, Mr Rosindell. I apologise; I have taken a touch too long.

The Island is a success story, but I do not believe the Government have engaged with us enough over the past 10 to 20 years to maximise our success in building a new economy and an advanced education system, doing all the things we need to do regarding our infrastructure, such as our broadband and all the high-tech jobs,

[Mr Seely]

and making the Island the economic success story that it is. I reinforce the point about the coastal communities fund and the importance of the Treasury spending a little time and effort to understand islands, their unique circumstances and the amounts of money—very small in the great scheme of things—that could help drive enterprise and economic progress. More than anything, I want my constituency, the wonderful Isle of Wight, to contribute economically, rather than being a place that gets handouts from central Government because we say we are poor and do not have this or that. With a bit of help from the Treasury and the Government, and greater integration and support, we can drive our success story further.

10.8 am

Bill Grant (Ayr, Carrick and Cumnock) (Con): It is a pleasure to serve under your chairmanship, Mr Rosindell. I congratulate my hon. Friend the Member for Havant (Alan Mak) on securing this important debate on islands of the United Kingdom. Island economies are particularly important to Scotland, which boasts almost 800 islands around its coastline. In 2011, some 93 permanently inhabited islands were recorded, and between them they host almost 2% of the Scottish population. That gives Scotland by far the largest number of inhabited islands in the United Kingdom.

I had the privilege of being the senior fire officer in Argyll and Bute for some five years. I pay tribute to the islanders who provide the personnel for the volunteer units and retained fire stations that serve those communities. They are very much on their own; getting support to them can prove almost impossible. I commend the men and women who support their fire service. At the time I was there, the island populations varied from around 100-plus on Coll and Colonsay to more than 3,000 on the island of Islay, which was mentioned earlier. To complement the population, Islay has eight distilleries, which are a great employer. As somebody said, there are no bad whiskies; some are just better than others. A neighbouring island is Jura, where we also have a distillery that produces a lovely whisky that bears the name of the island.

Tourism, food and accommodation figure strongly in many island economies, along with traditional incomes from crofting, farming, fishing, and, in some cases, fish farming. The right hon. Member for Orkney and Shetland (Mr Carmichael) suggested there might be opportunities post-Brexit to adjust the system to assist the communities further. They really need that assistance. Oil and gas are players in a number of island economies mainly to the north of Scotland. Tiree, which is quite breezy, off the west coast of Scotland, is the most fantastic place in the United Kingdom for windsurfers.

In my time visiting the west coast islands, the provision of fire cover, education and medical services was a constant challenge just to secure the right people for the posts. The additional cost of providing those services is recognised and factored into the Barnett formula under the sparsity factor. May I commend the Scottish Government for the introduction of the road equivalent tariff, which, in conjunction with the ferry operator, Caledonian MacBrayne, has generated additional tourist traffic that in most cases—although perhaps not in all cases—must be welcomed?

Mr Carmichael: My constituents would not forgive me if I were to allow this opportunity to pass. I must point out that in the Northern Isles, despite a raft of promises over the years, we are still to see the reduced fares promised by the road equivalent tariff.

Bill Grant: I fully accept the right hon. Gentleman's intervention. I hope that those endeavours will bear fruit and be recognised. I think that the NorthLink Ferries services do not attract the same support.

We also host the world's last seagoing paddle steamer, the Waverley, based in Glasgow. She is a wonderful way to do what we say in Scotland is a trip "Doon the Watter" that takes people to various islands such as Arran and Cumbrae, which I am sure we will hear about later. It is a great opportunity to see the wonderful west coast. She also plies her trade off season down here in the Thames.

Mr Seely: She has also spent much of her time on the Isle of Wight, where she was very welcome.

Bill Grant: I thank my hon. Friend for bringing that to my attention. I am sorry for missing out the Isle of Wight. The Waverley is a wonderful asset to the nation and is the world's last seagoing paddle steamer, supported by a charity and the nation.

Though uninhabited, Ailsa Craig is an island that sits off my constituency in the Firth of Clyde and plays host as a bird sanctuary to gulls, guillemots and puffins. Most importantly, it provides the granite for the best curling stones in the world, hand-crafted by Kays of Mauchline in Ayrshire. When we see curling on television, the curling stone almost certainly originated from the island of Ailsa Craig.

It is important to note in this debate that island communities in Scotland and across the United Kingdom are diverse. No two islands are the same, and although they often face a similar set of economic challenges, they each have their own unique circumstances: for example, population. Scotland has four islands with populations above the 10,000 mark, and those islands' economies have different needs from the many Scottish islands with populations below 100. In the case of many of those smaller communities, probably the most pressing economic issue requires acting to prevent depopulation and working to secure the long-term future of those communities. Retaining young people on the islands to give them continued vibrancy is important.

The population of Scotland's islands increased by about 4% between 2001 and 2011. That is a welcome development, which I hope will continue and even accelerate over the coming decades. In many cases it is very challenging to sustain island populations. Although Scotland's four largest islands recorded an increase in that period, it is sad to note that communities of fewer than 50 inhabitants still experience, in general terms, the risk of a drop-off in population numbers. When we talk about the economies of the islands, therefore, we must be sure to include all the islands and not just the larger and identifiable ones such as the Isle of Wight.

Scotland's small island communities are some of the most unique and beautiful places in the entire United Kingdom, and it is important that their future is secured as well as possible. Scottish islands of all sizes have great economic potential, and both the Scottish and

UK Governments need to work together to ensure that that potential is fulfilled. The right level of investment and support, as mentioned earlier, is needed across the islands, but particularly in areas such as transport, fuel costs and maintaining the vital links that give islanders access to the basic services that people on the mainland simply take for granted.

Connectivity is vital for Scotland's remote islands. For island communities as well as other rural and remote areas, broadband is necessary to ensure that the communities' economies do not get left behind. I hope that the UK Government's welcome intervention in the broadband roll-out in Scotland will deliver results sooner rather than later.

As was mentioned before, 4G and 5G connectivity are vital to local economies across the United Kingdom, and island communities are no different. If our islands keep pace in terms of mobile connectivity, they have a better chance of keeping pace economically, which is essential for a vibrant future for the islands. The Islands (Scotland) Bill, which is currently going through the Scottish Parliament, will be judged on the outcomes it produces, and I hope that islanders will not be disappointed. Our islands, of all sizes, can and should have a bright future ahead of them.

Finally, if anyone is minded to secure a tranquil, peaceful holiday, they would do well to visit a Scottish island.

10.16 am

Patricia Gibson (North Ayrshire and Arran) (SNP): I am very happy to speak in this debate today, and I sincerely thank the hon. Member for Havant (Alan Mak) for securing it. I also thank him for the celebratory tone with which he introduced the debate on our beautiful islands right across the United Kingdom and for recognising the unique challenges that our islands face, despite the many attractions that they offer both residents and visitors. Our islands are indeed beautiful but, as we have heard today, they can be quite fragile, too, and deserve special and separate consideration, so I am delighted to contribute today as I have the honour of representing the beautiful islands of Cumbrae and Arran.

Our islands not only face unique challenges, but share common challenges. I want to say a few words about the comments made so far. The hon. Member for Havant painted a beautiful picture of the island of Hayling, which he has made me think about visiting because he painted such an idyllic picture of it. We have also heard about the beautiful islands of Orkney and Shetland and the Isle of Wight. We had a round-up from the hon. Member for Ayr, Carrick and Cumnock (Bill Grant). I took a photograph surreptitiously as he paid tribute to the Scottish Government. Although the photograph will not have sound on it, it will be a moment captured in time as he went out of his way to pay tribute to the Scottish Government.

I represent the isle of Cumbrae, whose main population centre is the town of Millport. There are few people who grow up in the west of Scotland who do not have a childhood memory of cycling round Millport and this lovely island just off the seaside town of Largs, which I also have the privilege of representing. Cumbrae is a mere hop, skip and a jump from Largs. It offers the beauty and tranquillity of island life while being extremely

accessible and a short ferry ride away. In the height of summer there are 40 sailings each way per day to the Isle of Cumbrae. People flock there not only for the beautiful scenery, but to visit the £4.2 million education facility, the Field Studies Council, which was built in partnership with the Scottish Government and has attracted visitors and scholars from across Europe, if not the world.

The Isle of Arran is a little more remote and offers towering mountains and luscious rolling landscape that can, in the right light, simply take your breath away. I mention such things not only for the sake of it, because it is such a nice thing to discuss, but because both islands enjoy a huge influx of visitors, especially, although not only, in the high season.

The hon. Member for Ayr, Carrick and Cumnock mentioned the road equivalent tariff, whereby ferry fares are set on the basis of the cost of travelling an equivalent distance by road, including a fixed element to keep fares sustainable and to cover fixed costs such as infrastructure. RET was introduced to the island of Arran in October 2014. I hope that my setting out the benefits of RET will help the Minister as he deliberates about how to stimulate island economies and help them to grow.

The right hon. Member for Orkney and Shetland (Mr Carmichael) expressed some disappointment that Orkney and Shetland appear not to benefit from those advantages. He will be aware that the Minister for Transport in Scotland announced that RET would be rolled out to Orkney and Shetland in the first half of 2018. That announcement was very much welcomed by his colleagues Tavish Scott and Liam McArthur. I am sure that the right hon. Gentleman will also, when he has time to reflect, wish to welcome the announcement.

Mr Carmichael: I am on the record as welcoming the good intentions; I am just frustrated that, almost 11 years since the same opportunities were given to communities in the Western Isles, we still have not seen a single penny piece in the Northern Isles. Surely, the hon. Lady understands why our communities are so frustrated by the decisions taken by her Government in Edinburgh.

Patricia Gibson: As I said, I understand the right hon. Gentleman's frustration, because we all want to fight for our constituents and secure for them whatever advantages we can as soon as possible. He will also remember that I said that the Isle of Arran got RET in 2014. From what he said, that was a considerable distance behind the first roll-out. The fact is that the roll-out is a process and a programme. Obviously, the islands that are not at the front of the queue will be frustrated and impatient, as they should be. The fact is that RET—as I suppose his frustration suggests—is a huge benefit to island communities, and any island would be mad not to want to secure those advantages as soon as could be arranged.

The object of road equivalent tariff is to increase demand for ferry services by making ferry travel much more affordable and more accessible, to increase tourism and to enhance the local and wider national economy. That is why the right hon. Member for Orkney and Shetland, the hon. Member for Ayr, Carrick and Cumnock and I are so excited about it. In order to be as helpful to the Minister as I can—I always try to be helpful to my

[*Patricia Gibson*]

colleagues—I intend to paint a brief picture to show him the positive impact that road equivalent tariff can have, in case it is something that he wants to consider rolling out in the rest of the UK. It helps to offset some, though not all, of the challenges that are faced by island communities, which we have heard a wee bit about today.

In the case of Arran routes, such as the Brodick to Ardrossan route and the route between Claonaig and Lochranza, stimulation of the economy has certainly been achieved. Arran's economy—if you can believe this, Mr Rosindell—has grown by 10%, which is a faster rate of growth even than China. That is something to prize, and it can perhaps be best explained by the price of the Ardrossan to Brodick route tumbling by a massive 46% for foot passengers, with a 64% reduction for cars being transported on that route. That comes at a cost of a mere £2.4 million a year to the Scottish Government.

I will set out the advantages that RET has brought in practical terms to the island. Analysis carried out by Transport Scotland has concluded that RET has significantly increased resident ferry travel across all journey purposes, and increased the demand for ferry services. In addition, the number of tourists has increased substantially, with the season extended from Easter and peak summer to the equivalent of the whole summer timetable. RET has enhanced the island-hopping tourist market with neighbouring islands. The Scottish Government are investing £1.8 million a year to support RET for the route between Cumbrae and Bute.

We know that job markets on islands can be challenging and fragile—we have heard a bit about that today. For Arran businesses, the impact of RET has been extremely positive, with increases cited in footfall and turnover. The tourism sector has accrued the greatest benefits, with hotels, guest-houses, campsites, golf courses and visitor attractions all highlighting the positive impact of RET.

Interestingly, RET has been particularly beneficial to the more remote areas of the island of Arran, particularly on the west coast. That is surely down to the increased numbers of visitors availing themselves of the opportunity to bring their cars on to the island at a much reduced cost, and exploring the farther reaches of the island, beyond Brodick and Lamlash. It is heartening to see a new £10 million distillery on Arran, and major expansion of the Auchrannie hotel and spa, which will enhance any visitor experience. RET has also allowed those who live outwith the island to take up jobs that have been challenging to fill, as students or seasonal workers can sometimes fill them. There is even a scarcity of staff to fill the increasing demand for workers in the hospitality industry, demonstrating the success of RET for the island.

Of course, there is no denying that RET has posed challenges for some businesses in the retail sector, because they are becoming increasingly exposed to competition with the mainland. However, studies show that the overwhelming consensus is that there has been a very positive impact on the island in terms of social, cultural and economic opportunities.

We know that connectivity is key, and that is very true of broadband connectivity for our islands. The Arran Economic Group reported last year that, based on

cabinet installations, more than 90% of households and businesses now have access to superfast broadband, with take-up on Arran and Cumbrae at around 41%. There have been particular issues with the area of Machrie on Arran, but progress is being made.

We have heard some remarks about connectivity, regarding broadband and mobile phone signals. It is true that that is an issue, but as I always say to constituents when they raise such matters with me, the connectivity of broadband and mobile signal on this very estate sometimes compares to some of the difficulties that people have on the island of Arran and other outlying areas in our coastal communities. The broadband and mobile phone signal on this estate is sometimes, as you will be aware, Mr Rosindell, absolutely shocking. The fact that we have that problem in the middle of London, in the middle of the parliamentary estate, shows the scale of the challenges that our island communities face.

Arran also suffers from the lack of affordable housing. That is a challenge for future economic growth on the island, since it has an impact on the working-age population. One barrier is that 22% of homes on Arran are second homes, with a further 59 empty homes identified. We need to find ways of offsetting those issues, alongside plans to build new affordable homes on Arran. The Scottish Government have helped to fund 96 new homes in partnership working. That is a start, but clearly there is much more work to be done. The Scottish Government are investing £2.2 million on Cumbrae for amenity housing, but there is no room for complacency. Affordable housing remains a big challenge.

We know that there are pressures on Scotland's budget. I was quite bewildered by the comments made by the hon. Member for Isle of Wight (Mr Seely). He is standing up for his constituents, which is exactly what he is supposed to do, but I flinched when he called the Barnett formula “generous”, given that Scotland's resource budget was cut by £211 million this year and will be cut by £538 million next year. I am sure that he wants more resources for the Isle of Wight, but I do not think that describing the Barnett formula as generous is the way to do that.

Mr Seely: Will the hon. Lady admit that Scottish islands get two things that the Isle of Wight does not: the Barnett formula—whether or not she describes it as generous—and the Scottish islands needs allowance? They are twice as generously funded as the Isle of Wight.

Patricia Gibson: The islands do not benefit from the Barnett formula; Scotland is allocated funding through the Barnett formula. I cannot describe it as generous. I do not believe for one minute that the hon. Gentleman is wrong to fight for his constituents, but comparing their funding unfavourably with any funding formula for Scotland is the wrong way to go. One thing that the islands in Scotland benefit from that the Isle of Wight perhaps does not is the priority that the Government give them. That might be a way forward.

There are clear challenges. Our island communities matter to us, as of course they should. As the hon. Member for Ayr, Carrick and Cumnock mentioned, the SNP Government in Scotland has brought forward the Islands (Scotland) Bill, which seeks to build better

national and local economic frameworks for island development and their unique needs. It seeks to ensure that any legislation that is passed will be “island-proofed” to make sure that islands are taken into consideration and not forgotten about. That will help our island communities to become more sustainable and vibrant as they face the future—something that we all wish to see. I hope the Minister will reflect on the benefits of RET and will investigate the provisions of the Islands (Scotland) Bill, and perhaps use that as a way of improving the lives, experiences and economies of the islands across the UK.

I end by urging all Members who are here today—and those who are not, but who have the good fortune to listen to the debate—to pay a visit to the beautiful islands of Cumbrae and Arran, where they will find the scenery breathtaking and the communities warm and welcoming. Like so many previous visitors, they will find that they wish to return again and again.

10.30 am

Peter Dowd (Bootle) (Lab): It is a privilege to serve under your stewardship, Mr Rosindell. I congratulate the hon. Member for Havant (Alan Mak) on securing this debate and bringing the issue to the House to chew over—it is very important. The contributions from the hon. Member for Isle of Wight (Mr Seely), the right hon. Member for Orkney and Shetland (Mr Carmichael) and the hon. Member for Ayr, Carrick and Cumnock (Bill Grant) indicate the complexity, diversity and multifaceted aspects that this issue throws up. It must be seen in the context of the type of islands that we have in this country—from the Isle of Wight, with its 140,000-odd population, right through to some of the inhabited Scottish islands, which have perhaps five or six inhabitants. It is not quite as simple as saying that an island is an island is an island.

There is also the diversity of economic activities on our islands. The hon. Member for Ayr, Carrick and Cumnock talked about windsurfing, and I also got the impression that he has tasted whisky. I look forward to hearing his experiences of windsurfing—if not seeing the photographs—next time we debate.

As the hon. Member for Havant mentioned, one of the greatest problems faced by the economies of UK islands is poor infrastructure. The rising cost of transport for people who live on UK islands clearly has a knock-on effect on jobs, suppliers and the population, as many young adults are choosing to leave their island homes in favour of finding work in the rest of the country.

Another challenge is the higher levels of unemployment; the unemployment rate on many islands is well above the national average. The Isle of Sheppey's unemployment rate stands at 2.6%, while those on the Scottish islands of Arran and Bute are 3.8% and 4.1% respectively. As has been discussed, many islands are tourist destinations, which means that a large amount of the work is seasonal. In the past, that might have been less of a challenge, but with weather becoming increasingly unpredictable due to global warming, it is much harder for those economies to plan and scale. It is not necessarily a major factor at this point, but it is a factor. In relation to the grouse—I mean gross, though grouse is very appropriate for Scotland—the gross household disposable income on UK islands is lower for workers in the Orkney Islands, the Isle of Wight, the Western Isles and Anglesey than for those in much of the rest of the United Kingdom.

Given the increasingly technological nature of advanced economies, the hon. Members for Isle of Wight and for North Ayrshire and Arran (Patricia Gibson) have quite rightly pointed out the vast differences in broadband connectivity and speeds between parts of the UK and the islands. That has a huge impact on island economies, particularly on the number of small businesses that operate remotely. Naturally, many UK island economies suffer from having less resources, which hon. Members have mentioned, and have a heavy reliance on a limited number of supply chains, which leads to the UK's island populations paying more for goods and services. When combined with lower-than-average incomes, higher costs of household essentials are a key factor in driving poverty levels.

All those issues have been outlined with clarity by Members from across the House. We have had the analysis of the symptoms, but I am not sure we have had the practical things we can all do to help those communities—I hope the Minister will address that. It falls on me, as Opposition spokesperson, to refer to the elephant in the room: eight years of austerity. Many areas have suffered disproportionately from that because of the lack of investment in those communities, where they have struggled.

Let me take a couple of examples. I understand that Canvey Island has an independence party, with eight or nine councillors. I am not quite sure whether they are going to get to a referendum—but perhaps we should not go there, or talk about customs unions or single markets, as I am sure we have enough trouble with that at the moment. Canvey Island sits in the borough of Castle Point in Essex, a local authority that has seen nearly £1 million of Government grant disappear. Reports now suggest that Castle Point will be running a million-pound deficit in three years' time.

Perhaps we should turn to Hayling Island, which the hon. Member for Havant mentioned and knows well, as it is in his constituency and covered by Havant Borough Council. A couple of months ago, his local paper, the *Portsmouth News*, reported that the local authority had been forced to increase council tax by the maximum of 3%. The local population will have to pay that—a population that, as the hon. Gentleman said, are already stressing and straining. Why might a Conservative council feel the need to increase taxes on the good people of Havant and the island of Hayling? It faces a £1.2 million reduction in central Government support as a direct result of the Government's policies. There is no way to duck that particular issue. The council leader, when describing the measures being taken to try to rescue some services said:

“We didn't want to go down this route but we had no option”.

The council faces a significant reduction in central Government funding through the revenue support grant, which in 2016-17 was £1.4 million, is now £290,000 and from 2019-20 will be zero. That is a factor in the issues that the hon. Gentleman raised.

These are not isolated examples. If we consider any of the local authorities of the islands mentioned in this debate, the story is the same—deep and pernicious cuts that threaten the very existence of some of them.

Mr Carmichael: Of course reductions in public expenditure are difficult for island communities, as they are everywhere. The real difficulty that they face is not

[Mr Carmichael]

just the amount of money that they have to spend, but the fact that so much of it comes with strings attached and local authorities are given so little discretion over how to spend the money that they have. What island communities need more than anything else is the ability to make decisions for themselves.

Peter Dowd: I agree with the right hon. Gentleman, and his point feeds into the whole question of devolution within nations. Whether we like it or not, there is centralisation down here in Whitehall and Westminster. That is not a criticism, as it happens in all parties. In the past, I have called it—forgive the phrase, Mr Rosindell—the anal retention down here. It is not particularly helpful or productive. Local communities know their areas best and it is best for communities to get on and use their discretion, within as wide a parameter as possible, to provide services in their areas. They tend to know best.

Given how these local economies are often heavily reliant upon the public sector, following major structural changes to the economy of the last four decades, it is little surprise that some communities are under stress. The hon. Member for Havant referred to commercial practicalities. Sometimes, they will close down banks, pubs and other services. Do we permit that to happen, or do we do something to ameliorate it? It is sometimes the Government's job to help and to intervene—not to direct or do too much, but to go in and help communities where such services are the lifeblood. In 10 or 15 years' time, we will all be concerned that such services have de facto closed down, and we will ask what we could have done to support them.

Some islands are getting increasingly desperate about the way things are. All joking aside, some people on Canvey Island want independence because they do not feel they are getting the deal they should be getting. That underlines the point that the right hon. Member for Orkney and Shetland made about devolution and about local communities being able to run themselves where possible.

It is important that the Government begin to invest in the UK island economies and engage with their populations. Whether that means the Isle of Wight or a small island off the Scottish coast, that has to happen. It could mean investing to stimulate employment opportunities on UK islands, as the increasingly unpredictable cycle of seasonal work is clearly not enough to sustain island economies. Anglesey and Orkney have demonstrated that investment in renewable energy can deliver sustainable jobs and put the UK on the path to energy security, as the right hon. Gentleman said. The Government have to stop being blinkered; they must look at these issues and at how they can work with communities.

