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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Monday 18 June 2018

HER MAJESTY'S GOVERNMENT

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(FORMED BY THE RT HON. THERESA MAY, MP, JUNE 2017)

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OFFICIAL REPORT

IN THE FIRST SESSION OF THE FIFTY-SEVENTH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 13 JUNE 2017]

SIXTY-SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES

VOLUME 643

EIGHTEENTH VOLUME OF SESSION 2017-2019

House of Commons

Monday 18 June 2018

The House met at half-past Two o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

The Secretary of State was asked—

Homelessness

1. **Colleen Fletcher** (Coventry North East) (Lab):
What recent assessment he has made of trends in the
level of homelessness. [905877]

**The Secretary of State for Housing, Communities and
Local Government (James Brokenshire):** The Government
believe that one person without a home is one too
many, which is why we have committed £1.2 billion to
tackle homelessness and why we implemented the
Homelessness Reduction Act 2017 in April. We are
producing a cross-Government strategy to tackle rough
sleeping, and it is due to be published next month.

Colleen Fletcher: In December 2010, there were
22 homeless households in temporary accommodation
in Coventry; in December last year, there was a massive
278 homeless households in the city, of which 210 were
families with children, with a total of 505 children

between them. Why does the Secretary of State think
that the number of homeless children has risen so
significantly under this Government?

James Brokenshire: I hope the hon. Lady will recognise
the work that the Government have done and are doing
with the commitment of £9 billion for affordable housing.
This is partly an issue of supply and ensuring that we
have the right number of homes, which is why the
Government are taking action, investing and seeking to
respond to the challenges of homelessness and, indeed,
rough sleeping. I hope that the hon. Lady welcomes the
Housing First initiative in the west midlands to tackle
rough sleeping and ensure that we really respond to this
important issue.

Mr Mark Prisk (Hertford and Stortford) (Con): A
recent Crisis report set out a comprehensive and practical
plan for ending homelessness. On top of the excellent
plans that the Secretary of State has already announced,
I encourage him to work with Crisis so that we can
tackle not only homelessness but its underlying causes.

James Brokenshire: I congratulate Crisis on its work,
as it marks its 50th anniversary. Indeed, I spoke at the
recent Crisis conference, where I indicated that I will
work with the organisation on furthering its rough-sleeping
initiatives, about which I have spoken. I note what it has
said about homelessness and will continue to work with
it and others.

16. [905894] **Stella Creasy** (Walthamstow) (Lab/Co-op):
There are many trends from the 1990s that I would like
to bring back to this country—for example, decent
indie music—but rough sleeping is not one of them. I
pay tribute to the Forest emergency night shelter in
Waltham Forest, which helped 109 people in just one
borough this past winter. The truth is, though, that the
problem continues, and tonight approximately 40 people
will sleep rough in a graveyard in Walthamstow. I invite
the Secretary of State to come with me to meet those
people to understand how he can finally get a grip of
this situation and get a roof over their heads.

James Brokenshire: The hon. Lady rightly speaks passionately about rough sleeping. I feel very strongly about it, too, which was why my first visit as Secretary of State was to a homelessness charity in Birmingham that was actively supporting people who were rough sleeping. That is why the Government are committed to eradicating rough sleeping and why, in recent weeks, we have committed a further £30 million to those areas most affected. It is a very serious issue and the hon. Lady is right to be passionate about it, as am I.

Kevin Foster (Torbay) (Con): I welcome last week's news that there will be £279,000 extra for tackling homelessness and rough sleeping in Torbay. Will the Secretary of State reassure me that the lessons from the previous pilot, which was carried out with the Torbay End Street Homelessness campaign, will be incorporated into the strategy that he is bringing out next month?

James Brokenshire: I commend the work that my hon. Friend's local charities have done, along with all the organisations that are working locally in Torbay on this significant issue. Obviously, additional funding has been identified. Part of the issue is to ensure that that money is used effectively by learning from previous lessons and, indeed, by ensuring that local authorities are held to account for the moneys that have been applied.

High-rise Buildings: Cladding

2. **Grahame Morris (Easington) (Lab):** What recent estimate he has made of the number of high-rise residential buildings that have had dangerous cladding removed and replaced since the Grenfell Tower fire. [905878]

The Secretary of State for Housing, Communities and Local Government (James Brokenshire): As of 22 May, remediation had started on 107 buildings over 18 metres in the social sector that were identified to have combinations of aluminium composite material cladding and insulation that failed fire-performance tests. Work has been completed on 10 buildings.

Grahame Morris: I am grateful to the Secretary of State for that update, but will he give a timescale for the other tower blocks, in both the private and the public sectors? What is the timescale for the removal of these dangerous panels?