The Opposition have some transformative proposals, such as our plan for a coastal communities fund—a policy we have been consulting on since the election, and which we will begin to outline in due course. I believe it will address some of the issues that the hon. Member for Havant raised, deliver investment in a number of UK island economies and hopefully bring them back from the brink. In our grey book, "Funding Britain's Future", we set out an immediate increase in local government funding while we review council tax and business rates. That in itself will not prevent some

communities from going over the edge, but we have to send them the message that we are here to help and support them, and that we will do everything we can to ensure they continue so that we maintain the diversity of our country. I am sure the hon. Gentleman will welcome that injection of investment into his community.

We need a radical rethink to help communities that feel under pressure, left behind and under threat. Tinkering at the edges is not good enough, and will not help island communities, in their diversity, to succeed.

10.43 am

The Exchequer Secretary to the Treasury (Robert Jenrick): It is appropriate that you are in the Chair, Mr Rosindell, as you are Parliament's greatest champion of a different type of island: our overseas territories and Crown dependencies.

I thank my hon. Friend the Member for Havant (Alan Mak) for raising this important issue and for enabling a range of Members from across the House, representing all parts of the United Kingdom, to participate and give a complete tour of the British Isles. One thing we have learned today is that, although the British Isles are a great archipelago of more than 6,000 large and small islands and isles, relatively few of our constituents live on them, and we are perhaps less appreciative of them than we should be. Perhaps more than at any other point in our history, we are disconnected from our coast and our coastal communities. The Government are keen to change that and to ensure coastal communities and islands are properly represented. Today's debate is an important part of that.

We want to raise productivity, living standards and economic growth in all parts of the United Kingdom, and of course islands and island communities are an essential part of that. Members representing the Isle of Wight, Hayling Island, Orkney and Shetland, Cumbrae, Arran and others have told the stories of their communities, many of which have been very positive. An important part of what we have heard today is that, although living on an island can cause problems, to which the Government, at a national or a local level, must respond, there are also opportunities for economic growth. Wonderful benefits can come from living in communities that are close and, as the right hon. Member for Orkney and Shetland (Mr Carmichael) said, can be very outward-facing to the rest of the world.

We appreciate that the barriers to growth can include a lack of opportunity—which can be a barrier to social mobility—poor connectivity and relatively high costs for transport, public service delivery and goods in the private sector. Although living on an island has many benefits and wonderful opportunities, which anyone who has grown up on one no doubt always lives with, the mainland can exert a strong gravitational pull, particularly to the young, and can at times lead to a drain of talent and youth. However, we have heard today about a number of islands whose populations are rising, which is very positive indeed.

Many of the barriers that island communities face are obviously a natural consequence of their geography and are common to all. Crudely, there are three types of island within the British Isles. The Isle of Wight is unique, in that it has a very large population—more than 130,000 people—and no bridge linking it with the mainland. I will turn to its specific demands in a moment.

The islands in the second category are mostly in Scotland, but there are a few off England, such as the Isles of Scilly. The populations of those islands, such as those represented by the right hon. Member for Orkney and Shetland, can still be substantial. They have no bridge to the mainland, and their remoteness poses particular problems, which require solutions, although they have smaller populations than the Isle of Wight.

Third are the islands, such as Hayling Island, that are connected to the mainland by roads. I do not want to diminish the challenges and issues they face, but they have commonalities with rural areas of the United Kingdom that have issues relating to remoteness. They are, to an extent, different from the islands that are separated from the mainland and do not have road links. I will address each of the three types. I apologise that this is a crude way of dissecting the issue, but it is at least a lens through which to look at it.

My hon. Friend the Member for Isle of Wight (Mr Seely) talked about the challenges and the opportunities of the Isle of Wight, which has a substantial population and no road connection to the mainland. The Government must think carefully about how we can assist it in delivering public services and ensuring its economy continues to grow. With the exception of the Isles of Scilly, it is unique—in England, at least—and we need to think about that when preparing new formulas for schools, local government, policing and other matters. I want to consider that with my hon. Friend in the future. I will talk about some of those issues in the time available to me.

A common thread for the Isle of Wight and all the other islands we have discussed today is digital. Although they are somewhat—at times, very—remote, the opportunities presented by the new economy are huge. They can help us break down some of the barriers and enable those islands to be highly connected to the rest of the world. We heard about new broadband opportunities in Newport, and I am sure there are other examples elsewhere in the British Isles.

We are focused on improving digital infrastructure on the Isle of Wight, in particular. It is clearly a critical part of life today. The Government are investing some £1 billion to ensure our digital infrastructure is fit for the future. I believe that the Isle of Wight was one of the first areas to benefit from the £400 million digital infrastructure investment fund. That was when investors Infracapital channelled some of the allocation into WightFibre to help to roll out full-fibre broadband to more than 50,000 homes, to some of which my hon. Friend the Member for Isle of Wight might have referred in his speech. Alongside that, Infracapital will invest £35 million of its own money to fund the expansion of the company's infrastructure across the Isle of Wight. That is very positive and shows what we can do working together—although of course there is more work to be done.

On transport, roads are another vital part of the Isle of Wight's infrastructure. From 2013 the Government will provide up to £477 million to Isle of Wight Council for a highways maintenance project through a private finance initiative that is under way. That will allow the council to carry out vital improvements and maintenance to local roads over a 25-year period.

We also recognise that transport to our islands must be adequate. That was not really touched on in my hon. Friend's remarks, but having spoken to his predecessor

in the past I know of concerns about the Isle of Wight ferry. Such concerns are no doubt common in other islands served by a single ferry company. The Competition and Markets Authority is aware of those concerns, which I expressed in my first meeting with the new CMA chief executive, Andrea Coscelli. The CMA is independent and the decision to take forward any investigation is its alone—the Government have no levers to direct the CMA as to which investigations it should choose, but I have raised the matter with him and know he is fully aware of it.

Mr Seely: I did not mention the ferries in my speech because I wanted to talk more broadly about the economy, but the relevant authorities are well aware that I would be keen to call for another investigation. However, I am not doing so at the moment because the new transport board on the Island is trying to work constructively with our ferry companies. I want to give that a chance to work first—for Wightlink, Red Funnel and Hovertravel to work together more closely and to be more supportive of the Island, driving our economy and being part of the solution, rather than part of the problem. That is why nothing is happening at the moment, but there is that option.

Robert Jenrick: I thank my hon. Friend for his constructive approach. I suggest that he engage with the CMA if he wishes to take anything forward.

Schools do not fall directly within my remit at the Treasury, but in advance of the debate I reviewed the performance of Isle of Wight schools. I appreciate that in some cases there are some long-standing difficulties. The new national funding formula will help to address that challenge. Under the new formula, the Isle of Wight stands to gain up to 3.2% for its schools, which represents an increase of £2.2 million, or £140 per pupil. Clearly the new formula's interest in sparsity of population will help in some island cases, but not in all because some islands are relatively densely populated. In certain parts of the Isle of Wight, however, that sparsity provision will help—I believe two primary schools will be eligible for funding in that respect. Certainly the specific challenges of the Isle of Wight need to be considered in future funding formulations.

I shall turn briefly to the comments of the right hon. Member for Orkney and Shetland and to those islands that fall into the category of remote, or very remote, and without any of the direct transport links of a road bridge. Clearly, such islands require careful consideration by central Government. We shall work as constructively as possible with the Scottish Government in areas where we can collaborate. When the right hon. Gentleman was in Government, he created the 2014 island framework to encourage the UK Government to work closely with the islands around Scotland. We would like to see such initiatives continue.

The Government also recognise the issues with broadband, and we want to do what we can to assist in Scotland. For example, more than £50 million of the superfast broadband programme went to the Scottish highlands and islands to provide access to download speeds of at least 24 megabits per second. Recently, we announced the winners of phase 1 of the £25 million 5G testbed competition. That includes £4.3 million for the 5G RuralFirst testbed, which will be based primarily in the Orkney Islands.

[Robert Jenrick]

As far as possible, we continue to support North sea oil and gas through continued Treasury investment, and a strong and stable fiscal framework for the oil and gas industry, most recently with the announcement of the transferable tax history, which has been widely welcomed by the industry. I take on board the comments of the right hon. Gentleman with respect to renewables and the essential role that they play, and will continue to play, in the future of islands such as the Orkneys and Shetlands. I shall take away his suggestion about wave and tidal funding.

Finally, on islands connected to the mainland by road, the most prominent one we heard about today was Hayling Island, which sounded like a wonderful place. I would love to visit the bookshop or the ferry and, on a day like today, we would all like to be on an island such as Hayling. Many of the issues raised by my hon. Friend the Member for Havant are common in other rural areas elsewhere in the United Kingdom, and we are concerned about them. We are, for example, making further investment in roads. We have launched the large local majors programme, which is potentially transformative for market towns and smaller communities that require significant road investment projects. I encourage my hon. Friend to take that up with the Department for Transport, if applicable.

We are also aware of bank closures, which have been widely debated in the House and are common to a number of communities throughout the United Kingdom, although I appreciate that in islands the effect can be greater than elsewhere. The schools funding formula will help many island communities, as it will in my hon. Friend's constituency, and we would like to see that taken forward. Since 2012 the coastal communities fund has invested £174 million in projects focused on economic development, growing and regenerating coastal areas. The Isles of Scilly have benefited from the fund, as did the Hayling coastal community team in 2015, from £10,000. Funding round 5 is now open, with £40 million available to spend from April 2019 until the end of March 2021.

Mr Seely: Will the Minister give way?

Robert Jenrick: In a moment if possible, but I am conscious of time.

I encourage all Members present to take advantage of that fund, where applicable, feeding into it and putting in their applications as soon as possible. From the Treasury's perspective, I shall continue to work with my colleagues at the Ministry of Housing, Communities and Local Government as we proceed to consider what the next stage of the fund will be. I shall ensure that the comments about islands we have heard today are fed into that process. I would like to work with my hon. Friends

the Members for Isle of Wight and for Havant to ensure that the next iteration of the fund takes on those views and works for coastal communities.

I thank all colleagues who have attended the debate to discuss these matters. We are very committed to taking this agenda forward and to ensuring that island communities have the funding and support they require to have vibrant communities and economies. Over the course of the year, whether in making decisions about applications to the coastal communities fund or in shaping the UK shared prosperity fund—that is an important discussion to be had in Parliament over the year to come, and I again encourage hon. Members representing coastal communities to take it seriously and engage in it—we shall continue, I hope, to display our commitment to the islands of the British Isles and their communities.

10.58 am

Alan Mak: We have had a very good and wide-ranging debate. I thank all right hon. and hon. Members for contributing. The right hon. Member for Orkney and Shetland (Mr Carmichael) was right to highlight the opportunities and strengths of islands in addition to the challenges. In an excellent speech, my hon. Friend the Member for Isle of Wight (Mr Seely) emphasised what special and unique places our islands are. My hon. Friend the Member for Ayr, Carrick and Cumnock (Bill Grant) gave us an excellent perspective from Scotland, and I commend him for his service as a fire officer on Argyll and Bute.

I thank the Minister for his thoughtful response and his commitments, on behalf of the Government, to increase productivity and living standards on all the islands of the United Kingdom, including Hayling Island. I would very much welcome his visiting my constituency. I thank both Opposition spokespeople for their responses, the hon. Member for North Ayrshire and Arran (Patricia Gibson) in particular. She, too, is welcome on Hayling Island anytime. Thank you, Mr Rosindell, for chairing the debate.

To conclude, we are all islanders and must all work together to ensure that all the islands of the United Kingdom, whether large or small, have a bright economic future. I am glad that the House, through this debate, has committed to ensuring just that.

Question put and agreed to.

Resolved,

That this House has considered the economies of the UK islands.

Andrew Rosindell (in the Chair): Order. The sitting is suspended for three minutes to allow broadcasting to switch their feeds to facilitate simultaneous transmission.

11 am

Sitting suspended.

Support for Deaf Children: South Gloucestershire

11.3 am

Luke Hall (Thornbury and Yate) (Con): I beg to move,

That this House has considered support for deaf children in south Gloucestershire.

It is a pleasure to serve under your chairmanship, Mr Rosindell. I am delighted to have secured a vital debate about the issues faced by deaf children and their families in South Gloucestershire. I am grateful to the House authorities for ensuring that there is a signer today in the Public Gallery and live subtitles during the debate.

I secured the debate after meeting parents and families of deaf children in my constituency, and subsequently the National Deaf Children's Society, to discuss the current review of service provision across the four authority areas in the west of England. I thank those families and the NDCS for discussing the matter with me in great depth, and for all the work they do up and down the country to make life better and fairer for deaf and hearing-impaired children.

Hearing loss affects more than 10 million adults and around 45,000 children in the UK. Of those, around half are born deaf, while others can acquire the condition later during childhood. Around 370 children are born with severe to profound deafness in England each year. Deafness in children can be temporary or permanent, and it can be mild or profound. It can be in one ear or in both. Regardless of its type, it is often a very high-need condition and it can have a serious impact on children's development and their ability to achieve their ambitions. It can affect language development, ability to communicate and educational achievements and attainment, and it can increase the risk of isolation and mental health difficulties. Around 48% of deaf children fail to reach the expected levels of language communication skills in their early years. It is easy to see how this condition can go on to have a negative impact on children and affect their quality of life.

Local authorities and schools in England already are required to provide support for deaf children, to ensure that young children especially are not at a substantial disadvantage to their hearing peers. The fact that only one in five children passes GCSE English and maths in the south-west demonstrates that there is still much more to do. Deaf children in South Gloucestershire face the same issues. Despite the fact that deafness is not a learning disability, 44% of deaf children are likely not to do as well as their peers. It is clear that more needs to be done to close the gap, to support children and to ensure that they have a fair chance of maximising their educational achievements and fulfilling their potential.

Deaf children and young people in South Gloucestershire rely on support provided to them by the Sensory Support Service, which has served other neighbouring local authorities since 1996: Bath and North East Somerset, Bristol and North Somerset. The service supports the educational development of children in the area who have sensory impairment and who are aged between zero and 16.

In November 2017, the four authorities decided to carry out a review of all the support services. That review is at an early stage. A stakeholder reference group has

been created to enable parents, charities, children and carers to input into the review, and it allows anyone affected to have their say. The stakeholder group is meeting for the first time later this month, and it is timely to have this debate just days before that meeting is due to take place. The redesigned service will come into effect around September 2019, and it will continue to be jointly commissioned by the four authorities. Now is the right time to ensure that the new revised service is fit for purpose and is serving deaf children well in our community.

There are four main points that I would like to raise, which should be considered as part of the review: early years support, teachers of the deaf, speech and language therapy and, importantly, the provision of radio aids.

Jack Lopresti (Filton and Bradley Stoke) (Con): I congratulate my hon. Friend on securing the debate and pay tribute to the fantastic work he is doing on this important matter for children in our council area. I welcome more proposals, in particular to ensure that the new Sensory Support Service prioritises the provision of radio aids for children to use in nursery and at home. That would be hugely beneficial to the children and their families, who need that highly valuable resource.

Luke Hall: I welcome my hon. Friend's comments. I will talk about the issues he raised in a bit more detail, but he has hit the nail on the head about the need for hearing aids and other assisted listening technologies outside the school or nursery setting. I thank him for that, and for his important work in South Gloucestershire on behalf of the communities.

Early years support services can be vital in determining a child's future success. Therefore, it is important that local children get the targeted support that they require as early as possible during their development. Unfortunately, that is not always the case. Many deaf children can face a lack of pre-school and early years support. The foundations for communication and language skills are often laid during the earliest stage of a child's life. Local parents have expressed their concerns about the uncertainty that comes with the review and about making sure that the outcome is right. Support for early years and pre-school must be prioritised and strengthened during the review period.

Support in the form of teachers of the deaf can be extremely useful for children with hearing loss. They provide specialist training and advice to teachers, parents and pupils on how to deal with the difficulties that come with the everyday challenges that people may face. Those teachers can give skilled assistance to pupils and their families and make a significant contribution to their academic progress and achievement later in life. Currently, there are unfilled vacancies in South Gloucestershire that are a source of concern to local parents, who want to ensure that the frontline delivery of services remains a priority after September 2019. Parents want to be certain that children in our community will continue to have fair access to help from those specialist teachers so that they can continue to make positive improvements in their development and learning. It is vital that the review protects frontline teaching of the deaf.

My third point is about therapy support—specifically, speech and language therapy provision—beyond key stage 1 in South Gloucestershire. Speech and language

[*Luke Hall*]

therapy—SALT—can help children to develop better communication skills, optimise their speech, build their confidence and improve their interaction with others. It is important to ensure that the appropriate specialised SALT support is provided beyond key stage 1, because it can make a real difference to the development of children's communication.

It is important that local children can continue to benefit from the expert advice and assessment of the NHS SALT service after the review. This is, therefore, the perfect time for South Gloucestershire Council and other authorities to consider improving the joining up of provision and support between health and education organisations, especially following the Ofsted report. Although I accept that in some cases commissioning is delegated to schools, it is important to ensure that support such as the provision of teachers of the deaf and SALT is complemented, and that there are no gaps in the provision of services for deaf children. That is a real concern that parents and the NDCS in particular have raised with me.

Chris Skidmore (Kingswood) (Con): I thank my hon. Friend for securing this debate. He raises important points about education provision in South Gloucestershire, which is not as good as it should be. South Gloucestershire does not do as well as neighbouring local authorities such as Bristol, particularly for deaf children and people with special educational needs. On speech and language therapy provision and its funding, does he believe that the Bristol, North Somerset and South Gloucestershire clinical commissioning group also has a role to play? Deafness is a special educational need and a physical impairment, and its detection can take place at GP centres and in hospitals, so the NHS and South Gloucestershire Council both have roles to play.

Luke Hall: I thank my hon. Friend for that intervention and for all the work he does on behalf of people, including children, around South Gloucestershire. He is absolutely right: of course the clinical commissioning group and local NHS services have a role in ensuring that children around South Gloucestershire receive optimal support. He is right to point out that there are clearly ways we can improve in South Gloucestershire following the Ofsted report.

The need for improved access to assistive listening technologies such as radio aids—especially, as my hon. Friend the Member for Filton and Bradley Stoke (Jack Lopresti) pointed out, for pre-school children outside the nursery setting—has come up time and again in my conversations with local parents. Radio aids help deaf children to hear speech and sounds more clearly, as they transmit sound directly to a child's hearing aid or implant. That can be critical in the early years of a child's life, when they are at the earliest stage of learning. Radio aids can play an essential role in language development and in improving parent-to-child communication in the home and outside nursery.

We had a fascinating day when the NDCS brought hearing aids here so that we could hear the remarkable difference, in a busy and loud environment, between having that technology and not having it. Such environments often make for difficult listening conditions, and radio

aids can prove useful in reducing the effects of background noise and improving the listening experience. Using them in places such as the car, public transport, after-school clubs and the home can make a big difference in a child's language development and improve their concentration and attention.

Chris Skidmore: My hon. Friend is being very generous in giving way. Is that not the critical point? Academics such as Leon Feinstein have shown that word acquisition varies: at the age of three, a child in a disadvantaged family might know 600 words but a child in a more affluent family might know nearly 6,000 words. For a deaf child, being able to acquire words early is vital. The success of the Government's phonics programme in developing language acquisition has clearly been proven, but that cannot take place unless we have radio aids. Does he therefore believe that there should be universal provision of radio aids for deaf children in South Gloucestershire, and that children should be able to take those aids outside the school setting to ensure they are constantly learning and engaged in whatever setting they are in?

Luke Hall: My hon. Friend is absolutely right to point out the success of the Government's phonics programme and the disparity in children's vocabulary. I will come on to an example of a child in my constituency who benefited and learned new words by being part of a trial in South Gloucestershire that made radio aids possible. I completely agree that it is vital for people to have access to radio aids outside the home.

Living with hearing loss is sometimes an isolating and lonely experience, and radio aids have been shown to have positive effects on children's psychological and emotional wellbeing and self-confidence. Perhaps the best argument for the use of radio aids I have heard came from my constituent, Hannah, whose daughter has severe hearing loss and has been wearing hearing aids since she was eight weeks old. Hannah's daughter was offered the chance to use a radio aid for a trial period. Hannah told me how beneficial that had been for her daughter, who started to pick up new vocabulary and became more confident and independent. That radio aid enabled her to have an experience of life that was much more like that of her hearing friends.

Local parents are concerned about the fact that although the provision of radio aids outside the school or nursery setting might be greatly beneficial, it is not a certainty for children in South Gloucestershire. In this review period, there is even more uncertainty about what will come post September next year. I therefore urge all four authorities to use the review to consider providing radio aids to all deaf and hearing-impaired children for use in the home and outside the school or nursery setting as quickly as possible.

I ask the Minister to urge South Gloucestershire Council and the other three authorities to take the review process as an opportunity to evaluate overall provision for local deaf children, and to have in mind the four points I have raised: prioritising early years and pre-school provision and ensuring that it is strengthened as a result of the review; protecting the provision of teaching of the deaf; joining up the teaching of the deaf and speech and language therapy services, which is particularly important and has been raised a number of

times; and considering providing radio aids to all deaf and hearing-impaired children outside the home as quickly as possible. The review gives us the opportunity to improve the support we offer to deaf children, and to help children in South Gloucestershire to develop better communication skills, optimise their speech skills, build their confidence in interactions with their families and others, maximise their academic attainment and become more confident and independent. Taking those steps will make that possible.

11.18 am

The Parliamentary Under-Secretary of State for Education (Nadhim Zahawi): It is a pleasure to serve under your chairmanship, Mr Rosindell. I congratulate my hon. Friend the Member for Thornbury and Yate (Luke Hall) on securing this timely debate, which follows my recent meetings with members of the all-party parliamentary group on deafness. I am grateful for this opportunity to set out the Government's position on supporting children and young people with special educational needs and disabilities, including those who are deaf and hearing-impaired, and to understand views about the services available in South Gloucestershire.

I am determined to ensure that children and young people who are deaf or have a hearing impairment receive the support they need to achieve the success they deserve. Our latest figures show that more than 21,000 pupils who have a hearing impairment as their primary special educational need are supported by schools in England, and 93% of children with a hearing impairment are educated in mainstream primary and secondary schools. I know that many colleagues are concerned that that group of children and young people is likely to receive a poorer service, and I take on board the point made by my hon. Friend the Member for Filton and Bradley Stoke (Jack Lopresti) about hearing aids in early years settings. However, I assure colleagues that it is not my expectation that those children should receive a poorer service. I expect deaf and hearing-impaired children and young people to receive the support they need to help them fulfil their aspirations alongside their peers. I hope that message gets home to the leadership in South Gloucestershire and neighbouring authorities.

The 2014 SEND reforms were the biggest change to the system in a generation, placing a new emphasis on promoting better involvement of parents and young people in the planning and support provided for their children. The Children and Families Act 2014 and the "SEND code of practice: 0 to 25 years" in 2015 built on best practice developed over many years. The reforms are about improving the support available to all children and young people with special educational needs and disabilities, which we are doing by joining up services for nought to 25-year-olds across education, health and social care and by focusing on positive outcomes in education, employment, housing, health and community participation. I want to be absolutely clear that that vision applies equally to deaf and hearing-impaired children and young people.

The completion of the statutory transition period in the SEND system is not the end point for the SEND reforms. We all recognise that we are only partway to achieving our vision; the biggest issue we have to address now is changing the culture in local authorities, clinical commissioning groups and education settings. We must support organisations to overcome the barriers that

prevent them from working together, focus on the long-term outcomes for these young people and ensure that our policies are delivering for families and supporting children to succeed. Supporting schools to respond to the needs of all their pupils is crucial to achieving that goal.

My hon. Friend the Member for Thornbury and Yate mentioned teachers and the training they receive, and that is very much part of the Government's strategy. In the past five years, we have funded the National Sensory Impairment Partnership to provide a wide range of support to early years, schools, post-16 providers and local authorities to improve outcomes for children and young people with sensory impairment. The work has included the development of resources and training, which are now being accessed by practitioners across the sector.

Having developed those resources and many others relating to other specific impairments, we are shifting our focus to better supporting schools and working to embed the SEND reforms within the school-led system of school improvement. In that way, we aim to equip the workforce to deliver high-quality teaching across all types of SEN. We have recently contracted with the Whole School SEND consortium for a two-year programme to equip schools to identify and meet their training needs in relation to SEND. We are delighted that the National Sensory Impairment Partnership is very much part of that consortium. The consortium will, among other things, help to review the mandatory qualifications for teachers of pupils with sensory impairment to ensure that they remain fit for purpose. I hope that provides my hon. Friend with some reassurance on one of his points.

The Government have separately invested in a number of programmes to support children and young people with hearing impairments and their families. We have funded the development of an early support guide for parents of deaf children, which is available through the Council for Disabled Children's website. In addition, we have funded the National Deaf Children's Society's I-Sign project and the development of a family-orientated sign language programme, which is available free on the society's family sign language website.

To support local areas to improve and to reassure families that services will be held to account, we have introduced joint local area inspections. My hon. Friend the Member for Kingswood (Chris Skidmore) alluded to the fact that South Gloucestershire is challenged, certainly. The inspections, which started in May 2016 and will see every local area inspected by 2021, are carried out by Ofsted and the Care Quality Commission. Parents' views of services are an important part of the inspections. The inspections are playing an important role in our reforms, not least by bringing together education, health and social care services, and I am pleased to see services working collaboratively with families to act on the inspections' findings.

By the way, I have written to South Gloucestershire, which has been asked by Ofsted and the CQC to produce a written statement of action and is required to update me on progress in the action it is taking to address its weaknesses. We will, of course, support South Gloucestershire to respond to the written statement of action through the Department for Education's professional SEND adviser team and NHS England's regional adviser team. I understand the local authority is working hard to address those weaknesses.

[Nadhim Zahawi]

The duty to commission services jointly is vital to the success of the SEND reforms. We recognise that unless education, health and social care partners work together, we will not see the holistic approach to a child's progression and the positive outcomes that the system was designed to deliver. Joint working is also one of the best ways of managing pressures on local authority and NHS budgets. Looking for more efficient ways to work together, to share information and to avoid duplication will work in favour of professionals and those who are most important: families and their children. The child or young person and their family must be at the centre of that joint commissioning approach.

Some areas are demonstrating excellent joint working. For example, Wiltshire received positive feedback on the effectiveness of its local area's joint commissioning arrangements. It was reported that senior officers across education, health and care worked together effectively, adopting a well-integrated, multi-agency approach.

What might all of that mean to the deaf and hearing-impaired children and young people in South Gloucestershire? As my hon. Friend the Member for Thornbury and Yate articulated, South Gloucestershire, along with its neighbouring local authorities, is considering the best way to support sensory-impaired children and young people through its Sensory Support Service. It is important that parents, carers and young people have and take the opportunity to feed into that work. My hon. Friend, by securing the debate, has provided a wonderful opportunity for his constituents and local authority to hear from colleagues and the Department on what needs to happen, and to shape those services for the future.

I am very supportive of local authorities working together to provide effectively for children and young people in their areas. Working in that way is not about local authorities abdicating their responsibility; rather, it is about achieving a better service and better value for money by working together and sharing knowledge and expertise for the benefit of all.

How local authorities choose to allocate their funding is a matter for them, and each authority will carefully consider how best to meet the needs of its children and young people. I understand that South Gloucestershire has funded radio aids for children to access their learning in early years and schools settings from its equipment

budget. I am encouraged that it is working closely with children, young people and families to make decisions on how local funding is allocated to overcome barriers and improve access to education for the children in its area.

My hon. Friend the Member for Kingswood mentioned closing the word gap by improving children's vocabulary. Last week, we announced a fund of £8.5 million to which local authorities can apply for peer-to-peer review of what really works in terms of whole learning. We now need to assess and collect evidence for best practice from a number of projects, and then we will begin to work out how we scale that for the whole country. I am proud of what has been achieved so far and I look forward to working with the SEND organisations, delivery partners and practitioners to ensure the vision becomes a reality.

My hon. Friend the Member for Thornbury and Yate also mentioned speech and language therapy at key stage 1 and how local authorities should look to expand that and take it forward. Early years provision was mentioned by my hon. Friend the Member for Filton and Bradley Stoke. We have a pretty comprehensive strategy in early years interventions. We currently invest about £6 billion a year in childcare, with the disadvantaged two-year-old offer of 15 hours a week and the universal offer of 15 hours a week for three and four-year-olds. All of that is very much part of our overall strategy for early years intervention.

Chris Skidmore: I thank the Minister for making that absolutely vital point. We have these accusations of school funding cuts and less money going to young people. Will he finally nail this lie once and for all? Across the country and in South Gloucestershire more money is being spent on special educational needs and our primary schools. Cuts are not taking place; the Government are investing in our future.

Andrew Rosindell (in the Chair): Order. We are running out of time. The Minister needs to wind up very quickly.

Nadhim Zahawi: I totally agree with my hon. Friend the Member for Kingswood, who wonderfully articulated the position of the Government. It is absolutely correct.

Motion lapsed (Standing Order No. 10(6)).

11.31 am

Sitting suspended.

Office for Product Safety and Standards

[SIR DAVID AMESS *in the Chair*]

2.30 pm

Carolyn Harris (Swansea East) (Lab): I beg to move,

That this House has considered the role of the Office for Product Safety and Standards.

It is a pleasure to serve under your chairmanship, Sir David.

The Minister will be familiar with my interest in electrical safety and, in particular, household electrical goods. I am sure he has familiarised himself with all my previous debates and correspondence on the issue. I am grateful for the opportunity to discuss the new Office for Product Safety and Standards, and I am keen to hear from him what he will do with some of the serious issues around product safety, and specifically electrical goods. Disappointingly, there has been no parliamentary scrutiny of the functions of the office to date, and I was disappointed that no Minister came to the House to explain what it would be. It was irritating that the Government made the announcement on a weekend; perhaps today we can hear an explanation for that.

The previous Minister, the hon. Member for Stourbridge (Margot James), came to the all-party parliamentary group on home electrical safety in December last year, to explain and to listen to the way forward that members of that group wanted. I pay tribute to the hon. Lady for her work as Minister and her willingness to listen to parliamentarians and stakeholders about the changes required to electrical product safety in the UK.

The APPG on home electrical safety is an excellent forum for many parliamentarians and stakeholder attendees to discuss the priority issues concerning electrical safety. Stakeholder attendees include Electrical Safety First, which assists me with the administration of the group, the London fire brigade and the Chartered Trading Standards Institute, of which I am a vice-president, the Anti-Counterfeiting Group and others. I would like to think that our combined effort and knowledge have kept these matters high on the parliamentary agenda.

Special mention should also be given to my hon. Friends the Members for Hammersmith (Andy Slaughter) and for Poplar and Limehouse (Jim Fitzpatrick), who have both worked for a long time to protect people from fires and white good damage in their homes. The APPG's next meeting is next Tuesday, and I extend an invitation to the Minister to come and listen to a presentation from eBay on what it is doing to prevent counterfeit electrical goods from being sold on its platform—an issue that has got wildly out of control in recent years and, if I am honest, piqued my initial interest in the subject when I held my first debate on this matter in this very room.

I welcome the creation of the office, which is long overdue, and I hope it will help not only to co-ordinate across Government, but to bring together a range of stakeholders to help and advise the office, such as Electrical Safety First, the British Standards Institution, the fire brigades, CTSI and Which?, and many others that are on the frontline of preventing fires caused by faulty products, and that exist to educate the public. The office now needs to reach out to those organisations. I question what it will do to engage stakeholders.

The Minister will be aware that I have previously corresponded with the Department on what I think should be the priority areas. Although I appreciated the Minister's response, I wonder whether today is an opportunity to share when the strategy will be published and whether electrical product safety will be a priority.

Electricity is one of the biggest causes of fires in our homes, but I see no real Government strategy to help mitigate that risk. Is the office working on a cross-Government strategy? The Home Office has its own "Fire Kills" campaign, but there needs to be a longer, sustained campaign, which Electrical Safety First has been calling for. What is the priority consumer campaign to prevent electrical fires in the home—or where is it? I would like to know what discussions the office is having with the Home Office about fires caused by faulty electrical goods. The Home Office seems to have its own unit, and now the Office for Product Safety and Standards exists, so where is the co-ordination? Can we have some reassurance that there will be joined-up thinking?

I note from the office's website that one of the first announcements last month was on teaming up with BSI, the UK's national standards body, to launch the first Government-backed code of practice for product safety recall in the UK. That is a welcome step and is backed by Government, but can the Minister outline whether there will be a Government campaign for consumers on product safety in the strategy? Although initiatives such as "Register my appliance" exist, where is the Government-backed consumer campaign on electrical goods?

There have been significant consumer awareness campaigns from organisations such as Electrical Safety First and the London fire brigade, particularly on plastic-backed fridges, white good fires, counterfeit electrical goods and why recalled goods are openly being sold. The office must get to grips with that issue. From my personal perspective, I do not think it is right that counterfeit electrical goods are sold openly online by the likes of Amazon and eBay. As I have said, the latter will be given an opportunity next week to reassure the APPG meeting, but Amazon has consistently refused to engage and washed its hands of any responsibility, and even though it was invited to next week's meeting it has declined to respond.

At the last debate, the previous Minister promised a roundtable discussion with Apple, BaByliss, ACG and others to discuss the serious problems they face with counterfeiting and its safety aspects. I keep saying to Ministers that this goes beyond intellectual property; it is about the safety of the public. It is about fire in their homes. It is about the death of my constituent Linda Merron, who bought an electrical product on eBay that burned her house down. It is unacceptable that eBay and Amazon can sell goods that are unsafe and basically get away with it. That would not be allowed on the high street, and the issue will only get worse with the collapse of high street electrical stores such as Maplin, which shows that consumers are increasingly buying online. I want to hear today that the office will tackle those companies that break the law by selling substandard, counterfeit or recalled products.

A closely related problem is the private sales of electrical goods via eBay and Amazon, particularly on Amazon Marketplace. It is my understanding that the Consumer Rights Act 2015 does not cover private sales, so anything

[Carolyn Harris]

faulty could be sold person to person without legal protection. Can the Minister look into that and perhaps write to me about the situation regarding private sales of electrical goods between two individuals, their rights and the consumer legislation? If there is a loophole, I would expect the office to look at it.

It is all very well my calling for greater attacking of the issues and enforcement, but who will enforce this? As the Local Government Association stated in its trading standards review, between 2010 and 2015 there have been cuts of more than 40% to local government, and trading standards has taken the brunt of those cuts. As CTSI has informed me,

“the Office for Product Safety and Standards is a step forwards for consumer protection in the UK. However; there is still a pressing need to ensure frontline trading standards services have the resources to fulfil their duties to protect the public as was noted by the BEIS Select Committee, Lynn Faulds Wood and the National Audit Office.”

Rachel Reeves (Leeds West) (Lab): I congratulate my hon. Friend on all the work she has done to identify these serious issues. She mentions trading standards. The National Audit Office has identified the funding gap there, but I think there is another issue. Local trading standards are responsible for businesses in their area. In Peterborough, where Whirlpool is based, the local trading standards office is responsible for the quality of goods for Whirlpool nationwide. There is a conflict of interest and it does not work, because the local trading standards office does not have the resources to police a multinational company such as Whirlpool.

Carolyn Harris: I totally agree with my hon. Friend. It is my understanding that Peterborough actually has fewer than three trading standards officers.

Will the Minister please outline how trading standards will be boosted and supported by this new office? Will there be moneys for the training of more trading standards officers? Surely the Government realise that more people are needed on the ground, and now. Will any support for trading standards be backed up with a proper database of injuries that stakeholders can access?

Andy Slaughter (Hammersmith) (Lab): I am not surprised to hear that there are three trading standards officers in Peterborough, who of course have to cover everything that trading standards does. The time spent on electrical safety will be perhaps part of one post. We need to know from the Minister how the new office will actually fill that gap. At the moment, nobody regulates what is happening. It required Which? to start legal action before Whirlpool or the Government responded at all on this.

Carolyn Harris: I totally agree with my hon. Friend. Like him, I have struggled greatly with Whirlpool. Communicating with the company has been extremely difficult.

The APPG will shortly produce a report on what we believe the Minister and the new office should look at, in terms of electrical safety, based on evidence received from a wide range of organisations. I will invite the Minister to the meeting in July, but he is welcome at any meeting. As we did with his predecessor, perhaps we could have a

roundtable discussion—perhaps along with his officials—on these issues, the strategy and our report. I hope the Minister will indicate whether that may be possible.

As I stated earlier, I welcome the new office, but there are concerns about its priorities and strategy and what it will do to protect consumers. Electrical product safety must be a priority area, given the tragic consequences we have seen of white goods fires. I wish the office well, but as I am sure colleagues will raise, more needs to be done to reassure consumers, stakeholders and the electrical products industry that the office will provide the necessary strategic vision, have real power for consumers, support trading standards and be listened to across Government to help to protect the public from electrical product safety problems and fires in their homes.

2.42 pm

Stephen Kerr (Stirling) (Con): It is a pleasure to serve under your chairmanship, Sir David. I pay tribute to the hon. Member for Swansea East (Carolyn Harris) and congratulate her on securing this important and timely debate.

Product safety standards is a subject on which we should all be focused. It is not so long ago that I wrote a column for my local newspaper, the *Stirling Observer*, which focused on product safety—especially of tumble dryers. I received an unexpectedly high response to that article compared with others I had written on more current constitutional issues that we might debate in the House and in Scotland.

I also reflect on the first ever surgery I attended as a newly elected Member, in the Mayfield Centre in Stirling. We advertised the event but only two constituents came along to speak to me, so I had some time to speak to the caretaker. He was delighted to speak to his new MP, because he wanted to point out to me an issue that, so far as he was aware, no one was speaking about: the regulation and safety of tumble dryers. Little did I know that, within a few weeks of that, I would be a member of the Business, Energy and Industrial Strategy Committee and that we would be conducting an inquiry into the safety of tumble dryers.

This is an important subject, as has already been mentioned by the hon. Member for Swansea East. Our inquiry found, as can be read in the published report, that companies such as Whirlpool have not made enough of an effort to take responsibility for their products and the consequences of their use when they are deemed dangerous. In fact, the report identified that a million faulty tumble dryers are in everyday use in this country. We also identified in the report gaps in the regulatory regime.

I should mention that, during the hearings that we conducted, Whirlpool made commitments about its willingness to respond to the concerns that we raised. We asked it to resolve issues with defective machines within two weeks. It said that it would do it within a week, but we have no way of measuring whether the company has been true to the commitment that it made and put on the record.

Rachel Reeves: I thank the hon. Gentleman for his work on our Select Committee in probing Whirlpool and Ian Moverley, who gave evidence—or at least answered a few of our questions, but not all of them. On the 1 million faulty tumble dryers that Whirlpool knows about,

is the hon. Gentleman also concerned that Which? said that it had found as recently as last month through its mystery shopping that customers with these faulty tumble dryers were still being given the wrong advice? That means there are potentially still 1 million tumble dryers in our homes that could catch fire, like the ones we in the Committee heard about and the ones other hon. Members have given evidence on.

Stephen Kerr: I am grateful to the Chair of the Select Committee—I have the privilege of serving on it—for her intervention. She is absolutely right, and I share all those concerns—specifically in relation to the Which? report of recent weeks that suggested that Whirlpool customers were being advised that they could continue to use their defective models, even though they were known to be defective and presented a danger to the safety of the people who lived in homes where they were in use.

Similarly, I am also concerned to hear that the BBC and Which? have reported that some of the machines that have had their defects corrected have then caused fires. This is a significant issue and, as I said earlier, is something that should concentrate all our minds—particularly those of Ministers. I am sure that the Minister will wish to address these specific issues in his reply.

Questions need to be asked, and it is vital that the regulatory regime that we have meets the need that we currently place on it. As we take more products into our lives and rely more on technology, the more we need a regulator with teeth. The new Office for Product Safety and Standards is a promising development, but it will need to be tested against reality—the lawyers and the corporate spin machines that defend the spin cycles of the manufacturers.

I should at this point deviate to tell the House that I had a most interesting experience in the last few minutes while visiting a constituent of mine who is here in Parliament. She is at a drop-in event in Portcullis House sponsored by Genetic Alliance UK, which is a charity that works to improve the lives of patients and carers. I told her that I was coming to Westminster Hall to participate in a debate on tumble dryers—that is how I expressed it, even though the debate is broader—and she volunteered that her tumble dryer had been faulty. It was a different make from the one I have discussed. She returned the machine and was offered £100 and a new machine, but that machine was faulty. This product seems to have endemic issues.

I hope Members will forgive me if I dwell a little more on an issue that has bothered me a great deal since being elected: the apparent ineffectiveness of regulators. For example, Ofgem constantly failed to take on the electricity markets, which were obviously broken, and I have found Ofcom to be generally unresponsive to the wireless telephony and broadband connectivity issues of my rural constituents. The list goes on. The debate is not about that, but I am concerned that the new office could be another ineffectual regulator—toothless, ineffective, and sometimes even, sad to say, supine—instead of a body that the Government, and us as parliamentarians, have put good faith in to defend the best interests of people.

In some cases, regulators fail not because they do not have enough power but because they lack the will and suffer from organisational atrophy that causes inaction.

The regulator in this field, the OPSS, must not fail. If it does, there is the possibility of lives being lost—actually, that is beyond a possibility; it is a fact—consumers being ripped off with faulty goods, and untold damage being done to property.

The situation regarding Whirlpool, which I have already mentioned, is one in which our Select Committee expected action on the part of the company. To our knowledge, that has not been forthcoming. Its actions have been inadequate. Instead of responding to the concerns that we raised with it and those of my constituents and others who have raised issues with me that I have passed on, it has resisted action and, in my view, done the bare minimum that it can get away with. An activist regulator would put paid to the inaction, and a test of the ability of the new regulator will be how it pursues this. It is essential that when questions are raised about products, companies act transparently. That is what we would expect, and what we would expect a regulator to insist on.

I look forward to hearing the Minister's response to the debate.

Several hon. Members *rose*—

Sir David Amess (in the Chair): Order. I was remiss in not saying anything at the start. This is a heavily subscribed debate, so to be fair to one another, colleagues should take about five minutes at the most, before the winding-up speeches start.

2.51 pm

Jim Fitzpatrick (Poplar and Limehouse) (Lab): It is a pleasure to see you in the Chair, Sir David, for two reasons. One is that you are a fellow West Ham supporter. They have survived in the premiership for another year, so you will obviously be in a good mood. Secondly, as chair of the all-party parliamentary group on fire safety rescue, you take a keen interest in these matters yourself, so it is good to see you here and following the debate as closely as you are.

It is a pleasure to follow the hon. Member for Stirling (Stephen Kerr). He made another of his trademark thoughtful speeches, which he is becoming known for. I am delighted to welcome the Minister to his position. He arrives with a fair wind. He is held in regard across the House and much is expected of him, so we are all looking forward to his response to this debate, which will be my first experience of his winding up.

I congratulate my hon. Friend the Member for Swansea East (Carolyn Harris) on securing the debate and on not taking undue time in opening the debate, as some colleagues in these debates do. She has left lots of time for the rest of us to contribute. I also congratulate her on so ably chairing the all-party parliamentary home electrical safety group and leading us on this issue so effectively. She has been so well supported by our hon. Friend the Member for Hammersmith (Andy Slaughter) on these issues. I will try to keep to your time constraints, Sir David.

I thank Electrical Safety First, the Chartered Trading Standards Institute, Which? and the London fire brigade for all their efforts in this area and for their briefings. Like the previous two speakers, I look forward to the Minister's response, as well as the Opposition speeches. The tone of the briefings that I have received is best

[*Jim Fitzpatrick*]

described as positive and welcoming but with a sceptical edge, and I think that the simplest thing I can do is to quote from the material with which I have been supplied.

The Chartered Trading Standards Institute asked two main questions. How would the OPSS add to the current market surveillance and enforcement functions to improve the system and, if there was a repeat of the recent white goods scandal, how would the office support local authority trading standards to ensure that the system was robust in protecting consumers? I am sure that the Minister has all these briefings and will be well prepared to respond to them.

The first two points made by Electrical Safety First in its briefing are that the charity welcomes the debate and the newly established Office for Product Safety and Standards, as it represents a key opportunity. It says that, “the OPSS is fundamental to creating better cross-government co-ordination”.

Then it asks a number of questions. On product recall, it states:

“Through collaboration with stakeholders there must also be significant effort to improve product registration”.