James Brokenshire: I recognise the clear desire and intent to see to it that these buildings are made safe and that remediation is completed at the earliest possible opportunity. The works are complex and detailed, and they will take time. We continue to monitor and to work with local authorities to make sure that progress is made, recognising the real public safety issues that the hon. Gentleman underlines.

Mr Clive Betts (Sheffield South East) (Lab): The Secretary of State is rightly consulting on banning all material that is not of limited combustibility from high-rise buildings, and the Housing, Communities and Local Government Committee hopes that he will bring in such a ban after the consultation. If he concludes that it is right to ban such material from all new buildings, does he accept that it would be completely untenable to leave the same material on existing buildings,

and, in such a case, does he accept that the Government will have the responsibility to financially compensate the building owners affected?

James Brokenshire: The Chair of the Select Committee will know that we have committed £400 million to support the public sector in remediation costs and that, therefore, we are committed to seeing that the work is undertaken well. Obviously, we will reflect carefully on the consultation that will be launched and therefore look at its application. The key message is that we need to make progress and to get on with this, so that buildings that have been identified in need of remediation are dealt with.

Alison Thewliss (Glasgow Central) (SNP): On behalf of the Scottish National party, I pay tribute to all of the Grenfell survivors and the people in that area whose dignified commemorations we all witnessed last week. There remains an issue about people in high-rise buildings in the private sector. What response has the Secretary of State made to Kevin Stewart MSP, Scotland's Housing Minister, on his calls to exempt private buildings from VAT on materials to refurbish these buildings?

James Brokenshire: Obviously, that is a matter for the Treasury, but there is a need to make progress, and I look forward to continuing discussions with the Scottish Government. Equally, as the hon. Lady has said, I pay tribute to the incredible community of Grenfell for the extraordinary way in which they underlined the strength that they have together and how that has brought the country together as well and how we must very firmly continue to have that in mind.

Alison Thewliss: I thank the Secretary of State for that answer. He will have seen, as we all have, the pictures from Glasgow over the weekend where the Glasgow School of Art also had a devastating fire. Fortunately, there was no loss of life, although local residents are still waiting to get back into their homes. Does he agree that we need to look again at exemptions for sprinkler systems in buildings, so that more public buildings can be encouraged to have them installed, not least in the building that we are in today, because it is built in a similar way to the Glasgow School of Art and could be as dangerous?

James Brokenshire: I am sure that we were all horrified to see the terrible fire at the Glasgow School of Art. We should think about what that iconic building has meant to so many people over the years. The hon. Lady highlights the issue of sprinklers. May I be clear on that: for existing buildings, it is for the building owner to decide whether to fit sprinklers retrospectively, as part of a fire safety strategy? Obviously, it is for building owners to make those determinations, but, clearly, it can be an effective safety measure, as part of an overarching strategy.

John Healey (Wentworth and Dearne) (Lab): Mr Speaker, you and I and other Members of the House were privileged to be part of the Grenfell silent walk with survivors and supporters last Thursday. They, like this House, want Ministers to take every action necessary to prevent such a fire ever happening again, yet, since Grenfell, 1,319 suspect cladding samples sent to the

Government's testing centre have been refused testing, as Ministers say that they will only test the aluminium composite material the Minister spoke of earlier. Why?

James Brokenshire: I will happily look into what the right hon. Gentleman has said. The Building Research Establishment's focus has obviously been on the ACM material that has been at the forefront of concerns to ensure that, in both the public and the private sectors, that can be tested so that where cladding does not meet the necessary standards, it is dealt with and remediation steps take place. I will certainly look in greater detail at the point that he has made.

John Healey: That simply is not good enough from the Secretary of State. The BRE does what Ministers tell it to do. We know that other cladding and insulation materials have been found unsafe. We know that the Hackitt review has confirmed that the whole building regulation system from end to end is, as she says, not fit for purpose. Since Grenfell, Ministers have been too slow to take responsibility and too slow to act. This Conservative dogma of "hands off" is delaying the Government action necessary to deal with this national disaster. Will he give local authorities powers to demand that testing and recladding are actually done? Will he release the details that he holds on tower block owners who will not do this work, and will he set a deadline, as my hon. Friend the Member for Easington (Grahame Morris) says, for all landlords to make their buildings safe or make it clear that Government will step in and then make them?

James Brokenshire: I firmly recognise the right hon. Gentleman's point about the urgency of the situation, which is why we have committed an additional £1 million to local authorities to identify the sites. In my time as Secretary of State, we have made an additional commitment of £400 million to the social sector to ensure that we get on with this remediation. I am intent on pursuing that level of action and focus to ensure that a sense of safety and assurance is given. Since the publication of Judith Hackitt's report, I have announced that we are pursuing a consultation to bring into effect a ban on combustible cladding. The right hon. Gentleman and the House should be in no doubt that this Government gives priority to the issue, and we will continue to pursue that approach.