With regard to online retail, it says that,

“consideration should be given to bringing forward additional legislation”.

On counterfeit electrical goods, it says:

“This issue must be looked at closely”.

On data collection, it says that,

“product safety in the UK is fragmented and incomplete.”

And it says that an injury database is

“Key to an effective intelligence system”.

That is hardly a ringing endorsement, but Electrical Safety First is more upbeat than Which? is.

Which? is probably the most sceptical. It states:

“Which? welcomed the Government’s recognition that the product safety system needs to be fixed. However, the announcement of the OPSS falls short of the full overhaul the product safety system so desperately needs...Which? is calling for fundamental reform that stops unsafe products from reaching UK households.”

It reminds us of the history, as referred to by my hon. Friend the Member for Leeds West (Rachel Reeves). I am talking about the Peterborough trading standards challenge, which was brought about only because of the London fire brigade report and because Which? basically took legal action to make Peterborough trading standards challenge Whirlpool.

The London fire brigade, in its briefing, is also welcoming, but asks questions. On progress and powers of the new office, it asks:

“Could the Minister give further detail on what measures will be in place to ensure the Office has technical expertise and the resources to support...Trading Standards...will the OPSS also consider criminal prosecution if a manufacturer of white goods lets consumers continue to use a known dangerous product?...will the new Office encourage and facilitate information sharing by manufacturers and insurers following fires so that fire and rescue services and trading standards are in possession of key data”.

It asks:

“Could the Minister give an update on what progress has been made on the recall register?...Could the Minister confirm that there will be an obligation on manufacturers to inform government of all recalls...what will be done to communicate the new register to consumers”.

Much is expected of the new Office for Product Safety and Standards, and certainly the fanfare from Government is that this is a positive step forward. It should be and very well could be. I look forward to the winding-up speeches from the Opposition spokespersons, but this is, more importantly, an opportunity for the Minister to explain how the new office will help and what he expects it to achieve. I am very grateful for the opportunity to have contributed.

2.56 pm

Andy Slaughter (Hammersmith) (Lab): It is a pleasure to follow my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick) and to serve under your chairmanship, Sir David. I will not repeat what my hon. Friend said, except to say that we are all grateful for the expertise and support that we get in trying to deal with these issues, for your involvement over time and for the Select Committee’s involvement now.

It is probably right to say that the announcement of the new office was rather subdued. I think that it came at a weekend; we were all expecting an oral statement or at least some explanation of its role, but we have had to wait really till today to address that matter. I am grateful to my hon. Friend the Member for Swansea East (Carolyn Harris) for initiating the debate and for her expertise on the matter.

We know what needs to be done. We had the Lynn Faulds Wood report two years ago. We had the Government’s own working party report. We have had much expert advice, including from the London fire brigade, Which? and Electrical Safety First. The difficulty is that not much is happening. There is a fear—if I can be blunt with the Minister—that this is really window dressing; it is simply a way of being seen to do something. We are told that it is a new office and has additional funding—£12 million. Can the Minister confirm, first, that that is additional money? Secondly, I think that that is when it is fully operational. When will the office be fully operational in that way? Its remit appears to be quite limited. It appears to be mainly the same people doing the job, and it appears to have the same limitations because of the reliance, still, on the local network of underfunded trading standards organisations.

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Andrew Griffiths): Perhaps I can put the hon. Gentleman’s mind at rest. I can confirm that we are talking about £12 million of additional resources for the Office for Product Safety and Standards. In this first year, we envisage there being an additional spend of approximately £9 million; that is as it staffs up and gets itself ready. But there will be £12 million of new money, in addition to the work that the officials have already been doing within the Department for Business, Energy and Industrial Strategy.

Andy Slaughter: I am grateful for that answer. Perhaps, because of the limited time, I will limit myself to making one point. Will the new office pass the Whirlpool test? Whirlpool is untypical in some ways, because one particular design fault has affected 5.5 million tumble dryers; I think it was estimated that one in six homes in the country are affected. That is not the only problem with Whirlpool. We have also had the issue that led to the Llanrwst inquest and the sad, tragic deaths there.

The Whirlpool reaction has been extraordinarily unhelpful. If the office can deal with Whirlpool, it can probably deal with a number of other issues.

I remind Members that over 12 years a number of different brands manufactured tumble dryers that were liable to catch fire and did in many hundreds, if not thousands, of cases. The concentration was initially on the slow speed at which they were repaired or replaced and then the fact that half of them were not identified at all. That threw up the lack of a registration or recall process. Whirlpool persistently resisted a recall or even giving the correct safety advice. That is bad enough, but through *Which?* and the BBC's "Watchdog" programme—which has done an incredible job in exposing this negligent behaviour by Whirlpool and is now being broadcast weekly—we have discovered that that was not the only problem.

The replacement and repaired machines were themselves faulty and large numbers of them are now catching fire. We could well be back where we were, except for the fact that people have been lulled into a false sense of security in the belief that they now have safe goods in their home when they often do not. How does the Minister intend to approach the Whirlpool issue and learn from it? Will we have a proper registration process? Will we have a clear database of products that are at risk and are recalled? Will we insist on recall, rather than this rather botchy repair method? Will that be within the remit of the new office?

Finally, we are coming up to the first anniversary of the Grenfell Tower fire, which we are dealing with on a daily basis. It was started by a particular type of fridge freezer. If the Minister cannot answer this question now, I would be grateful if he would write to me. I have had contradictory answers from his Department and the Ministry of Housing, Communities and Local Government. When will we get a verdict on that? Is it coming through the police inquiry or his Department? When will we know exactly which fault caused that fire? We know it is in a particular model of fridge freezer, but we need to know more, because if there is a further risk, it needs to be demonstrated and publicised.

3.2 pm

Yvonne Fovargue (Makerfield) (Lab): It is a pleasure to serve under your chairmanship, Sir David. It is a pleasure to follow my hon. Friend the Member for Hammersmith (Andy Slaughter) who has done so much work on this issue. I congratulate my hon. Friend the Member for Swansea East (Carolyn Harris) on securing this debate.

Like everyone, I welcome the establishment of the Office for Product Safety and Standards, but it needs a role for consumers as well as businesses. Consumers need to be front and centre in this. I will not go into the Whirlpool affair, which has been dealt with, although I hope lessons will be learned from that. I would like to know, however, what support will be given to trading standards. We have heard about the Peterborough problem. Will there be a centralised team under the national trading standards remit on product safety? That seems like a good way of working.

I want to concentrate on the recall register. How will consumers know about it? If I had time, I would do a little test and ask people if they could tell me the model number of their fridge, freezer and washing machine—apart

from the make—because I could not. Where are these numbers? Usually they are at the back of machines in completely inaccessible places. If there are fitted units, the whole cupboard has to be taken apart to get to the model number. What is the point of publishing a register of model numbers that most people do not have a clue that they own? How will we get around that one?

What about people who are not on the internet? How will they know about a recall? Surely, the way to do it would be through a register at the point of sale that would only be used in the case of a recall. It should be given to the manufacturer with strict instructions that there is to be no marketing or contact unless there is a recall. If the machine is sold on, online traders who deal with it, such as eBay, Amazon, Gumtree and Shpock, could also register who it is sold on to. That would get around the fact that we cannot get to second-hand goods or the people who sell them. We know that few people fill out registration cards, because they are frightened of getting marketing calls all the time.

It is illegal to sell second-hand and fake goods subject to recall in the US. I do not see why we cannot have some form of legislation on that here. We need to tighten up the online platforms. I do not want to stop the sale of second-hand goods. I do not want people to be forced to go to BrightHouse—heaven forbid—as the only place they can buy these goods, but they have to be safe. The online platforms must be made responsible for the goods. They are not simply equivalent to landlords who let a shop that sells goods. They are considered to be the same as the sellers. People who buy from Amazon Marketplace consider that they are buying from Amazon and are covered by that. That applies to fake goods as well. They are equally responsible for the sale of fake goods, which all too often cause fires. Fake chargers, fake hair straighteners and all the fake goods sold on such websites are the responsibility—I would say—of the people who provide the platform for the sellers. The minimum they should do on recall is highlight that there is a recall. When it comes up and somebody is looking at white goods, a warning should flash: "These products have been recalled."

Finally, will we still be in the European rapid alert system for dangerous non-food products, or Rapex, after this? It is important we co-operate with Europe, as many of the goods are European.

I welcome the establishment of an office dedicated to product safety, but the devil will be in the detail. When will it publish its action plan? When will it publish its priorities? Will there be a timeline for these priorities? Will consumers be at the front, centre and heart of this office?

3.6 pm

Emma Hardy (Kingston upon Hull West and Hessle) (Lab): It is a pleasure to serve under your chairmanship, Sir David. It is a pleasure to follow my hon. Friend the Member for Makerfield (Yvonne Fovargue) and to speak in this exceptionally important debate, secured by my hon. Friend the Member for Swansea East (Carolyn Harris).

As we have seen on too many occasions in the last few years, product safety can be the difference between life and death. According to the consumer magazine *Which?*, faulty goods can cause as many as 3,120 fires a year. That is 60 fires a week or one fire every three hours. Since the Health and Safety at Work etc. Act 1974,

[Emma Hardy]

Britain has led the world in workplace and consumer safety. High standards have ensured that we can live and work safely without risk of death or injury in our daily lives. British safety has been a global success story, with our standards adopted across the middle east, Asia and the Commonwealth. It is right, therefore, that we welcome the introduction of the Office for Product Safety and Standards as the next step in ensuring that product safety in the UK remains world class, that it is placed right at the heart of the economy, and that we avoid any sense of a race to the bottom on regulatory standards.

To do that effectively, as well as all the actions mentioned by my hon. Friends, the Government need to take a couple of extra actions as well. The Office for Product Safety and Standards must be properly financed, resourced and staffed. I welcome the £12 million that the Minister has already mentioned. The motto at the heart of the office must simply be that safety cannot be done on the cheap. The Government must provide the resources to allow it to attract the talent that it needs in order to be effective in maintaining and reinforcing the high-quality regulation that exists for consumers.

The points raised by all my hon. Friends are absolutely crucial in dealing with these problems with white goods and electrical safety. Having a new office gives us an opportunity to expand its remit and include workplace safety items as well. A company called Arco, based in my constituency of Hull, supplies health and safety equipment and services. It tells me that it has seen worryingly levels of non-compliance in a wide range of workplace safety items, including things such as high-vis jackets and non-steel toecap boots. It has carried out some tests on some of these products in a laboratory in Hull. It has revealed that up to 50% of boots containing steel midsole protection on the consumer market are actually made from brittle or mild steel, which is subject to corrosion. Many of these products have passed the CE branding procedure at the test stage, but they simply do not protect employers or consumers to an adequate standard.

We all know that protective equipment is often the last line of defence for consumers and workers against serious injury or fatality, so I think the Office for Product Safety and Standards should expand its remit to reflect this urgency. The Government should also act to give a new legislative footing to products and workplace safety that is fit to meet the evolving challenges of product safety, reflects the concerns of the industry, and gives the office real teeth to make it really effective. Product safety and standards are one area that all of us, regardless of party, can get behind. We all want to see consumers protected and safety promoted. I hope that the new Office for Product Safety and Standards can be a resounding success, which it will be if the Government follow all of the recommendations mentioned in the debate.

3.9 pm

Gerald Jones (Merthyr Tydfil and Rhymney) (Lab): It is a pleasure to serve under your chairmanship, Sir David. I congratulate my hon. Friend the Member for Swansea East (Carolyn Harris) on securing this debate on the new Office for Product Safety and Standards and on the powerful case she has set out.

The Minister may know that my interest in these issues stems from my constituency's historical links to white goods manufacturing. I am very proud of our legacy. Hoover washing machines, dishwashers and even the Sinclair C5 were all made in my constituency. Secondly, I am a member of the all-party group on home electrical safety, chaired by my hon. Friend. I want to focus my brief remarks on three issues—communications with the public, old white goods and elderly electrical products being sold online, and support for trading standards in Wales.

I have seen the briefing from Electrical Safety First that was distributed to hon. Members before this debate, and I am grateful for it. I welcome, as other Members have, the creation of the OPSS. I see it as protecting consumers from electrical hazards, particularly fires caused by white goods. As Electrical Safety First states in its briefing, "there needs to be expansion of government campaigns on electrical safety in the home throughout the year."

I very much agree with that statement when I look at the fires caused by white goods in homes and those who are affected.

Some 1,719 fires in Wales were caused by an electrical source of ignition last year. In the past three years, according to the South Wales fire service, 43 fires were caused by tumble dryers and washing machines, with over 55% of those instances attributed to Hotpoint, Indesit or Creda machines. Seven of those 43 were in my constituency. Will the Government consider a consumer campaign on fires caused by white goods targeted at vulnerable families who might buy cheaper white goods online and in marketplaces, some of which may be recalled or second-hand, with unsuspecting consumers not even being aware of their recalled status?

Many people used to buy products specifically manufactured in the UK, stamped "made in the UK" or "made in Great Britain", because they were often seen as a trusted product. As I have mentioned in previous debates in the House, many manufacturers, including Hoover, decided to send production overseas and now import electrical goods into the UK. We need to look closely at online platforms such as eBay, Amazon, Gumtree and Facebook that allow, without any regulation or enforcement, second-hand and in particular very elderly electrical products to be sold, as my hon. Friend the Member for Makerfield (Yvonne Fovargue) outlined. What will the new office do with the online platforms that allow the sales of very elderly electrical goods to the public? Is it right that old electric heaters and washing machines from the 1950s, 1960s and 1970s should be allowed to be sold to the public via sites such as eBay as safe to use? I do not believe that should be allowed. Furthermore, manufacturers should take action to prevent their very elderly products from being sold online and work with the likes of eBay, Amazon and so on. What plans does the new office have to look at second-hand electrical goods sales?

Second-hand goods and recalled products being sold online or in marketplaces need proper enforcement. Information from the Welsh Local Government Association shows that owing to austerity and the pressures placed on local councils, regulation activities were cut by 47% in the past five years, which includes trading standards responsibilities. As the WLGA suggests, there is a loss of expertise and ability to enforce electrical product safety, particularly in the most vulnerable communities, which is potentially where the cheapest electrical goods would be bought and sold. Will the Minister agree with

me that the new office—this also addresses the concerns raised by my hon. Friend the Member for Leeds West (Rachel Reeves)—needs to support local trading standards on the ground to ensure proper market surveillance of the sales of electrical goods in the community? I refer not only to old products, but to new, particularly dodgy mobile phone chargers and e-cigarettes, which the WLGA says that trading standards departments get the most complaints about.

I hope that the Minister will look closely at those issues and ensure that the new office works for the most vulnerable consumers who need to be protected from dangerous electrical goods in their communities. I look forward to hearing the views of the Minister on what has been done and what further he can do to address the issues and offer reassurances.

3.14 pm

Tulip Siddiq (Hampstead and Kilburn) (Lab): I thank my hon. Friend the Member for Swansea East (Carolyn Harris) for securing this important debate. I congratulate her on raising this important issue, which matters to so many of us and our constituents. Also, a bit cheekily, I take this opportunity to congratulate her on her recent election as deputy leader, although I am not sure whether that is allowed.

The move to establish a new Office for Product Safety and Standards is welcome, but I will echo a few of the things that my hon. Friend the Member for Makerfield (Yvonne Fovargue) has said about how there will be only limited improvement should the Government fail to establish an effective product register site for all UK recalled products.

I am part of a group of mothers in my constituency who often talk about how we keep our babies, toddlers and newborns safe. We are usually awash with information about the best nappies to use, whether to use formula or to breastfeed, and which car seat should be used, but one of the things that we struggle with is finding out which products that we use for our newborns should be recalled: for example, tumble dryers, which most of us use; baby monitors, which are often fitted to the cots that children sleep in or are at least in their rooms; or bottle or milk warmers that in the past have been recalled, which we do not have much information about.

If we want to find out information about those products, we have to go through individual websites to try to find out which one is faulty and which one we should use, at the same time as trying to look after our young children, which is not the easiest of things to do. We found out that the communication from manufacturers about faulty products is simply not good enough. In a consumer survey carried out by Electrical Safety First, only 21% of people said that they had ever responded to a product recall, and 47% had never even seen a recall notice. That is certainly the experience that I have had, along with the constituents that I am speaking about.

Manufacturers often fail to be clear about what dangers their product poses. If they said more clearly what accidents, deaths and fires were linked to the product that they have recalled, more people would act on the recall notice. In fact, in a survey, 77% of consumers said that if they knew what exactly was wrong with the product that they were using and what dangers it could pose to them and their families, they would be more likely to take the product recall notice seriously.

It is shameful that recall success rates are rarely more than 10% or 20%. If we sincerely want recalls to be successful where necessary, we should not leave it up to consumers to hunt through thousands of websites to find out information. It is not reasonable to expect new parents who are already dealing with newborn children to check every website of every manufacturer from whom they have ever bought a product. My hon. Friend the Member for Makerfield talked about how many people actually know the product's serial number or what is on the back of every product that they have bought: what make it was or in what year it was bought. It is simply not possible for consumers to have such information at their fingertips.

We must make sure that consumers are equipped with information about the products they have bought to ensure that they can keep themselves and their families safe. Will the Minister agree that it is vital that the OPSS outline the detail behind its commitment to establish a single national database for UK product recalls? In particular, we need to know what resources and funding the OPSS will have to publicise the site's existence. After all, we know that public awareness is key to successful product recall.

3.18 pm

Jim Shannon (Strangford) (DUP): As always, it is a pleasure to speak in a Westminster Hall debate, Sir David. I congratulate the hon. Member for Swansea East (Carolyn Harris), who always speaks with a real passion and belief in what she says. I commend her for that. I always look forward to debates that she is involved in. It is because of her that we have this debate and are able to speak in it, so I thank her for that. I also thank all the hon. Members who have made contributions and the Front-Bench spokespersons for the Scottish National party and for the Labour party who will speak later. I believe their contributions will be significant as well. I am sure that the Minister, who is taking notes, will take on board Members' questions and concerns, and I hope that we can obtain some reassurance from him as to how things stand.

I received a briefing from Electrical Safety First, a charity dedicated to reducing the number of deaths, injuries and fires from domestic electrical accidents, and I commend it and fully support it. We should note its recommendations, and the hard work that the charity does. Over the years I have debated this topic, including in Adjournment debates in the main Chamber with the hon. Member for Hammersmith (Andy Slaughter), among others, and it keeps coming back. That is because there seem to be continual problems with electrical safety. Electricity causes more than 20,000 house fires a year; that is almost half of all accidental house fires. Every year in the UK, around 350,000 people are injured through contact with electricity and 70 people are killed.

An example, if anyone needs a reminder, of what electricity can do when it goes wrong, is the Whirlpool case. I spoke in the debate on that matter obtained by the hon. Member for Hammersmith. I remember the debate well, and the issue even better. Afterwards I learned from one of my constituents who had such a dryer that she had been told to stay in and watch the dryer when it was in use. I nearly fell off my chair when I heard that. It is an unusual and strange thing to say: "Don't watch TV; watch your dryer."

Andy Slaughter: The hon. Gentleman is making a good point. What alerted me to the issue in the first place was a serious tower block fire in Shepherd's Bush, two years ago, when the victim was watching—she was in the same room as the fire and did everything right, including unplugging it. It still completely destroyed her flat, and Whirlpool would still not change their advice about using the machines, until they were threatened with legal action.

Jim Shannon: The hon. Gentleman has been a warrior on these issues and speaks well about them, and what he said illustrates the point. “Watch your dryer”—my goodness, watch it as it burns and the house catches fire. It will be too late then, but that is by the way.

I thought that what was happening was not the way to handle an electrical safety unit, and I am pleased about the setting up of the Office for Product Safety and Standards. There has been no long-term strategy to tackle fires caused by electricity in people's homes. At present, only the Electrical Fire Safety Week held in November each year—we all go along—exists to provide a concentration of communication to the public from Government. Communication campaigns such as the Home Office's “Fire Kills” campaign have been under Government review for some time. Perhaps the review is coming to an end; I hope so.

Electrical Safety First believes that Government campaigns on electrical fires must be expanded. There should be more advertising, probably on television, and through councils, and more safety measures should be taken. An average success rate of 20% of products being recovered or repaired means that millions of potentially dangerous products remain in people's homes. We may not know it but we might have such things in our own homes. The hon. Member for Merthyr Tydfil and Rhymney (Gerald Jones) mentioned phone chargers, and it is an important point: teenagers laugh if their phone charger, or even earphones, catches fire, but those incidents are not reported. Teenagers do not know where to report them, or who to contact. It is easier to buy a new one, which is probably what they do. They discard the old one, without considering why the fire happened. We must realise that someone who falls asleep with their earphones on may not find it so funny. It is definitely not a funny matter.

Clearly, consumers need confidence that the Government are taking appropriate action to protect them, particularly given that five fires a day are caused in the UK by white goods alone, and in view of the dangers posed by counterfeit electrical goods. In her opening remarks the hon. Member for Swansea East made many good points, but the one I want to reiterate is the rise in the number of people buying online. It continues to be a problem, and it is frustrating because the attraction is price, and customers do not see the safety issue. Is the safety perfect? No, it is not. Is there a safety-conscious attitude? No—or rather, as that is not fair, not in every case.

A big issue, which must be addressed, is the need to look at authenticity and proof of origin. I completely agree that an action plan must be developed, and backed up with an enforcement operation strategy to target the growing problems. Consumers are being put at risk by inaccurate and misleading advertising of electrical goods, as other hon. Members have mentioned. Products claimed to be genuine often contain counterfeit or substandard components. They might look good, but that does not

always mean that they are. That has a significant impact on consumer safety, creating a culture of acceptability in selling counterfeit electrical goods online. It undermines legitimate UK business—those who are doing it right. What does the Minister think can be done further to address that issue?

We live in a technologically driven world that is over-reliant on technology. We depend on such things in our lives. We test-drive cars and research the safety of vehicles in crashes, but we do not do the same for electrical goods that we use in our homes. We must, through the new office and today's debate, send the message that it is important for people to safety-check everything in their homes, and that they can have recourse to a way to report defective goods. That must be done not simply to complain—that is not what it is about—but for the safety of others in the future. That is the motivation of every hon. Member who has spoken in the debate. We look to the Minister, as we always do, for a satisfactory response.

Sir David Amess (in the Chair): Order. I commend colleagues on their excellent timekeeping, which is an example to others and has resulted in plenty of time being left for the Opposition spokesmen and, particularly, for the Minister.

3.27 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): I am pleased to take part in a debate with so much consensus, which does not happen often. I thank the hon. Member for Swansea East (Carolyn Harris) who has done a power of work on the issue and continues to champion the cause, as we all recognise. I thank the consumer organisation Which? for providing an excellent briefing, as has Electrical Safety First.

The Office for Product Safety and Standards is welcome, of course, as we have heard from a number of Members. As the hon. Member for Poplar and Limehouse (Jim Fitzpatrick) pointed out, it is important as a way of strengthening our product safety regime and making sure that customers are aware of and, importantly, can have confidence in the availability of an effective system, should products need repair or replacement. However, caution is required about the impact. In its report the Business, Energy and Industrial Strategy Committee regretted the Government's limited response, and the lack of urgency about acting on recommendations to address product safety issues. It found that reductions in funding for local trading standards and national trading bodies were having the negative effect that might be expected on the adequacy of the existing product safety system.

That finding, combined with the fragmentation of the current system, makes it difficult for consumers to have confidence in the consistent enforcement of the required standards across the UK. We have heard today of responses from the manufacturer Whirlpool to a defect in its tumble dryers, which clearly show the limitations of the existing system. Indeed, as a direct result of its slow response, 1 million homes still contain potentially dangerous appliances, as set out by the hon. Members for Leeds West (Rachel Reeves), for Merthyr Tydfil and Rhymney (Gerald Jones) and for Hammersmith (Andy Slaughter), who explained the dangers that have dogged consumers who have those machines and has, of course, been a champion in the area in question.

There is no doubt that progress in improving the safety of electrical goods has been too slow. I suspect that the Minister would probably agree with that, in his quieter moments. That is despite a widely supported set of recommendations, made in Lynn Faulds Wood's independent review, published two years ago. That review, which had a national product safety agency as its central recommendation, concluded that that was needed as part of a long-overdue overhaul of the entire system. All hon. Members welcome the new Office for Product Safety and Standards, but as we have heard, it must have sufficient scope and resources to deal with issues of product safety across the UK.

Stephen Kerr: Despite what I am about to say, I do not wish to introduce a tone of discord, but I was distressed last week when, in the Scottish Parliament, our First Minister, Nicola Sturgeon, answered a question from Miles Briggs MSP regarding genuine concerns about the safety of babies being permitted to sleep in baby boxes. The response he received did not indicate to me that the First Minister shares any kind of genuine feeling for the fact that people are sincerely concerned about product safety and baby boxes.

Patricia Gibson: That question is a bit leftfield, but I am happy to take it head on.

Stephen Kerr: It is about product safety.

Patricia Gibson: If the hon. Gentleman googles the Scottish Cot Death Trust, he will find that it has no concerns about baby boxes. However, if cardboard is set alight it does catch fire—there is a revelation for the hon. Gentleman—and the trick is not to light matches around cardboard. That is probably the safest thing for a baby.

As I was saying, the Office for Product Safety and Standards must be given sufficient scope and resources to deal with issues of product safety. It must be independent and have real teeth to protect consumers and prevent dangerous products from doing them harm. The Minister will be interested to hear that the consumer organisation Which? has expressed concern and disappointment that the full overhaul and fundamental reform needed to stop unsafe goods from reaching or remaining in our homes does not appear to be on the table. Disappointingly, it seems that the new office has not engaged with consumer organisations such as Which?, which I am sure the Minister would agree has some standing and calibre. I wonder why that is, and how consumers would view that lack of engagement. What does it mean when an organisation of such status cannot get the new office to engage with it? Perhaps that is something the Minister could unblock.

It seems a missed opportunity that the Office for Product Safety and Standards will apparently not address the systematic weaknesses in the existing enforcement framework, as set out by Which?, and it seems that there is no action plan for the new office—Which? has expended considerable effort in trying to elicit such a plan, but without success. This matter is fairly straightforward because we all know about the ongoing failures in the product safety system, and recent product safety issues have brought into even greater focus questions about the adequacy of the current regulatory and enforcement system in the UK. There are concerns about a lack of effective co-ordination and direction in the new office,

and if local authorities have no regulatory enforcement staffing resource, that might be a big problem. We know how under pressure trading standards officers are locally, and their role is extremely important for safety in our communities.

The OPSS must also consider product recall as part of its strategy—as the hon. Members for Makerfield (Yvonne Fovargue) and for Hampstead and Kilburn (Tulip Siddiq) pointed out, product recall has an average success rate of only 20%, and potentially, millions of unsafe products remain in unsuspecting homes. It must also consider online retail, as that must be held to the legal standards that apply to other forms of retail shopping and product safety—that point was also raised by the hon. Members for Makerfield and for Merthyr Tydfil and Rhymney.

Counterfeit goods are a huge problem, and we need a way forward to counter that issue. As the hon. Member for Hampstead and Kilburn pointed out, data collection and sharing for product safety is fragmented and incomplete, and we need a true picture of the scale of the problem of unsafe goods. An injury database could be used to help collect intelligence and quickly identify dangerous products, and that would be a positive step forward.

We have the opportunity to address current weaknesses in the system and make sure that it is fit for purpose in the potentially more diverse trading environment that the UK will be part of in years to come—that point was set out by the hon. Member for Kingston upon Hull West and Hessle (Emma Hardy). We have the opportunity to introduce a new national independent regime for product safety to ensure effective enforcement, market surveillance, and appropriate standards for goods. As the hon. Member for Strangford (Jim Shannon) reminded us, getting product safety wrong will, and indeed has, cost lives.

The post-Brexit world raises challenges, and we cannot have a situation where the UK diverges significantly from the rest of the EU, as that could only be to the detriment of consumers—I hope the Minister will reassure us on that point. We all agree that the new office is welcome, but we are concerned to ensure that it has the power, resource and strategic direction to help it achieve what we all want, which is a safe environment for our consumers who buy products in good faith and have a right to expect that they are safe.

3.35 pm

Gill Furniss (Sheffield, Brightside and Hillsborough) (Lab): It is, yet again, a pleasure to serve under your chairpersonship, Sir David, and I congratulate my hon. Friend the Member for Swansea East (Carolyn Harris) on securing this important and extremely topical debate. I also thank the all-party group on home electrical safety, Which?, Electrical Safety First, and the BBC's "Watchdog"—I apologise to anyone who I may have missed, because many people are interested in this issue.

The safety and security of their citizens must be the No. 1 priority for all Governments, but in recent years we have witnessed a series of fires that have haunted the nation. The Grenfell tragedy is suspected to have been caused by a faulty fridge freezer, although, as several hon. Members have said, we are still waiting for the independent inquiry to verify that. My hon. Friend the Member for Ashton-under-Lyne (Angela Rayner) has raised with Ministers the tragic case of the Wilson family

[Gill Furniss]

in her constituency. John Wilson was killed, and his wife and daughter seriously injured, in a house fire and explosion caused by a faulty fridge freezer. The model in question was known to be a fire hazard and was subject to a product safety notice. However, the family had not been informed, and the coroner found that the manufacturer had not taken sufficient steps to warn customers. Those are just some of the tragic stories.

After years of reviews and consultations, in January the Government finally announced the creation of the Office for Product Safety and Standards, a new body that will

“enhance protection for consumers and the environment”.

Given its name, I was somewhat surprised when I checked its website and found that “product safety” featured at the end of its list of priorities. Indeed, when scrolling through OPSS’s social media account, there is little mention of the steps that it is taking to enhance product safety, or how it is tackling current product safety issues. I am therefore delighted to join other Members in seeking clarification from the Minister about what the scope and nature of the OPSS will be.

That the product safety regime is out of date and not fit for purpose has been evident for some time. As my hon. Friend the Member for Hammersmith (Andy Slaughter) said, only a couple of weeks ago after a widespread investigation by Which?, it was revealed that, further to previous investigations, companies such as Whirlpool are

“failing to give full and appropriate safety advice when contacted about fire-risk tumble dryer models”.

That is a clear breach of Whirlpool’s legal obligations under the safety notice and could mean that it is breaking product safety law.

That investigation is part of an ongoing two-year campaign that calls for a full recall of those unsafe products. The fact that the matter has not yet been properly resolved represents an abdication of the manufacturers’ and the Government’s duties to consumers. The OPSS presents an initial opportunity to ensure that that is dealt with, but despite the Minister’s promise to get to work right away, there has been no response. I understand that the body is still new, but if that reflects how it will operate in future, that is disappointing and a far cry from what consumers need to protect themselves against faulty goods. Shockingly, 1 million Whirlpool tumble dryers subject to a safety notice are still in the homes of consumers, and I fear it is only a matter of time before the next tragedy.

I have some pressing questions for the Minister. Is the OPSS looking into the claims made by the Which? investigation, and, if so, what steps is it taking to respond to that urgent investigation? Will the Minister set out clearly the process through which this body will deal with any future investigations? I am pleased that the Government are soon expected to launch their strategy for the OPSS—my hon. Friend the Member for Hammersmith strongly expressed his views on that. Will the Minister confirm the timeline for the publication of the strategy and outline its key priorities?

Given the shambles around the product recall system, I urge the Minister to ensure that part of the OPSS’s remit is playing a key role in dealing with product recalls swiftly.

More broadly, the strategy must also address how the body will work with local authorities on the ground. Since 2010, they have suffered severe cuts, as the Government’s consumer Green Paper admits. On page 57, it says that, “the capacity of Local Authorities to take national cases has reduced. Two-thirds of English local authorities have reported not having the expertise to cover fully the range of statutory duties required of trading standards teams. For example, only half of authorities now have specialist skills in e-crime, a national priority area.”

So the Government openly admit that they are letting consumers down.

Undoubtedly, the lack of resources has left trade bodies bereft of the crucial expertise they require to deal with such cases, as was pointed out by my hon. Friend the Member for Makerfield (Yvonne Fovargue). The Government’s strategy should set out how they will close the gap in the enforcement mechanisms, so that trading bodies are sufficiently supported to enforce consumer law.

I understand that work has already begun on a database of unsafe products, to which my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick) eloquently drew attention. However, there is little detail about it. How are the Government conducting the database? Will we be able to see which goods have been recalled? Who will have access to the data? How will third parties be able to access the data in a responsible manner? I hope the Minister will answer those questions in his response. Furthermore, the database needs to be in place by 29 March 2019 in preparation for the UK’s withdrawal from the EU. Can the Minister guarantee that it will be in place by then?

Many hon. Members, including my hon. Friend the Member for Merthyr Tydfil and Rhymney (Gerald Jones), raised the issue of second-hand goods and online purchases. How will the Government address that important issue?

The OPSS is a step in the right direction but it does not go far enough in addressing the fundamental issue of the product safety regime. Clearly, the current policy is out of date and not fit for purpose. If we are to keep citizens safe, the Government must take firmer action now.

3.42 pm

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Andrew Griffiths): It is a pleasure to serve under your chairmanship, as always, Sir David, with your vast experience of this place. I congratulate the hon. Member for Swansea East (Carolyn Harris) on securing this important debate, and I am grateful to hon. Members from both sides of the House for their thoughtful input. The hon. Lady is a true champion for her constituency, as I know from my work on the Parental Bereavement (Leave and Pay) Bill. She has made a huge contribution to the lives of people across our country, and I commend her not only for the work that she does, but for the way in which she does it.

Let me be clear that there is no doubt about the Government’s commitment to maintaining the highest level of consumer protection. I have a wide and varied brief. As the Minister responsible for small business, consumers and corporate responsibility, I cover postal issues, competition policy and retail. I lose track of the number of things that should be on my business card, but it would not fit in my pocket if it had everything on. I reassure the Chamber that consumer protection is of

the utmost importance, however, and if anything keeps me awake at night, it is ensuring that this country has a product safety regime that keeps us all safe. The Government's commitment led to the first ever national technical expertise to support local authority trading standards teams in their vital work of enforcing product safety.

There were some questions about the announcement in relation to the Office for Product Safety and Standards. I put my hands up; it was my first week as a Minister. I thought it was better to get the information into the public arena and for people to be aware of it. If there are suggestions that I should have come to the House or done it differently, I take them on board. We are always learning.

I announced the establishment of the Office for Product Safety and Standards on 21 January. That announcement responded to the central recommendation made by the working group on product recalls and safety. That group was set up by the Government to advise on the practical steps that could be taken to enhance the UK's approach to product safety. It identified a need for a national technical and scientific resource to support decision making in local authorities and in the businesses they regulate. We will deliver that national capability through the Office for Product Safety and Standards. I have high ambitions for what the office will be able to achieve, and I am determined that the capability will be established quickly.

Since establishing the office, we have taken steps to deliver improvements, which I will say more about shortly, but it might be helpful to remind hon. Members where the responsibilities within the product safety regime lie, so we are clear about exactly where we should expect the office to deliver improvements. It has not been set up to do what others are already doing or should be doing.

Businesses are legally responsible for ensuring that the products they place on the market are safe, and for taking effective action to address any issues that arise once those products are in circulation. The Office for Product Safety and Standards does not take those responsibilities away from businesses, nor does it lessen them in any way. It gives us the scope to better enforce those requirements more consistently across the country.

Day-to-day enforcement of product safety is led by local authorities, which have teams of officers on the ground across the country, as we have heard. In that role, they provide vital services, such as being a point of contact, giving advice to consumers and businesses, and leading on investigations into potential non-compliance. I pay tribute to the work that trading standards officers do across the country. The establishment of the office does not move, alter or reduce that role. Local authorities remain front and centre in the delivery of effective protections.

The office will provide additional support for those local teams, who will be able to draw on the national testing facilities, leading scientific advice and technical expertise to help them to deal with the complexity of the issues they encounter. We have heard about the challenges in relation to resource, but this is a new, additional resource of additional expertise to help and support those trading standards officers across the country.

To clarify, the new office will have a budget for new product safety activities of an additional £12 million a year. As I said earlier, the budget for the first year in

operation, 2018-19, is about £25 million, which includes £9 million of additional funding. In the following year, that £9 million will increase to £12 million. Those are substantial amounts of resources. The office will employ about 290 people, of whom 180 will be existing staff and 110 will be new posts. I hope that reassures right hon. and hon. Members.

Stephen Kerr: Will the new office that the Minister is describing in great detail have the power to hold to the fire the feet of big organisations, such as Whirlpool, in favour of consumers?

Andrew Griffiths: I absolutely reassure my hon. Friend. I think he won the prize for the best pun today when he talked about the spin cycle of those large companies. I noticed it, if nobody else did, and laughed internally. Clearly, the office has to have the teeth and the capabilities to hold those businesses to account. I reassure him that it will.

Andy Slaughter: I think the Minister has said that one of the office's duties will be to maintain a recall register. How is that progressing, and will manufacturers be under an obligation to ensure that the register is notified of all recalls?

Andrew Griffiths: I confirm that there is an obligation in place for manufacturers to notify the Office for Product Safety and Standards. I will come on to how the database will work further on in my speech.¹

Within the office, we are applying lessons from regulators such as the Food Standards Agency, which is a national regulator that deals with significant volumes of product incidents and provides national scientific expertise to local authorities. So we are not creating something new; we are learning the lessons from previous regulators to ensure that the office works properly. We are also applying the lessons learned from international comparators—the OECD and American counterparts—and we are in the process of building national capacity.

Through the OPSS, the Government have already led the development of a code of practice for product recalls and corrective actions, working with the British Standards Institution. The code provides greater clarity for businesses on what they should do in such cases. It also provides a framework for local authorities when they engage with businesses to support and enforce programmes of corrective action.

There was a question about how the OPSS will support trading standards officers. I can confirm that so far, more than 250 local authority officers have received training on the new code and as a result they are now better equipped to deal with incidents.

Gill Furniss: Although the Minister said earlier that there are 290 posts at the OPSS, it looks as though there is little resource in terms of extra staffing or extra funding for local trading standards officers. Is that correct?

Andrew Griffiths: To clarify, as I said before, there are 110 new posts at the OPSS, with an additional resource of £12 million; I think that is a substantial amount of money. The Government are properly resourcing what we accept is a vital facility.

1. [Official Report, 15 May 2018, Vol. 641, c. 2MC.]

[*Andrew Griffiths*]

As we build the office over the coming year, the Government will continue to consult on aspects of its functions and on its long-term scope. I think there has been some question about whether it should remain in the Department for Business, Energy and Industrial Strategy or be an independent body. We will consult on that and on the case for changes to its legal powers.

The hon. Member for Swansea East mentioned the work of the all-party parliamentary group on home electrical safety, and I commend that work. I have read a number of the reports and documents that it has produced, and they were helpful to me. I also pay tribute to the Business, Energy and Industrial Strategy Committee, and to the hon. Member for Leeds West (Rachel Reeves) for the work that she has done. That work demonstrates the desire to work across parties and to ensure that we get this matter right for all our constituents.

Holly Lynch (Halifax) (Lab): In the spirit of cross-party working, the Minister might remember that on 29 January he responded to a Westminster Hall debate on a petition calling for greater regulation of the sale of fireworks. In response to an inquiry from my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick), he said that, regarding the sale and regulation of fireworks, “this new body” would

“—where necessary—come forward with suggestions and advice to Government.”—[*Official Report*, 29 January 2018; Vol. 635, c. 261WH.]

He also committed to arranging a meeting with all those Members who were interested in the regulation and sale of fireworks. Has there been any progress on that particular issue?

Andrew Griffiths: I thank the hon. Lady for that question. She has reminded the hon. Member for Poplar and Limehouse (Jim Fitzpatrick), who said that this debate was the first time that he had heard me speak as the Minister, that this is actually the second time that he has done so; that was a very useful debate. My understanding—I look to my right, at my officials—is that officials were in the process of setting up that meeting. If they have not done so, I will chase that up; it should take place, because it is an important meeting and I want it to happen.

The hon. Member for Swansea East asked what the OPSS was doing to discuss electrical fire safety with the Home Office; that is important. The OPSS is building up its intelligence-gathering capability and will use a database and evidence to help to identify and prioritise products that pose higher safety risks to consumers. The OPSS is also represented on the Home Office’s fire statistics users group and we are in regular—almost daily—contact across Government to ensure that these activities are properly joined up.

The hon. Lady also specifically mentioned online selling, which is very important. Action is being taken by law enforcement agencies against the sale of counterfeit goods at local markets and car boot sales, through social media channels such as Facebook and facilitated by fulfilment houses.

The hon. Lady mentioned the issue of Amazon giving evidence to her all-party parliamentary group. I put on the record that I understand the point she made, and I

agree with her that it would be valuable for the APPG to engage constructively with Amazon. I am sure that others outside this place have heard her comment and will respond to her in the near future; she should let me know if they do not.

Existing legislation applies to online retailers and they have a responsibility for the products they sell. As we have heard, the Intellectual Property Office works closely with Electrical Safety First; I commend the work that that charity does to highlight how to identify fake electrical goods that are being sold online.

One of the reasons for creating the OPSS is to enable the UK to meet the evolving challenges of product safety by responding to the increasing rate of product innovation, the growth of online shopping and trading portals, and expanding international trade.

I was asked whether private sales—consumer to consumer, on websites such as eBay—are regulated. Consumer-to-consumer sales are not covered by the Consumer Rights Act, other than in relation to things such as secondary ticketing. However, as we have heard today, there is a current consultation—a Green Paper—that I have launched, which specifically asks whether more protection is needed in this area. If the hon. Lady would like to contribute to that consultation, I would certainly be interested in hearing her views.

Over the past three years, National Trading Standards has had a core budget of £40 million to work with local authorities to tackle harm in this area. There was also a question in relation to the injury database. The injury database was scrapped in 2002, and at present there are no plans to reinstate it. However, the OPSS is considering how to ensure that it has access to the best information, and we always keep abreast of these things and will consider the future as we go forward.

My hon. Friend the Member for Stirling (Stephen Kerr) raised the issue of regulators and their powers. The White Paper specifically asks whether regulators need more powers, so he might want to have a look at it.

The hon. Member for Poplar and Limehouse asked whether businesses will be required to notify the OPSS; I think that I have already confirmed to him that they will absolutely be required to do so.

Then there is the issue of selling second-hand goods subject to recall. Under the General Product Safety Regulations 2005, there is a requirement for sellers of second-hand goods not to sell goods that they know are unsafe.

I was asked what will happen on our exit from the EU. Of course, unsafe products will remain a serious risk. UK enforcement authorities are currently reliant on EU systems, such as Rapex, as the hon. Member for Swansea East mentioned. However, BEIS is developing new systems to enable regulators to identify new threats quickly, to mount co-ordinated and rapid responses, and to target and intercept products, including imports.

The hon. Member for Kingston upon Hull West and Hessle (Emma Hardy) raised the issue of boots. I can tell her that safety boots are regulated under the personal protective equipment regulations. Manufacturers have a legal obligation to ensure that they are safe, and trading standards officers have the powers to act if necessary. If the hon. Lady provides me with the details, I will ask the OPSS to work with trading standards officers to look into the case for her.

What else have we had? I think that the Business, Energy and Industrial Strategy Committee has pointed out that we intend to undertake a further upgrade of the Government's product recall website; that issue was raised earlier. We recognise that this website is important and we will put extra work into it. I hope that reassures the hon. Member for Hampstead and Kilburn (Tulip Siddiq). She mentions that mums are concerned about bottle warmers and baby seats. I would say that it is not only mums who are concerned; as a new dad myself, I know that dads are also concerned. I can correct her by saying that they are no longer called baby seats; I think they are now called travel systems. That was news to me, but we are always learning as we go, are we not?

The hon. Member for Strangford (Jim Shannon) made some very important points. I commend him on the fact that he has spoken in some 379 debates in the last year. If only our products were as reliable as he is, we would not need this new office. However, I point out to him that currently the number of questions that he has asked stands at 666, so he might want to ask another question shortly.

The hon. Member for North Ayrshire and Arran (Patricia Gibson) mentioned Which? I think we all recognise the important role that Which? plays in consumer protection. I can confirm to her that I am meeting its managing director next week and I can also confirm that the OPSS is working closely with Which? in a number of areas and has had regular meetings with it. I hope that reassures her.

I was also asked about the Grenfell fridge. Clearly, that issue is a priority. A thorough safety investigation has taken place and I hope to be able to come forward with information for the House in the very near future.

In closing, I reassure the House that this Government take the issue of product safety incredibly seriously. We have to get this matter right for all of our constituents. As the Minister responsible, I confirm that the Department and the new OPSS will continue to engage with parliamentarians to ensure that we get it right. I thank the hon. Member for Swansea East for securing this debate.