Several hon. Members *rose*—

Mr Speaker: These are extremely important matters, but may I very gently say to colleagues—on Back Benches and Front Benches alike—that we must speed up?

Homes for Social Rent

3. **Ruth Smeeth** (Stoke-on-Trent North) (Lab): What assessment he has made of trends in the level of new homes available for social rent since 2010. [905879]

The Secretary of State for Housing, Communities and Local Government (James Brokenshire): Since 2010, we have delivered more than 357,000 new affordable homes, including 128,000 for social rent. We are investing more than £9 billion in the affordable homes programme to support the delivery of new affordable homes.

Ruth Smeeth: The Secretary of State fails to point out that only 199 houses have been built in the past six months. Given his failure to build new housing, can we instead look at actions to deal with the 7,235 privately owned empty houses in Stoke-on-Trent?

James Brokenshire: More affordable homes have been delivered in the past seven years than in the last seven years of the last Labour Government. It is a bit rich to press us when we have delivered 217,000 completed new homes in the past year. This Government have committed £9 billion to affordable homes—the hon. Lady should reflect on that—as this issue is our priority.

Mr Philip Hollobone (Kettering) (Con): The Government have recently announced an extra £2 billion into the affordable homes programme. How many more homes for social rent should this provide by the end of this Parliament?

James Brokenshire: We have identified additional funding for affordable homes and social rent. I will be making a further announcement regarding what this means outside London. I will return to the House to update Members on the matter, as I recognise its importance.

Emma Dent Coad (Kensington) (Lab): Mr Speaker, I thank you and Members of all parties who supported the Grenfell community by attending memorial services and the silent walk, by speaking in the House and by wearing the green heart. Will the Secretary of State politely insist that all Members who have shown support by wearing the green heart support my request for a Backbench Business debate, so that we can discuss all these issues in one place and discuss the Grenfell response? We have a list of green heart wearers and will be writing to the Secretary of State today. Will he please show that he cares by supporting my debate?

James Brokenshire: I commend the hon. Lady for the work that she has done locally, as I commend the strength of her community in the face of this appalling tragedy. I cannot speak about the awarding of Backbench Business debates. If she seeks one, I am sure that it will be considered carefully. We have updated the House regularly on the response to Grenfell, and we will continue to do so.

Mr Speaker: The Secretary of State is quite right to disavow responsibility for the Backbench Business Committee. The hon. Lady could, however, usefully side up to and have a word with the hon. Member for Gateshead (Ian Mearns), who chairs that Committee. He is not in his place at the moment, but I dare say that he will be in due course. I am sure that she will find that a most useful conversation.

Andrew Bridgen (North West Leicestershire) (Con): Will my right hon. Friend join me in welcoming the fact that North West Leicestershire District Council is building the first new council houses in my constituency in the past 30 years?

James Brokenshire: I absolutely do. I commend the work of my hon. Friend's council. We are looking at how we can strengthen the housing revenue account

further and see a new generation of council house builds. I commend his local authority for getting on with that.

Sarah Jones (Croydon Central) (Lab): The Secretary of State has just talked of his affordable homes record, but we all know that this Government's definition of affordable homes is a joke. It allows an illusion of genuinely affordable house building, which is simply not happening. Many of his own Back Benchers agree, and 10 of them are meeting the Prime Minister on Wednesday to call for more genuinely affordable homes. The number of new social rented homes funded by the Government is at its lowest ever level, with fewer than 1,000 started last year. Will the Secretary of State therefore match Labour's commitment, in our social housing green paper, to scrap the bogus definition of affordable rent at up to 80% of market rents and to invest in genuinely affordable homes?

James Brokenshire: I hope that the hon. Lady will welcome the fall in housing waiting lists under this Government. I say to her very clearly that steps have been taken under this Government to respond to this challenge. I remind her again of the £9 billion that has been committed to affordable homes, with the change that that will bring to so many people in actually creating the vision of a home and making that a reality. That is this Government's intent, and it is something that we will deliver.

Housing and Community Integration

4. **Tommy Sheppard** (Edinburgh East) (SNP): What steps he is taking to provide people who have recently been granted asylum with support for housing and community integration. [905880]

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Nigel Adams): On 8 June, the Department announced £1.75 million to help new refugees by funding 35 offices in 19 areas of England with some of the highest numbers of asylum seekers. This will support people granted asylum into housing, learning and work. The Department is very keen to share this learning widely, including with the devolved Administrations.

Tommy Sheppard: The Government's consultation report, "Integrated Communities", said that the Government will

"work with civil society and others to increase the integration support available to those recognised as refugees after arrival in the UK."