Question put and agreed to.

Resolved,

That this House has considered the role of the Office for Product Safety and Standards.

4 pm

Sitting suspended for a Division in the House.

DWP Offices Closures: Merthyr Tydfil

[STEVE McCABE *in the Chair*]

4.15 pm

Steve McCabe (in the Chair): I remind hon. Members that the debate is now scheduled to finish at 4.45 pm. I call Gerald Jones to move the motion.

Gerald Jones (Merthyr Tydfil and Rhymney) (Lab): I beg to move,

That this House has considered the proposed closure of DWP offices in Merthyr Tydfil.

It is a pleasure to serve under your chairmanship, Mr McCabe. Early in 2017, the Department for Work and Pensions announced that it intended to close many of its offices, sites and jobcentres across the UK. About 250 staff work in the DWP office in Merthyr Tydfil town centre, and they clearly make a contribution to spending in the community and our town centre. The office is well established and is close to the town centre, so our local economy would really notice the loss of this large workplace.

Nick Thomas-Symonds (Torfaen) (Lab): I have a very similar situation in Cwmbran town centre, as Cwmbran pension centre makes that type of contribution. Does my hon. Friend agree that it is economically illiterate to take such jobs out of local economies across the valleys?

Gerald Jones: I thank my hon. Friend for that intervention. I agree with his point, and will comment on that further in the course of my contribution.

Job opportunities for local people would be limited if the DWP pulls out of Merthyr Tydfil. Such a proposal goes against what I believe the Government should be doing: helping to support local communities, the local economy and local jobs. The proposed move could mean services being more difficult to access for claimants and hundreds of jobs being moved out of deprived communities, where every job counts. In 2008, the Welsh Government moved several of their Departments out of Cardiff and located one of their regional offices in Merthyr Tydfil, bringing secure jobs to the town and supporting the local economy. The UK Government would do well to follow the Welsh Government's example in that and, if I may say, many other areas.

If the closure goes ahead, the potential loss of jobs and incomes in the town would have a huge impact on Merthyr Tydfil and the surrounding communities across the heads of the valleys.

Wayne David (Caerphilly) (Lab): A number of towns throughout south Wales will be affected similarly to Merthyr Tydfil. I refer in particular to Caerphilly, where the local authority has told me that retailers and businesses will be hit badly if the DWP moves its office out of Caerphilly to Treforest.

Gerald Jones: I agree with my hon. Friend. His point, similar to that made by other colleagues, highlights the fact that many towns across the south Wales valleys are in a similar position. Their local economies are supported by such jobs, and any move to remove them would be detrimental.

Jessica Morden (Newport East) (Lab): My hon. Friend talks about the valleys. Does he agree that Newport is also affected? We are very proud of the civil service jobs we have in Newport; there are hundreds at Sovereign House, the DWP office. Does my hon. Friend agree that in a drive to centralise, the Government are overlooking the importance of local jobs and local expertise from local people? That would be lost, given the travel difficulties that people are experiencing getting to Treforest.

Gerald Jones: My hon. Friend makes a valuable point. I see Newport as part of the south Wales economic area. Job losses in that community would have a similar effect there as they do in other areas across south Wales.

Nick Thomas-Symonds: To highlight the point made by my hon. Friend the Member for Newport East (Jessica Morden), I have constituents who commute to Sovereign House in Newport who will now face disrupted travel from having to go so much further to Treforest, rather than down the road to Newport.

Gerald Jones: Again, my hon. Friend makes an interesting point. I will come on to some of the travel pressures that I have recently experienced myself.

As I said, the closure would have an impact on the surrounding communities across the heads of the valleys—an area trying its best to regenerate itself amid ongoing austerity pressures, which have created a difficult financial situation for our area.

Anna McMorris (Cardiff North) (Lab): I congratulate my hon. Friend on securing this important debate. In my constituency, in Gabalfa, the DWP office is set to close. Does he agree that such job losses take away something very valuable from our local communities? There is a lack of understanding from the Government of the transport challenges that will be faced by my constituents and many other people across the south Wales valleys.

Gerald Jones: The geography of south Wales is quite unique and people have to navigate the transport difficulties to which my hon. Friends have alluded on a daily basis. There are huge difficulties in access across valleys and from parts of south Wales to others and the transport links need to be addressed.

If the closures go ahead, they will decimate the economies of town centres across south-east Wales—town centres that are already struggling to cope. The DWP is planning to relocate staff to a site that, until last week, was known only as “north of Cardiff”. Last week, we had confirmation that it has signed a lease for a site on Treforest industrial estate. It was probably the worst-kept secret, but anyway it has now been confirmed.

In January, I and my Welsh Assembly colleague, Dawn Bowden AM, along with members of the PCS union, undertook an early morning journey on public transport to the proposed new site. It proved that to get to the new location by public transport will, for some existing employees, involve travel by train and bus, and walking a distance through a poorly lit industrial estate, which will undoubtedly be a major challenge in the winter months. The journey took all of two hours.

The site has poor access from the nearest train station along a narrow road with no pavement and my understanding is that it will have 1,700 full-time equivalent

roles, but initial observations show that the car parking provision would be limited. There is a clear expectation that members of staff will travel by public transport, but it is also clear that many would find it extremely difficult to make that daily journey by public transport. Some members of staff already commute long distances to get to their workplace in Merthyr Tydfil as a result of previous DWP workforce reorganisations. Having to travel even further would, in many cases, cause hardship.

The construction of a brand-new building with a view to lowering costs seems a little confused. In many communities across south-east Wales, there is an opportunity to look at existing buildings, which would undoubtedly have a competitive financial case and retain jobs and viable office space in town centres. Alternatively, if a large employer such as the DWP pulls out of town centres, buildings such as the former tax office in Merthyr Tydfil, which closed nearly a decade ago, will remain empty and become dilapidated over time, often becoming a blight on the local community and impacting heavily on the wider public purse in the medium to long term.

UK Government offices are currently based in a number of towns in south Wales, supporting local jobs and economies. I am bound to highlight the opportunities that exist in Merthyr Tydfil. The option of retaining current jobs and having an enhanced presence is more than worthy of consideration. The current DWP office in Merthyr Tydfil is well-established and the staff turnover rate is low. Many employees have worked in that location for a long time and are committed to providing a good service to the public, and the local jobs market means that vacancies in Merthyr Tydfil are filled quickly and applicants remain in jobs. The DWP office is modern and has space for additional staff. Traffic congestion coming into Merthyr Tydfil at peak times is minimal in comparison with larger towns and cities and would mean that staff and customers would gain easy access, whether for employment or accessing the service.

I hope the Minister will comment on the concerns I have raised. Has the DWP yet undertaken an equality impact assessment regarding members of staff? DWP announced the proposed closure of Merthyr Tydfil benefit centre along with others in the south Wales area, yet, to date, local, district and senior managers state that equality impact assessments have not been completed or even commissioned. I received a letter in July last year from the then Minister for Employment, stating that an equality analysis was due to take place, so I would be extremely disappointed and annoyed if, after nearly 12 months, that had not happened. I cannot understand how the decision to close a site that provides quality jobs in such a deprived area of south Wales can be made without an equality impact assessment being carried out and its findings being considered. Surely carrying out an impact assessment on such a move is an essential first step.

An announcement was recently made that staff on fixed-term appointments in Merthyr Tydfil benefits centre will not have their contracts renewed, meaning that there will be at least 40 fewer staff by the end of the year. Yet the work will still need to be processed. Staff at the centre are concerned that current workloads will be exported to other sites, some possibly outside of Wales. They are concerned that something is being kept from them. Does the DWP have plans to close the site earlier than originally announced?

Carolyn Harris (Swansea East) (Lab): Just last week, Virgin Media announced its intention to close a flagship site in my constituency of Swansea East, with the potential loss of 770 jobs. Jobcentre Plus will be the first port of call for all of those people who will be seeking new opportunities. Does my hon. Friend agree that any attempt to minimise local access to Jobcentre Plus can only add to the fear and frustration of those vulnerable people, who are already very fearful for their futures?

Gerald Jones: I wholeheartedly agree. My hon. Friend's point reinforces the point about having access to quality jobs and services in local communities.

The plans for the Merthyr Tydfil office have caused real concern in my community. The workforce are clearly concerned. The local and regional branches of the PCS union have raised objections. I and a number of Parliamentary colleagues from across south-east Wales have raised concerns. My Welsh Assembly colleague Dawn Bowden and many of her Welsh Assembly colleagues have raised concerns. Local traders and employers in the town are also concerned.

Although the Minister may ignore some of those concerns, I feel sure that he would not wish to ignore the concerns of the newest Conservative Association in the UK, the Merthyr and Rhymney Conservative Association, which stated in March that it also objects to the relocation of those jobs. I understand that the association has written to the Minister to raise its objections:

"Merthyr Tydfil and Rhymney Conservatives are against this move as we believe the 200 jobs should be kept locally and not moved down the valley. We believe this would have a negative impact on workers by increasing commuting times and adding extra travel costs which would impact their cost of living."

The deputy chairman for membership also said:

"I believe the proposed move of the DWP office to Treforest will have a detrimental effect on the current 200 strong workforce. I am a strong believer in the idea that local jobs should be for local people hence why we have contacted the minister in a bid to get him to re-think this decision which could potentially have a wide impact on the wider economy."

Perhaps the Minister will share his response and confirm whether he agrees with his Conservative colleagues.

I have serious concerns that such huge changes for staff and customers are being taken forward at a time when universal credit is about to be rolled out in the area. Universal credit has proved to be challenging in many other areas. For the staff to be worried about their future while dealing with a major policy change is not a constructive or a timely mix.

Will the Minister confirm whether an equality analysis has been carried out regarding Merthyr Tydfil benefit centre? The DWP prides itself on being a diverse and inclusive employer and has many disabled and vulnerable workers. As we know, the public sector equality duty in section 149 of the Equality Act 2010 requires public authorities, including Government Departments such as DWP, to consider the potential impact on people with protected characteristics when making policy decisions and delivering services. The PCS union has been vocal in demanding that a full equality impact assessment and health and safety review be carried out.

Why is the DWP ignoring the Government's green policy, which is trying to reduce the number of cars on the road, by relocating service centres to an industrial

estate with poor public transport links? Why is the DWP ignoring the Welsh Government and the TUC's "Better jobs in local areas" campaign by relocating away from local communities to centralised locations in cities or remote industrial areas?

Finally, why is the DWP suddenly not renewing the contracts of staff on fixed-term contracts, leaving sections decimated and unable to function? Is it planning to close the site earlier than announced? I would be grateful for the Minister's answers to those queries in the hope that he can quell some of the concern, anxiety and growing anger about the decision, which does nothing to support local town centres and economies, or to protect local jobs.

4.30 pm

The Minister for Employment (Alok Sharma): It is always a pleasure to serve under your chairmanship, Mr McCabe. I congratulate the hon. Member for Merthyr Tydfil and Rhymney (Gerald Jones) on securing this important debate.

The level of employment in the United Kingdom is at a record high. In the hon. Gentleman's constituency, the employment rate is 70.1%—an increase of 7 percentage points since 2010. That trend has been replicated across Wales as a whole, where the employment rate has increased by 5.8 percentage points since 2010, and now stands at 73%. I know that all hon. Members will welcome those jobs figures.

It may be helpful if I explain the background to the changes in the DWP estate, which have led to this issue. In March 2018, the 20-year contract covering the majority of the DWP's current estate of more than 900 sites came to an end, which gave us a significant opportunity to re-evaluate what we need from our estate, taking into account the impact of universal credit, the increased use of online services and the improving employment rates. It is therefore right that we reconfigure our Jobcentre estate and make jobcentres fit for the 21st century. This is not about reducing services; it is about taking the opportunity to stop spending money on empty space, so we can spend more on supporting those in need.

In July 2017, we announced our plans for the majority of sites in the DWP estate. As part of that, we announced that five sites in south Wales, all with a focus on back-of-house activities, including Merthyr Tydfil, would be moving to a new single strategic processing site from 2021. As the hon. Gentleman outlined, the current office in Merthyr Tydfil is a mixed site, with a customer-facing jobcentre and a back-of-house processing function. I can confirm our intention is to keep the current site in Merthyr Tydfil for the next three years. Thereafter we will transfer the back-of-house staff to our new consolidated site for back-of-house operations, which, as the hon. Gentleman noted, we recently formally confirmed will be in Treforest.

Anna McMorris: Will the Minister confirm what conversations he has had with the Welsh Government about the closure of those centres and the moving of the office to another site?

Alok Sharma: I will talk about the Welsh Government in a moment.

By choosing Treforest, we will be securing quality jobs for the next generation in an area that still lags in terms of employment rates. The hon. Lady talked about the Welsh Government, and the hon. Member for Merthyr

[Alok Sharma]

Tydfil and Rhymney talked about following the Welsh Government. The Welsh Government recently set out their “Our Valleys, Our Future” strategy. Their ambition is to see more public sector jobs relocated to the south Wales valleys, and we believe our investment in Treforest demonstrates our commitment to that. The announcement of the move to Treforest was welcomed by Rhondda Cynon Taf County Borough Council.

Gerald Jones: Does the Minister recognise that the Welsh Assembly’s “Our Valleys, Our Future” strategy is about bringing new jobs to the south Wales valleys, not relocating jobs from existing communities, thus decimating the economies of those town centres?

Alok Sharma: Of course, the Welsh Government’s Welsh Revenue Authority has also chosen to base itself in Treforest. The DWP’s site is able to house 1,700 jobs, which is more than the number of people who are moving, so there is the potential to locate more new jobs at that site in the future. I know hon. Members are keen on that, and of course I support it.

Anna McMorris: Will the Minister answer my initial question? What conversations has he had with Welsh Government Ministers about this move?

Alok Sharma: I have been in post for a number of months, and I personally have not had a direct conversation with my Welsh counterparts, but I am happy to write to the hon. Lady after this debate to set out the conversations that have been had with the Welsh Government. As I say, with this move we are supporting the strategy that the Welsh Government have set out for additional jobs in the valleys.

Nick Smith (Blaenau Gwent) (Lab): Does the Minister accept that those jobs are being moved from the heads of the valleys area—the north—to the south towards Cardiff? It is the area around Merthyr, and further east towards Tredegar, Ebbw Vale and Brynmawr, where jobs are needed most.

Alok Sharma: When we make changes to the estate, of course we have to take into account the impact on jobs, but new jobs in other areas will be created as a result, and it must be balanced with the savings we will get as a result of the reconfiguration of the DWP estate. That money will be ploughed back into helping those most in need.

Anna McMorris: Will the Minister give way?

Alok Sharma: Let me continue for a little while.

In arriving at Treforest as the new site, we conducted a comprehensive postcode mapping exercise of the home locations of all potentially affected DWP colleagues. I have a set of figures for how long it will take individuals located in the five sites to reach Treforest by public transport. The latest personal travel report published by the Welsh Government—I think it is from 2013—set out that eight out of 10 journeys to work are by car. The proportion has remained broadly unchanged for 10 years. The timings I have been given suggest that the journey times will be about 20 to 25 minutes in most cases—perhaps less.

Anna McMorris: The Minister is being very generous in giving way. Has he actually been to the south Wales valleys?

Alok Sharma: Certainly not during my time as a Minister in this role.

There is a train station at the edge of the estate, where the new site will be. We understand that the Welsh Government have ambitious plans to enhance the transport links throughout south Wales, and that they will further improve access to Treforest, which is one of their key priority areas for the south Wales metro. We will work closely with colleagues in the Welsh Government and the local council on those transport solutions.

The hon. Member for Merthyr Tydfil and Rhymney said that there is insufficient parking space at Treforest. The DWP has made provision for substantial car parking on site to complement the park-and-ride development led by the Welsh Government.

Based on current estimates, moving our back-of-house functions to Treforest will impact about 239 DWP staff in Merthyr Tydfil. As part of the move, we want to maximise the retention of DWP colleagues, along with their valuable skills and experience. To do that, we will consult fully with colleagues and trade unions and have one-to-one conversations with staff to understand the personal impact of any changes on them.

Wayne David: Has the DWP made any objective assessment of the impact that moving people out of a number of communities will have on those communities?

Alok Sharma: The question was asked in terms of the staff who will be required to move, as I said, although we did do a postcode mapping exercise. The hon. Member for Merthyr Tydfil and Rhymney also asked about the impact on claimants, but a jobcentre will continue to be located in Merthyr Tydfil—I confirm that again.

We shall seek to redeploy any staff, wherever possible, who are unable to move to the new location. We are also prepared to pay colleagues’ excess travel costs for up to three years to assist their transition. When it comes to the front-of-house staff, as I said, I reassure Members that we are committed to retaining a jobcentre in Merthyr Tydfil, so the impact on claimants should be minimal, because there will still be a jobcentre there. We are looking for alternative premises, and we want to be in the new location by the end of March 2021.

Gerald Jones: The Minister mentioned the discussions with staff and the impact assessments for those staff. Will he give us more information as to when those impact assessments are likely to take place? As I said, it would have been advantageous to the Department for that to have been done before the final decision was made—a case of the proverbial stable door being bolted after the horse has gone. Will he give us some indication of when the assessments are likely to take place?

Alok Sharma: We are talking about a move three years from now so, clearly, informal conversations will start now—that would be natural—and staff will be evaluating where they want to be located. We expect the formal process, however, to start nine months before the actual move. The reason for that is simple: individual

circumstances may change during the period leading up to a move, so we want to deal with people and their circumstances in real time.

The hon. Gentleman also raised the issue of equality impact assessments, and I confirm that we have been mindful of our equalities duties throughout the process. The hon. Member for Cardiff North (Anna McMorrin) asked me whether I had visited any of the sites. I said that I had not. I confirm that I have visited Newport jobcentre but not any of the back-office sites due to be relocated to Treforest.

The move from the existing site at Merthyr Tydfil will be a change for the Department and for our claimants and staff. By choosing Treforest, however, the DWP is making a long-term commitment to providing quality jobs in an area of need. In securing the site on a 25-year lease, we shall provide job security for our staff. We are also committed, as I said, to retaining a jobcentre in Merthyr Tydfil itself.

Question put and agreed to.

Electric Vehicles and Bicycles

4.45 pm

Steve McCabe (in the Chair): Before we begin, let me point out that this debate will now end at 17.45. I have been notified that six people want to speak, so you can probably do the maths yourselves, otherwise I shall have to impose a time limit.

Sir Greg Knight (East Yorkshire) (Con): On a point of order, Mr McCabe. Will you speak to the House of Commons authorities about whether it is possible to have the Westminster Hall monitors display the end time of the debate? That would be particularly helpful to Members when there has been a Division—or Divisions—in the main Chamber.

Steve McCabe (in the Chair): We shall look into that. Thank you.

Andrew Selous (South West Bedfordshire) (Con): I beg to move,

That this House has considered take-up of electric vehicles and bicycles.

I am extremely grateful to Members across the House for their support for what I believe to be a very important debate. This is the third time that I have secured a debate in this Chamber on the take-up of electric vehicles. It is such an important issue for many reasons: electric vehicles will help us to reach our carbon commitments; they are the answer to low-cost, pollution-free motoring for our constituents; and, perhaps above all, it is essential for the United Kingdom to grasp global leadership of this key industry of the future, so that a new and up-and-coming industry's jobs and investment will be here in the United Kingdom.

In the case of conventional vehicles, the UK is passing £5 billion from sales of conventional vehicles on to foreign economies. Partly because of how supply chains work, a country such as Germany has a significant advantage.

Julian Knight (Solihull) (Con): Picking up on the point about those conventional vehicles, although I share my hon. Friend's enthusiasm for electric vehicles and know the importance of reaching the 2040 target, we need to bear in mind the 170,000 jobs in car making in this country. In the medium term, clean diesel—which is less polluting than petrol—should be part of the strategy as we go forward.

Andrew Selous: If we get this strategy right, there will be more than enough jobs for everyone. I am absolutely with my hon. Friend in wanting enough good-quality jobs.

In 2016 a fifth of all electric vehicles sold in Europe were produced at the Nissan plant in Sunderland. Looking forward, the United Kingdom has a genuine opportunity to capture a significant part of the global market by 2030, which could be worth an estimated £95 billion to the UK economy—lots of jobs for lots of car workers by 2030.

Mr Jim Cunningham (Coventry South) (Lab): This is a timely debate, and I am sure that the hon. Gentleman is aware of the electric vehicles made in my constituency, such as those made by Jaguar Land Rover. On the

[*Mr Jim Cunningham*]

outskirts of the Rugby constituency, we have the black cab makers, which have made some tremendous advances. The hon. Member for Solihull (Julian Knight) mentioned that we need a transitional period for diesel engines and, unless we get a proper transitional period during which to make the transfer from diesel to petrol or whatever clean fuel, there will be a lot of concern in our area about jobs.

Andrew Selous: I understand the concerns. However, if Members for constituencies that make conventional vehicles will bear with me, by the end of my remarks they will be optimistic about there being more than enough jobs for everyone.

Bringing forward the electric vehicles target to 2030 from 2040 would enable the United Kingdom to reduce our oil imports by almost 50% by 2035, saving £6.3 billion annually. Paris banned fossil-fuelled vehicles from the city centre and air pollution fell by 40%. Second-hand conventional diesel cars are losing a lot of their value, but it is possible to upgrade the batteries on electric vehicles. The key point for a lot of our constituents is that electric vehicles should be cost-competitive with petrol and diesel cars by 2022. At the moment, their running costs are already lower, but up-front cost parity is expected to come as early as 2022. That will be a huge tipping point for our economy.

Sir Greg Knight: I believe we should always embrace new technology while cherishing the past. Does my hon. Friend accept that, for people like me who have a journey of more than 220 miles to undertake, for the moment at least, an electric vehicle is not an option?

Andrew Selous: With some of the new chargers, an electric vehicle range of 300 miles is entirely possible. At the moment, I agree with my right hon. Friend, but if we play this right it will not be long before he will be able to motor up to East Yorkshire in comfort in an electric vehicle.

Nissan claims that by 2030, widespread adoption of a vehicle-to-grid service could save consumers up to £2.4 billion in reduced electricity costs. I am impressed by some of what the Government have done so far, but the 2040 target is too far out. We need to be bolder. The target for Scotland is 2032; for China, it is 2030; for Germany, it is 2030; for India, it is 2030; for Austria, it is 2030; for the Netherlands, it is 2025; and for Norway, it is 2025. I want the United Kingdom to be a world leader. The Government need to signal their intent to be at the front of the pack and not a best of the rest person coming up the rear.

Julian Knight: Bringing forward the 2040 target will destroy the new car market, because no one will spend £50,000 on a Land Rover if they think it will be worth peanuts in five or eight years' time. That is simple economics. I caution my hon. Friend that it is great to have the ambition, but setting an arbitrary date before 2040 would be a grave mistake.

Andrew Selous: I have to very respectfully disagree with my hon. Friend. I bow to no one in my defence of high-quality British jobs. I absolutely accept the anxiety, but we can sustain those conventional jobs. Very soon, there will be so much pent-up demand for electric vehicles

that the car workers in his constituency, and that of the hon. Member for Coventry South (Mr Cunningham), will not be able to keep up with the demand for these new energy vehicles—as they are called in China—from our constituents when we reach that 2022 tipping point. It is the obvious thing for our constituents to do.

The transport sector is now the largest source of carbon dioxide in the country. Emissions in the transport sector went up in 2017. If we bring forward the 2040 date, that would address a large part of the gap to which the Committee on Climate Change has drawn our attention.

We need to make huge progress in the fleet sector, and we can do that now. There are about 25,000 central Government fleet vehicles in the UK. The Government say a quarter of those should be electric by 2022—that is a much less ambitious target than India and China have announced for their fleets. Let us go for a 100% Government electric vehicle fleet by 2022, including those run by local councils. We have a long way to go; only two of the Ministry of Justice's 1,482 vehicles are electric. Let me praise Dundee City Council, which has 83 electric vehicles—the most of any UK local authority. It has also brought in a charging hub for the public and taxis, with four 50 kW and three 32 kW chargers. Well done, Dundee.

There is the serious issue of company car tax. There is a lunatic progression: at the moment, the rate of company car tax for zero-emission vehicles is 9%, which is due to rise to 16% before going down to 2%. Let us get it down to 2%; let us signal our intention, not make it worse for the area that we are trying to encourage.

We should be ambitious on sales targets. Let us go for 15% by 2022, 45% by 2025 and 85% by 2030 and get on with electric charging infrastructure.

Stephen Kerr (Stirling) (Con): My hon. Friend is making a very good point. We have the objective for 2040—I agree that it is not very ambitious compared with other targets that we could have set—but we do not have any adequate milestones to get us there. My hon. Friend has laid that out, and that is exactly what the Government need to do.

Andrew Selous: I have great confidence in the Minister. I think he gets it, and I am genuinely trying to be helpful to make sure that Britain is a world leader in this important industry of the future.

I said that this is the third debate on electric vehicles, but we are making history today, because I am informed that this is the first House of Commons debate on electric bicycles. Hon. Members who have read their Order Paper carefully will have seen that the debate is also about the take-up of electric bicycles. Most people probably do not know anything about them. Six weeks ago, I knew nothing about them, until I was asked to chair a meeting of the all-party parliamentary cycling group—I am delighted to see my co-chair, the hon. Member for Brentford and Isleworth (Ruth Cadbury) in the debate. I found out about them and I was lent an electric bike for 10 days or so by the Green Commute Initiative, for which I was very grateful.

In my constituency, I live on a hill. I cycle with a conventional bike in London, but at the grand old age of 56, I found that extra boost helped me to get to and from my constituency office on a daily basis, and on one

day twice. With my electric bike, I took more exercise that week than I have probably taken all year. That is the thing about electric bikes: they open up cycling to older people, and people who are anxious about ability or fitness, people wanting to arrive somewhere sweat-free when there are no workplace shower facilities. They can deal with carrying luggage and shopping; even commercial cargo is easy on an e-bike.

Tracy Brabin (Batley and Spen) (Lab/Co-op): I am deeply excited about electric bikes. Being a cyclist from Muswell Hill, which has a perpendicular hill, I would benefit from an electric bike. In my constituency, there is very little uptake of cycling compared with in the wider Yorkshire and the Humber region. The electric bike will encourage people with disabilities, people who want to go further and not get changed and people for whom it may not be in their culture to ride a bicycle. It is a fantastic and exciting step forward. I celebrate the electric bicycle.

Andrew Selous: I agree with every word that the hon. Lady said. Journeys by e-bike are longer, with an average of 5.9 miles compared with 3.9 miles. Importantly, 18% of disabled cyclists own a bike with electric assistance. It is fantastic to get more disabled people cycling, too.

Let us think of all the deliveries from internet shopping; 51% of all urban motorised trips related to carrying goods have the potential to transfer to cargo bikes. I think that Sainsbury's has six e-bikes, which I believe the Minister may have seen recently. There is a huge opportunity, although I learnt yesterday that the legislation on cargo e-bikes is confusing. We can do more.

How is the United Kingdom doing with e-bikes compared with everyone else? In 2017, we had 63,000 sales, but Spain sold 66,000, Switzerland sold 87,000, Austria sold 120,000, Italy sold 155,000, Belgium sold 245,000, France sold 255,000, the Netherlands sold 294,000 and Germany sold a whopping 720,000 in 2017. That is more than 11 times the number in the United Kingdom, so we have a little catching up to do.

What can my good friend the Minister do to help? I checked the Office for Low Emission Vehicles' definition of "vehicle", and I think it could include a bicycle. Let us be a little less siloed. Electric bikes have huge potential to change the way we travel for the better. They reduce congestion and pollution, and get people fitter. Let us see them in that sense and give them the recognition they deserve. Let us also recognise that the cycle to work scheme, although it is excellent, does not reach older cyclists, people who are not in work or other people who would benefit hugely from electric bikes. As with all cycling, we need to ensure that our roads are in good condition—dangerous potholes are a big disincentive to cycling whether someone uses an electric bike or an ordinary bike.

Germany offers a subsidy of up to €2,500 for the purchase of an e-bike. In France, a modest €200 subsidy for a 12-month period led to a 31% increase in sales. There is huge potential in this area, and I say to the Minister: let us be at the forefront of the electric bike industry as well as the electric vehicle industry.

Several hon. Members *rose*—

Steve McCabe (in the Chair): Order. If Members stick to five minutes or less, we will get everyone in. I call Jim Shannon.

5.1 pm

Jim Shannon (Strangford) (DUP): I will certainly do that, Mr McCabe—you have my word. I congratulate the hon. Member for South West Bedfordshire (Andrew Selous) on bringing forward this debate. I know this subject is a passion of his. I do not know very much about electric bikes—unlike the hon. Member for Batley and Spen (Tracy Brabin), obviously—so I will speak about electric vehicles.

I am going to show my age by saying that I am a "Doctor Who" fan. That takes me back a long time. Some people in the Chamber will know what that means; others will say, "What's he talking about?" Years ago, we always wondered whether the electric cars and all the other things in "Doctor Who" would ever happen. Well, they have; they may have been a wee bit beyond our dreams back in the '60s and the early '70s, but that is a fact.

We must learn to rely less on petrol and diesel, and look to environmentally friendly methods of transport. We encourage people to use public transport and to car-pool. Condensing five vehicles heading from Newtownards to Belfast into one, or getting 50 cars off the road through vibrant, frequent and reliable public transport, would certainly be the most effective way of reducing carbon dioxide emissions.

John Howell (Henley) (Con): Is the hon. Gentleman aware that Nissan has already said that we are not being ambitious enough, that we will be overtaken by the provision of things such as electric charging points, and that electric vehicles will be here sooner rather than later?

Jim Shannon: I heard Nissan say that, so I understand exactly what the hon. Gentleman refers to.

The Library briefing for the debate states:

"Though concerns have been raised about the extra demand EVs will add to the electricity grid, the system operator National Grid have said many predictions are exaggerated."

We need some reality in this debate, and I hope that we can get it. The briefing continues:

"EVs have lower emissions of greenhouse gases and air pollutants over their lifetime compared with conventional vehicles. Although EVs generally have higher manufacturing emissions than conventional vehicles, they have lower emissions from use, meaning that generally they have lower emissions than the equivalent conventional fuel vehicles."

EVs are not a perfect solution, but they certainly are better than what we have. We should look towards them and—I say this gently—perhaps be a wee bit more positive about what we put forward.

Nick Smith (Blaenau Gwent) (Lab): Does the hon. Gentleman agree that electric vehicles are the answer to pollution-free travel, but that the Government need to promote that mode of travel much more effectively?

Jim Shannon: I agree wholeheartedly. The idea of electric vehicles is taking root in Northern Ireland. Although most electric vehicle drivers charge their car at home, there is a network of 336 public charge points across Northern Ireland, which are owned and operated by the Electricity Supply Board. More and more councils are looking to provide charging points in council-owned car parks, in an attempt to encourage people to understand that if they decide to buy an electric car, they will be able to charge it when they are out and about or away

[*Jim Shannon*]

on their holidays. I am conscious of the time—I will keep to the limit, Mr McCabe—but perhaps the Minister will give us some idea of how we can encourage the provision of charging points. If we do not have charging points in rural areas, we cannot encourage people who live in the countryside to participate.

I commend the tax breaks that Her Majesty's Revenue and Customs and the Minister were involved in providing. Those tax breaks, which the hon. Member for South West Bedfordshire and other Members mentioned, have incentivised businesses to be involved in electric cars. A business can get a 100% first-year allowance for its expenditure on new and unused electric vans. That is critical to making this happen, and it is important that we move it forward. That allowance applies to expenditure from 1 April 2010 for companies that pay corporation tax, and from 6 April 2010 for businesses that pay income tax.

All that is an attempt to ensure that we encourage individuals and businesses alike to take the forward step of buying electric vehicles where possible. We can do more to encourage people to look at that idea by offering non-business owners greater tax breaks on new cars for personal use. Let us encourage people by incentivising them. As the Minister probably knows already, we can do that with tax breaks.

5.6 pm

Kirstene Hair (Angus) (Con): It is a pleasure to serve under your chairmanship, Mr McCabe. I thank my hon. Friend the Member for South West Bedfordshire (Andrew Selous) for bringing this worthy issue to the Chamber. I declare an interest as chair of the all-party group on fair fuel for UK motorists and UK hauliers.

People who live in constituencies such as mine, who are fortunate enough to enjoy a beautiful rural setting, know only too well that it is through careful protection of the environment that we will ensure that future generations experience similar sights. Unfortunately, pollution and climate change have come to pose serious threats to everyday life. From the poor air quality in our cities to the growing concern about plastics and the coastal erosion that affects constituencies such as mine, it is apparent that more needs to be done.

I welcome the positive steps that the UK Government have taken, but it is imperative that every member of the British public acknowledges their responsibility to reduce their impact on the natural world. To that end, the mode of transport that a person chooses could not be more important. Although the production and assembly of electric cars still generate harmful emissions, the lower pollution they produce during their lives, especially compared with their petrol counterparts, means that they should be supported—alongside important interim measures such as alternative fuels, as other Members have suggested.

In 2017, there were approximately 800 electric cars across Scotland—just 0.1% of all cars registered in the country. Invariably, electric cars are likely to be confined to major cities. In Angus, which lacks the necessary facilities and impetus to engage with electric cars, we have been unable to realise the possibilities offered by such vehicles. I strongly believe that that needs to change. As was mentioned, the Scottish Government have sought

to bring the target further forward than the UK Government, but I believe—excuse the pun—that they are miles behind in delivering on that target. We need clear objectives to ensure that the public get behind these important measures and know where the Government are going with them.

Alan Brown (Kilmarnock and Loudoun) (SNP): The hon. Lady is probably aware that it was announced that £160 million from the national productivity investment fund would be invested in charge point infrastructure. Does she agree that Scotland must get its fair share of that £160 million, based on its rurality and geography?

Kirstene Hair: Of course I agree. The Scottish Government also had a scheme for people who wanted to upgrade their cars, but that funding dried up very quickly. If the Scottish Government are to get fully behind this issue, they too must put money forward and engage the public to get involved.

Anna McMorris (Cardiff North) (Lab): On that point, the Welsh Government are investing £2 million in infrastructure to get a network of rapid charging points on the major roads across Wales. We want the UK Government to make that type of investment and keep it rolling to encourage such infrastructure.

Kirstene Hair: The hon. Lady is right. We need to get infrastructure built quickly, specifically in rural areas, but also in main towns and on roads, so that people can get geared up for this transformation.

Stephen Kerr: The hon. Member for Cardiff North (Anna McMorris) mentioned the Welsh Government, but in the whole of Wales there are only 31 publicly funded charging points. In Scotland, there are nearly 1,000.

Kirstene Hair: My hon. Friend is right. There is very much an onus on the devolved Administrations to put that infrastructure in place as swiftly as possible.

I welcome the UK Government's decision to create the new charging infrastructure in the UK as well as facilitating greater uptake of electric cars and supporting research into charging technology. In total, Westminster has earmarked £340 million towards those endeavours, with a further £200 million promised from private bodies.

However, battery-powered vehicles are just one solution. Although less advanced, the merits and charms of the ordinary bicycle cannot be understated. From cycling to work schemes organised by schools and offices, to communal bicycle groups, more and more people are beginning to appreciate the options that exist on two wheels.

I sincerely hope that Government actions continue to foster a shift in the British public to engage with their daily commute and indeed any other commutes. By making alternative methods of travel more accessible, especially in more remote areas, we can seek a change that is beneficial to not just us but the planet as a whole.

5.11 pm

Alex Sobel (Leeds North West) (Lab/Co-op): It is a pleasure to serve under your chairship, Mr McCabe. The take-up of electric vehicles and electric bikes is vital

in our fight against irreversible climate change and to improve our air quality—especially in cities, given that so many of our cities exceed both EU and World Health Organisation safe air quality levels. I represent a constituency with no public electric vehicle chargepoints, which is an issue I have raised with the Minister for Energy and Clean Growth, the right hon. Member for Devizes (Claire Perry), both publicly and privately. I can now add this Minister to the list of those I am raising it with.

I want to use the debate to make public ideas that I have put to the Department for Business, Energy and Industrial Strategy, and that I now put to the Department for Transport. This is timely, following the joint report by the Transport Committee, the Environment, Food and Rural Affairs Committee, the Health Committee and the Environmental Audit Committee—I sit on the Environmental Audit Committee—which included a recommendation that,

“the Treasury introduces more ambitious measures to encourage the take-up of low emission vehicles”

and electric vehicles, including,

“a revision of Vehicle Excise Duty rates to better incentivise both new purchases and support the second-hand market.”

Those points were made brilliantly by the hon. Member for South West Bedfordshire (Andrew Selous), who did not make any points in his speech that I disagreed with.

I have ideas in six areas that would improve the take-up of electric vehicles and bikes. First, we should align Office for Low Emission Vehicles residential chargepoint grant residential funding with the Joint Air Quality Unit funding to provide a match for local authorities, to make OLEV residential funding feasible. Currently, we have very low take-up of that OLEV grant. At present, local authorities have no repayment mechanism for residential OLEV, so they need to find a matched funder. A list of potential match sources would unlock the fund. Local authorities will not currently commit their scarce funding to fund OLEV residential chargepoints; they need that matched funding.

Secondly, we should regulate the electric supply so that three-phase power supplies are included in building codes for all new homes, offices, shopping centres, public buildings and other areas where public parking is available. Only a small number of EV charge stations may then be necessary. At present, retail and commercial sites may rapidly increase the number of EV chargepoints on their premises without having to make major investments into new power supply, but power supply is one of the great barriers to increasing EV chargepoints. Further to installing wires, it would doubtless encourage take-up if we regulate so that all new workplaces—particularly those of large employers—have a minimum number of EV charging facilities on site.

Thirdly, clean air zones such as the one coming to Leeds next year are a powerful policy tool. However, one concern is that those in social grades D and E who have kept an old vehicle running are likely to be charged, and they are least likely to be able to make use of the Government's ultra low emission vehicle grants. We could test extending the ULEV grant into the secondary market. Plenty of electric vehicles will be fleet cars, and one or two-year-old vehicles in the secondary electric vehicle market could be purchased by those in the lower earning quartiles. That should be encouraged via an

extension in ULEV grants. The Government should test such a policy in areas where they are bringing in clean air zones, because that is where charging will start.

Fourthly, we should encourage EV charging more broadly. There is considerable scope for soft measures to encourage electric vehicles, which could include free parking electric vehicle-only bays on the high street, with free charging, which would incentivise those bays to be used and normalise electric vehicles among people who use the high street.

Fifthly, we should provide support for the city centre parking levy—a levy on businesses with parking spaces—to encourage a modal shift to other measures, including opt-outs for EV charging. We would put a levy on businesses, but if they put in an electric vehicle space, that space would not be charged for, to incentivise them to put in electric vehicle chargepoints.

Sixthly, on licensing and planning, we should make regulations to ensure that when granting new planning or licensing of some commercial premises over a certain size, EV spaces must be installed at a certain density per resident or parking space. This area has fallen through the gaps: we see many planning permissions across the country with no electric vehicle spaces or chargepoints. We should therefore legislate to ensure that all UK car parks with more than 50 spaces must have a minimum of one EV space per 25 spaces. Therefore, a car park with 50 spaces would have to provide a minimum of two EV chargepoints. That would be incredibly easy to implement in quite a short timescale.

Those are my immediate points for improving our EV infrastructure. I understand that we are looking at 2040, but we need a timetable. I agree that we need to look to 2030 or even 2025—the Norway model. My suggestions are not in conflict at all with deadlines or implementation dates and could be considered now. They would hugely incentivise take-up of electric vehicles.

5.17 pm

Stephen Kerr (Stirling) (Con): It is a pleasure to serve under your chairmanship, Mr McCabe. I pay tribute to and congratulate my hon. Friend the Member for South West Bedfordshire (Andrew Selous) on securing the debate and on his impressive and powerful speech. I am a member of the Business, Energy and Industrial Strategy Committee, which is conducting an inquiry into electric vehicles, so that is a subject that I could speak about for a long time. In fact, I have chosen to speak not about electric cars but about my new-found enthusiasm for electric bicycles.

I would like to tell Members about the Stirling Cycle Hub, which is an organisation that knows about how to get people on to their bikes. It encourages and facilitates cycling throughout Stirling from its base at Stirling train station. It is a superb organisation that works through the Forth Environment Link to help Stirling to pursue a greener, healthier future.

Stirling Cycle Hub has acquired a number of electric bicycles for its cycle hire scheme at Stirling station. Last week, it let me have a ride on one. To be frank, it was a revelation. I have a bicycle, and, to be honest, it rests rather serenely in my garden shed, untouched in a very long while. [HON. MEMBERS: “Shame!”] Shame indeed. I had never been on an electric bicycle. Emily Harvey, the development manager, guided me on a cycle route using

[Stephen Kerr]

the bicycle's electric assistance to Stirling Sport Village and back, and it was a sweat-free, pleasant experience—it felt like I had never stopped cycling.

While the bike asked me to pedal, the ride was as effortless as a cycle through the flat lands of the Dutch tulip fields, yet we were negotiating all the hills and obstacles of an urban cycle. I would love to use one of those bikes to traverse the great peaks and troughs of my constituency, which as all Members know is the most beautiful in the country, and do so without breaking a sweat. The purists in the cycling fraternity may see that as cheating, but it is a great way of opening up the joys of cycling to a wider audience.

Stirling Cycle Hub has had a great deal of success: it has rented the bikes out 202 times in the last year. It tells great stories about how grandmothers are now able to cycle with their grandchildren and how, as I mentioned earlier, people are using electric bikes to make deliveries. It is a great way to get into cycling and, for those who are perhaps not as fit as they could be—I will move quickly over that passage, and I must say I include myself in that number—or, more importantly, those who are recovering from mobility difficulties or have disabilities, it is a great way of getting back on a bike and getting around.

It makes it possible for a wider range of people to commute, and makes it a more positive experience for those of us who live in constituencies, as I said earlier, with hills. The motor in the bicycle assists with pedalling, making it like a gentle cycle while going up a steep hill. I invite all my hon. Friends, and hon. Members from all parts of the House, the next time they are in Stirling—they should make that a regular trip—to go to the Cycle Hub at the railway station and hire one of those fantastic bikes, which will allow them to experience Stirling without breaking sweat. As colleagues know, my constituency is famed for its beauty and its glens.

I repeat the point that, for those with any kind of mobility difficulty or low levels of physical fitness, these bikes are a boon. I ask the Minister what more we can do to encourage the take-up of electric bicycles. The nextbike scheme in central Scotland, which includes my constituency, has seen over 40,000 journeys made by bicycle because of the work of those such as Stirling Cycle Hub, but can the Government play a more positive role in encouraging people? As we have heard, we are lagging behind the Germans, among others. Surely, we can rise to the challenge and get us all on electric bicycles.

5.21 pm

Ruth Cadbury (Brentford and Isleworth) (Lab): I also congratulate my co-chair of the all-party parliamentary group on cycling, the hon. Member for South West Bedfordshire (Andrew Selous), on securing this debate. The purpose of the APPG on cycling is not to be a cycling club; we seek to engage with Government and stakeholders to get more people cycling more often, and safely.

As has been said, cycling has many benefits, public and personal. It reduces congestion, improves air quality, improves personal health, improves mobility for people who are frail or disabled and reduces journey times for

those who, like me, are London-based. It improves street design and local trading in town centres and town environments.

I am also a new convert to e-bikes; like the hon. Gentleman, I also trialled an e-bike over the Easter recess, thanks to the Green Commute Initiative. As somebody who cycles fairly regularly and has two and a half bikes myself, I was a little bit purist about such things and wondered if it was cheating, but I am definitely converted. It meant I could do the nine-mile trip between here and home without breaking too much of a sweat, but still get more exercise than I would have done sitting on a train. It was quicker and easier, and the few hills there were certainly seemed a lot less. It meant pottering around my constituency was much easier, and the main thing was that I did not have to wear different clothes, which I normally would if I were getting on my road bike and riding any distance.

I would advise all hon. Members to test an e-bike. Transport for London, through a range of London cycle stockists, is running a test scheme at the moment, and there is nothing in the blurb that says that people must be London residents—although, in fact, most Members of Parliament are London residents some or all of the time. I advise them to try it and have the same experience that my colleagues have already mentioned.

On top of cycling, e-bikes in particular will get different people and different users cycling. Hon. Members have already mentioned older people, those with mobility problems or health problems for whom the energy of a main bike would be too much, and people with balance problems. E-bikes are good for cargo, particularly in cities, and for people in hilly areas for whom cycling is just too much effort. They also extend the commuting distance that normal people can do on a bike. Men in Lycra around London are a different issue, but we are not trying to get those people on to e-bikes; we are trying to get everyone else on to e-bikes.

There is no doubt that the extent of cycling and e-bike roll-out in other countries in Europe has been massive and that the UK is behind the trend, so I have some recommendations for the Government that could help us to catch up. First, OLEV should recognise e-bikes as low emission vehicles, which would unblock some subsidy options that are available to other types of e-vehicles. Secondly, the cycle to work scheme limit should be increased to £2,500 for e-bikes, since very few e-bikes come in below the £1,000 current limit. Thirdly, for registered disabled people, cycles and e-bikes, including e-trikes, should be incorporated into the Motability scheme to provide more mobility opportunities for people with disabilities. Only through a step change in the number of people cycling and using e-bikes will, for instance, Transport for London be able to achieve its target of taking non-private vehicle transport options up from 63% to 80%. If we do not do that in London, with an increased population it will grind to a halt.

I will go back very briefly to electric vehicles. Tesla's showroom is in my constituency and I have also had the pleasure of looking at the new electric black cab. I have had a test drive in a Tesla, which was absolutely fantastic. I cannot afford it because they are very expensive—they are nice cars—but Tesla is also bringing out a mid-range car soon. Its big concern is the shortage of three-phase electricity. The barriers are not necessarily blockages by local authorities per se. There is an issue about getting

three-phase electricity to the roadside or to industrial estates such as Tesla's base out at Heathrow. There are issues of wayleave, common-law problems of getting access over land and issues of getting access to the high-voltage transmission network.

However, I have to say to the right hon. Member for East Yorkshire (Sir Greg Knight), who was concerned about long-distance travel, that with an adequate network of fast charging points, one can take an electric vehicle several hundred miles—across to mid-France—without the journey taking any longer, because with fast phase charging one can charge the car in the time it takes to have a comfort break, something to eat and a cup of coffee. That is perfectly possible.

5.27 pm

Alan Brown (Kilmarnock and Loudoun) (SNP): It is a pleasure to serve under your chairmanship, Mr McCabe. Like everybody else, I commend the hon. Member for South West Bedfordshire (Andrew Selous) for introducing the debate. He spoke really well and knowledgeably, and gave a fair and balanced presentation. He said it is his third debate on electric cars, so I would like to ask him how he goes about achieving his tabling success—it is a tip I could maybe use for the future. I have spoken in every one of those debates. I served on the Automated and Electric Vehicles Bill Committee, as did he, and I see a lot of familiar faces here from those debates and from the Bill Committee.

I completely agree with the hon. Gentleman's point that 2040 is too far away on the horizon for the phasing out of the sale of petrol and diesel vehicles. I agree with the point about more ambitious stage targets, in order to get there quicker. I disagreed—as I think he did too—with the intervention of the hon. Member for Solihull (Julian Knight), who was concerned that people suddenly will not buy Land Rovers, because they will see in the future that they might decrease in value. It is certainly my experience in my constituency that if someone pays £50,000 for a Land Rover they can afford to drive that vehicle, and they are not looking at a second-hand market down the road. I think luxury vehicles will not be affected by the stage targets, and I urge the Government to think about stage targets in that earlier phase-out of carbon vehicles.

I am unsure about the suggestion by the hon. Member for South West Bedfordshire that 2022 might become a tipping point for the sale of electric vehicles as costs come down and upfront costs become more competitive. My concern is that we have heard for a while that we have reached the tipping point. Every so often there are Government announcements that say, "We have reached the tipping point. The sale of electric vehicles has gone up 50% compared with the year before," but the reality is that less than 2% of vehicles on the roads are electric, so we are some way from that tipping point. Norway is a small, independent country, yet somewhere between 18% and 25% of vehicles on its roads are electric, so more can be done here. The Government need to look at what is happening elsewhere.

The hon. Members who spoke about electric bikes had a common theme, which was the access they provide to getting out and about in the great outdoors for people who are older or vulnerable, or who perhaps have a disability. I certainly echo those sentiments.

In Scotland, a third of all car journeys are actually for less than two miles, and a further quarter are for a mile or less. People take very short journeys in cars, and if we can get them either out of their petrol cars and into electric vehicles, or ideally on to bicycles or electric bikes, it would make a huge difference to carbon emissions and obviously to people's general fitness.

Matt Western (Warwick and Leamington) (Lab): Will the hon. Gentleman give way?

Alan Brown: The hon. Gentleman will need to be brief.

Matt Western: Would the hon. Gentleman encourage similar programmes to that in Sweden, where they put in a 25% subsidy to encourage people to switch to electric bikes? It has been massively successful.

Alan Brown: I would fully support that. I do not think I will be able to respond to all the points that hon. Members have made. It is fair to say that I agreed with most points. The enthusiasm for electric vehicles and electric bikes shone through.

The hon. Member for Angus (Kirstene Hair) mentioned the Scottish Government's money running out quickly. I point out that Scottish Tories actually criticised the Scottish Government's bringing in a loan system that allowed people to apply for loans to buy electric vehicles. It has been a success, to the extent that it has been oversubscribed, so the Scottish Government are looking at providing additional funding for that. Her comments should be a compliment, not a criticism. I urge the UK Government to extend their grant scheme, because that has a short horizon as well. We really need to look at extending that further.

I commend the Kilmarnock Station Railway Heritage Trust in my constituency, which has completely renovated and occupied a number of rooms and basement areas of Kilmarnock railway station. It provides a huge number of third sector support services. Like the Stirling Cycle Hub, which the hon. Member for Stirling (Stephen Kerr) complimented, it operates a cycle hub and undertakes led runs to encourage other people to take up cycling. It also takes referrals from people recovering from addictions, making cycling part of their recovery process and giving them motivation and fitness and getting them out and about. It is a fantastic scheme. It also has a volunteering and mentoring operation.

The trust also operates a cycle hub at Whitelee wind farm, which is the second biggest onshore renewable energy site in Europe. It encourages people to get out there and cycle in the great outdoors, which is a fantastic co-location idea, harmonising renewables with getting people out and about. I pay tribute to my constituent, Alan Vass, who led the expansion of the cycle hub. It is getting bigger and better, and I wish him well for the future.

Much has been said about making the UK a world leader. The truth is that the UK has a long way to go and needs to look elsewhere. There is nothing wrong with ambition, but we need to put strategies in place to match that ambition.

5.32 pm

Rachael Maskell (York Central) (Lab/Co-op): Thank you for chairing the debate, Mr McCabe. I congratulate the hon. Member for South West Bedfordshire (Andrew Selous), who was incredibly helpful in the

[*Rachael Maskell*]

advice that he gave the Government. Whether in the Paris agreement, Committee on Climate Change reports or numerous High Court rulings, the Government have clearly had serious warnings about how pollution is killing our planet—and is also killing us. Of course, transport is the major pollutant.

I place before the Government a big question about inconsistencies in their policies and the lack of connectivity between different announcements across Government. I also say this as an MP representing the highly polluted city of York. Certainly, announcements that we will see the end of the electrification of trains, and that a new generation of diesel trains will be put on the tracks, seem to clash with the Government's ambitions—or perhaps, as we have heard, the lack of ambition—for electric vehicles.

We heard that, by 2030, India will no longer sell petrol vehicles. For Norway that will be in 2025, and for Scotland it will be in 2032, yet for the rest of the UK it will be in 2040. We also know that cities such as Paris, Madrid, Mexico City and Athens will ban dirty fuels in their cities by 2025, as will Copenhagen from next year. Meanwhile, air pollution causes 50,000 premature deaths in the UK each year. When will the Government's Road to Zero plan actually see the light of day? It has been long promised but not yet seen.

The Government's spending around active travel is woeful. Cycling and walking must come centre stage and must be seen as the mode of choice for shorter journeys, supported by more public sector options. We also need to address the strain that the increased use of electric vehicles will put on our national grid and look at the options available to decarbonise our energy at the same time. We need to ensure that investment goes in the right place. We heard how investment in our manufacturing sector will give a real boost to our economy, but we must not ignore the threats, particularly from China and the investment opportunities that it will see in the future.

We need to look at all modes of transport when looking at electric vehicles—not just rail, as I have mentioned, but buses, taxis, trucks, vans, motorcycles and bicycles. We need to see the Government now put their foot on the accelerator to bring forward the electric vehicle revolution, as opposed to creeping forward.

My hon. Friend the Member for Brentford and Isleworth (Ruth Cadbury) mentioned the need for infrastructure. If we look at places such as Denmark and the Netherlands, we see real investment in infrastructure, and we need to see that here also. What has actually happened to the £400 million invested in the charging infrastructure investment fund? It is deeply embarrassing that the Government announced that but did not have any equity behind it. What other incentives will the Government put in place to encourage people to switch, whether through scrappage schemes, grants or, indeed, looking at the Mayor of London's toxic vehicle charge? The market share for plug-in cars was less than 2% last year. Why have the Government cut grants for plug-in cars and for home charging? What impact will that have? Again, I believe that puts forward a mixed message.

On electric bikes, it is incredibly important, as we have already heard from so many hon. Members, that we get people back on to their bikes with confidence.

We need to take on board the shocking obesity figures that are continually presented to Members and to see that, while electric bikes can be a real step up to exercise, they can also help other people to step down without having to revert to cars.

What consideration has the Minister given to the cycle to work scheme and the opportunities that that could bring for electric bikes? The Cycle to Work Alliance has clearly said that there should be £1,000 grants for bikes and safety equipment and £2,500 for electric bikes. Will the Minister look at that proposal and report back to the House on how we will move forward? If grants from the Office for Low Emission Vehicles are available for electric cars and motorbikes, why can they not be available for electrically assisted bikes, too? The benefits of that would be even greater in the future.

The Opposition have been clear: we will be ambitious, whether on development, manufacturing or use. I trust that the Minister will want to match our approach as we clean up and green up our transport system.

5.38 pm

The Parliamentary Under-Secretary of State for Transport (Jesse Norman): It is an honour to serve under your chairmanship, Mr McCabe. I am only sad that I have, now, four minutes, until 5.43.

Steve McCabe (in the Chair): Until 5.45.

Jesse Norman: But do I not have to allow two minutes for my hon. Friend the Member for South West Bedfordshire (Andrew Selous)?

Steve McCabe (in the Chair): You do not have to.

Andrew Selous: I will give you one of those minutes.

Jesse Norman: I do not have to, but I have been ceded one of those minutes. I am very grateful to my hon. Friend. That will allow me to cover at least a tiny fraction of the many points that enthusiastic colleagues have raised.

I congratulate my hon. Friend on convening this third debate. I doubly congratulate him on adding the vital topic of e-bikes to his original subject. That he has managed to add e-bikes to the subject for the third debate is proof that Parliament can evolve in its thinking. As I said, I congratulate him.

We have had mention of Dutch tulip fields and men in Lycra and a lot of references to sweat. That is a little unsettling, but I will try to make progress either way. I have been very impressed by the lobbying energy, if nothing else, of the e-bike industry in relation to so many of my colleagues, who have the feel of latter-day converts to a new religion. As a man who has been riding a bike for 45 years and riding an e-bike for some years, I am delighted that colleagues have come to the table and I congratulate them. Of course, I invite them to submit any of these new-found revelations and the evidence for them to the cycling and walking safety review, which addresses precisely these issues, including air quality and health effects, in a very holistic way.

The Government want to position the UK as the best place on the planet to develop, manufacture and use zero-emission vehicles. I think that that is perfectly clear from what we have said. It will clean up our air—

Nick Smith: Will the Minister give way?

Jesse Norman: Of course I will, but I have to make progress at some point.

Nick Smith: Can the Minister please update us on his discussions with the German Government about holding Volkswagen to account for the emissions scandal?

Jesse Norman: Yes, I would be delighted to. I have recently written to Volkswagen to draw attention to the continuing dissatisfaction that I and my colleagues have with its performance. I have raised the matter not merely with the operating personnel but with the supervisory board of that company, and I understand that my colleagues in other parts of the Government are in touch with their German counterparts, to make it clear that we remain exceedingly dissatisfied on behalf of consumers, Volkswagen customers and the general public in this country by the performance of the company and we expect it to continue the process of making amends through the scheme it has in place, extending it as and when that may be required.

Let me proceed. I have said that we want almost every car and van to have zero emissions by 2050. We have said that we will end the sale of new conventional petrol and diesel cars and vans by 2040. My hon. Friend the Member for South West Bedfordshire asked whether that target was too far out. I say to him that it is not. If he reflects on the experience of the past 12 months, he will see that one of the results of the Volkswagen scandal has been that diesels—in many ways, diesel is a thoroughly excellent technology, which is rapidly improving and is useful especially for journeys of distance and between cities in particular—have taken the brunt of that. The result has been a worsening in performance on air quality or rather on emissions, and that is precisely the kind of counterintuitive response that would come from a failure to manage the process effectively. I draw his attention to that.

Andrew Jones (Harrogate and Knaresborough) (Con): Will my hon. Friend the Minister give way?

Jesse Norman: I will give way once more, but tragically I will not have a chance to address any of the other points that were made.

Andrew Jones: The Minister has just mentioned air quality. Does he agree that electric buses, which are, so to speak, rolling out in Harrogate this year, are critical to providing a solid public transport system that will tackle the air quality in our towns and cities?

Jesse Norman: I can only yield, in these circumstances, to a person so distinguished as my immediate predecessor in this job. I congratulate him on raising the profile of electric buses in Harrogate and using them as a template for further developments in the bus industry around the country. He is right.

In the minute and a half that remains to me, let me just say this: we also believe that e-bikes can play a very important part in the decarbonisation of our transport system. As I have said, I am a great believer in e-bikes. Colleagues will be surprised to learn that we have been thinking about this issue for some time. It is important to draw a distinction between e-bikes, the price of which is falling, the diversity of which is increasing and the market for which is working quite satisfactorily in many ways—although I can understand that colleagues recently discovering them might like a subsidy from the Government—and e-cargo bikes, which have a very important potential public purpose in substituting for diesel-using small vans, especially in urban contexts. We will be looking very closely at that particular issue as part of the wider picture.

Let me quickly respond to the hon. Member for York Central (Rachael Maskell), who I know is also a cyclist. She asked when the Road to Zero plan would be published. The answer is that it has, for very proper reasons, been held up by purdah, but we expect to publish it fairly shortly.

I now yield to my hon. Friend the Member for South West Bedfordshire.

5.44 pm

Andrew Selous: It just remains for me to thank hon. Members from across the House—from four different parties—for coming to contribute to the debate. I hope that the Minister has seen the enthusiasm. We are generally willing the Government to make a success of both electric vehicle and electric bike take-up. We will carry on scrutinising this issue in the months and years to come and we look forward to further success and progress.

Question put and agreed to.

Resolved,

That this House has considered take-up of electric vehicles and bicycles.

5.45 pm

Sitting adjourned.

Written Statements

Wednesday 9 May 2018

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Business Update

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Andrew Griffiths): Under section 2 of the Immigration Act 2016 the Director of Labour Market Enforcement is required to prepare an annual strategy which, once approved, must be laid before Parliament.

The Director of Labour Market Enforcement is a statutory appointment under the Immigration Act 2016. The Director is responsible for setting the strategic priorities of the three existing enforcement agencies. These are the Gangmasters and Labour Abuse Authority, the Employment Agency Standards Inspectorate, and HMRC's National Minimum Wage Enforcement team.

Professor Sir David Metcalf CBE was appointed as the Director on 1 January 2017. Sir David's introductory independent labour market enforcement strategy was published in July 2017 and today this second strategy is being published. This strategy provides a valuable assessment of the existing scale of labour exploitation and makes 37 recommendations on labour market enforcement and raising awareness of employment rights.

There is significant crossover and alignment between this strategy and the Government's response to the Taylor Review of Modern Working Practices and subsequent consultations. The Government will publish a response to the Director of Labour Market Enforcement's strategy later this year, once the consultations have closed and the Government have considered the responses.

The Government's Good Work plan is a vital part of the industrial strategy, the long-term plan to build a Britain fit for the future by helping businesses create better, higher-paying jobs in every part of the UK.

I would like to place on record my thanks to Sir David and his team for the hard work that has gone into this second strategy.

Copies of the strategy have been laid before both Houses.

[HCWS670]

HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

Housing First

The Secretary of State for Housing, Communities and Local Government (James Brokenshire): Today, the Government are launching three Housing First pilots in Greater Manchester, the west midlands, and the Liverpool City Region. The programme will total £28 million of Government funding and include a robust external evaluation. The funding allocated to each region is as follows, and is based on the number of rough sleepers, or those at risk of rough sleeping who we think would benefit from a Housing First approach:

Greater Manchester: £8.0 million

Liverpool City Region: £7.7 million

West Midlands: £9.6 million

The pilots will support circa 1,000 rough sleepers and those at risk of rough sleeping with the most complex needs to help them to end their homelessness. People will be provided with stable, affordable accommodation and intensive wrap-around support. This will help them to recover from complex issues, such as substance abuse and mental health difficulties, and sustain their tenancies.

There is a growing body of international evidence supporting a Housing First approach as a way to ending rough sleeping, but to date this has not been rigorously evaluated on a large scale in the UK. Today's announcement is a demonstration of this Government's support for evidence-based approaches that have the potential to radically improve the lives of some of the most vulnerable people in our society. The Government will carefully consider the evidence that is gathered to inform any expansion of Housing First.

Piloting Housing First gives effect to a manifesto commitment and is an important element of the Government's effort to end rough sleeping by 2027. It will build on the implementation of the Homelessness Reduction Act, and the new rough sleeping initiative my predecessor announced on 30 March. The Government will bring forward a rough sleeping strategy in July that sets out how we intend to first halve and then end rough sleeping in 2022 and 2027.

[HCWS671]

Ministerial Corrections

Wednesday 9 May 2018

HEALTH AND SOCIAL CARE

Learning Disabilities Mortality Review

The following is an extract from the Urgent Question answered by the Minister of State for Care on 8 May 2018.

Barbara Keeley: The Secretary of State announced to the House in December 2016 that he would ask the review for annual reports on its findings, so why was a review of this importance published during the recess, before a bank holiday weekend in the middle of local election results, giving Members little chance to scrutinise its findings? When asked about the report on the “Today” programme on Radio 4, Connor Sparrowhawk’s mother, Dr Sara Ryan, said that she was

“absolutely disgusted by the report”

and that the way it had been published at the beginning of a bank holiday weekend

“shows the disrespect and disregard”

there is for the scandalous position of people with learning disabilities shown in the report.

Caroline Dinenage: On the date of publication, the hon. Lady will be aware that this was an independent report prepared by the University of Bristol and commissioned by NHS England, which wanted to look into this really important issue, and because it was an independent report, it did not **actually** alert us to publication, **so we had no more notice than she did.** We are investigating through NHS England and others why that happened. [*Official Report, 8 May 2018, Vol. 640, c. 546.*]

Letter of correction from Caroline Dinenage:

An error has been identified in the answer given to the hon. Member for Worsley and Eccles South (Barbara Keeley) on 8 May 2018.

The correct answer should have been:

Caroline Dinenage: On the date of publication, the hon. Lady will be aware that this was an independent report prepared by the University of Bristol and commissioned by NHS England, which wanted to look into this really important issue, and because it was an independent report, it did not **formally** alert us to publication. We are investigating through NHS England and others why that happened.

The following is an extract from the Urgent Question answered by the Minister of State for Care on 8 May 2018.

Liz McInnes (Heywood and Middleton) (Lab): The front page of the report is clearly dated December 2017, so will the Minister clarify and explain why, as she has stated today, her Department did not have sight of it prior to its publication?

Caroline Dinenage: I completely hold my hands up. I am not trying to mislead the House in any way. It is an independent document and the University of Bristol decided when it was going to be published. It was published on Friday without permission from or any kind of communication with the Department of Health and Social Care. I do not know what communication the university had with NHS England, but no information was passed to us. The beauty of having an independent document is that it can be published when the organisation sees fit and the Government will have to respond to it.

[*Official Report, 8 May 2018, Vol. 640, c. 553.*]

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ORAL ANSWERS

Wednesday 9 May 2018

	<i>Col. No.</i>		<i>Col. No.</i>
NORTHERN IRELAND	659	NORTHERN IRELAND—continued	
Child Tax Credit	659	Leaving the EU: Border Checks.....	663
Equality and Human Rights	660		
Inward Investment	662	PRIME MINISTER	667
Leaving the EU	665	Engagements.....	667

WRITTEN STATEMENTS

Wednesday 9 May 2018

	<i>Col. No.</i>		<i>Col. No.</i>
BUSINESS, ENERGY AND INDUSTRIAL		HOUSING, COMMUNITIES AND LOCAL	
STRATEGY	17WS	GOVERNMENT	18WS
Business Update.....	17WS	Housing First.....	18WS

MINISTERIAL CORRECTIONS

Wednesday 9 May 2018

	<i>Col. No.</i>
HEALTH AND SOCIAL CARE	7MC
Learning Disabilities Mortality Review.....	7MC

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CONTENTS

Wednesday 9 May 2018

Oral Answers to Questions [Col. 659] [see index inside back page]

Secretary of State for Northern Ireland
Prime Minister

Iran Nuclear Deal [Col. 679]

Statement—(Boris Johnson)

Plastics [Col. 696]

Bill presented, and read the First time

European Union Withdrawal Agreement (Public Vote) [Col. 697]

Motion for leave to bring in Bill—(Gareth Thomas)—agreed to
Bill presented, and read the First time

Data Protection Bill [Lords] [Col. 699]

Programme motion (No. 2)—(Nigel Adams)—agreed to
As amended, considered
Legislative Grand Committee (England and Wales) motion—(Margot James)—agreed to
Read the Third time and passed

Education (Student Support) [Col. 836]

Motion—(Angela Rayner)—on a Division, negatived

Petition [Col. 860]

Universal Credit and Terminal Illness [Col. 861]

Debate on motion for Adjournment

Westminster Hall

Economies of the UK Islands [Col. 261WH]
Support for Deaf Children: South Gloucestershire [Col. 285WH]
Office for Product Safety and Standards [Col. 293WH]
DWP Offices Closures: Merthyr Tydfil [Col. 318WH]
Electric Vehicles and Bicycles [Col. 326WH]
General Debates

Written Statements [Col. 17WS]

Ministerial Corrections [Col. 7MC]

Written Answers to Questions [The written answers can now be found at <http://www.parliament.uk/writtenanswers>]