What specific measures are being taken to ensure that newly recognised refugees get the same support as resettled refugees?

Nigel Adams: Funding for the pilot programmes is drawn from the controlling migration fund, which has no remit to finance the devolved Administrations, as funding is devolved in this area. The pilot programmes are now recruiting staff and getting their programmes up and running. The pilots will run for two years. They are funded in the first year by my Department and in the second year by the council itself.

Local Authority Funding: North-east

5. **Mr Stephen Hepburn** (Jarrow) (Lab): What assessment he has made of the adequacy of Government funding for local authorities in the north-east since 2010. [905881]

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Jake Berry): From 2015-16 to 2019-20, north-east councils will have access to £11.3 billion in core spending power. The 2018-19 settlement sees a 1.9% increase in the money available to north-east councils.

Mr Hepburn: The Minister will be aware that north-east councils have had a 50% cut in Government grant since 2010. At the same time, the richest individuals in this country have had a £10 billion tax cut. Does he think it is right that these needless tax cuts are paid for by local government jobs, pay cuts and the loss of local government services?

Jake Berry: On the subject of those who can afford it building up savings, I might point out to the hon. Gentleman that his local authority—I remind him, as I am sure he knows, that every seat except one is held by the Labour party—has increased its reserves by £7 million since 2010, so perhaps he should be addressing his questions on redundancies and closures to the local Labour party.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): The Minister knows that the slashing of funding for Newcastle City Council can be seen in the increased litter on our streets, increased crime rates as youth services are cut and reduced public services generally. What will he say to my constituents who want to know why central Government care so little for their wellbeing?

Jake Berry: On whether central Government care for people in Newcastle, I would say that surely they, like the hon. Lady, should welcome the £600 million of new money provided for the devolution deal; the Great Exhibition of the North, opening this Friday, which is set to boost her local economy by £184 million; the Budget announcement of £337 million for the Tyne and Wear Metro; north-east local enterprise partnerships having £379 million invested in them directly; and the north-east investment fund just announced, with £120 million. This is a golden era of Government investment in the north-east, but it takes the Conservative party to deliver it.

Adult Social Care

6. **Liz McInnes** (Heywood and Middleton) (Lab): What recent assessment he has made of the ability of local authorities to deliver their statutory duties for adult social care. [905882]

14. **Liz Twist** (Blaydon) (Lab): What recent assessment he has made of the ability of local authorities to deliver their statutory duties for adult social care. [905891]

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Rishi Sunak): As part of the Ministry's oversight of local government, we

consider the financial stability and service delivery of individual authorities, liaising with the Department of Health and Social Care on adult social care. On that basis, we have no immediate concerns about the ability of local authorities to fulfil their statutory duties.

Liz McInnes: Wow! I am shocked by that response. This year's precept of 1% raises only 0.8% of our total adult social care budget in the Borough of Rochdale. With nursing home beds being converted into residential beds because of providers' difficulties in recruiting and retaining nurses, how does the Minister suggest that my local authority provides the nursing home beds that my constituents so desperately need?

Rishi Sunak: This Government have increased funding for social care across the country. Rather than talking down the hon. Lady's constituency and local authority, I point out that Rochdale's performance in reducing delayed transfers of care is among the best in the country and deserves praise, rather than being talked down.

Liz Twist: This weekend we heard the announcement of additional funding for the NHS, but there was no mention of funding to resolve the issues in social care as part of that package. What discussions were there with the Secretary of State about the future funding of social care in advance of that announcement?

Rishi Sunak: This Government want to guarantee the security and dignity of people in old age and are absolutely committed to providing a long-term sustainable settlement on social care, on which the hon. Lady will know the Health Secretary is working. He will bring forward plans in due course.

Andrew Gwynne (Denton and Reddish) (Lab): Some 1.2 million older people in England are living with unmet care needs, according to Age UK. More than 400,000 fewer people are receiving publicly funded social care than in 2010. Council spending on adult social care fell by 10% in real terms between 2010 and 2015. A miserly £150 million in funding was announced for 2018-19 in the local government finance settlement, and now we hear that there is no funding for social care in yesterday's NHS announcement. With social care in crisis, putting pressure on the NHS and sending councils across England towards bankruptcy, when is this Minister going to do his job and secure the resources that our councils need to give the elderly the dignity they so desperately deserve?

Rishi Sunak: This Government are already responding to the pressures in social care, which is why we announced £2 billion in last year's Budget for local authorities up and down the country. That represents a real-terms increase every year from last year to next year in social care spending, and we are seeing it translate into action on the ground, with a 40% reduction in social care delayed transfers of care just last month.

Social Housing

7. **Nigel Huddleston** (Mid Worcestershire) (Con): What steps his Department is taking to support the building of new social housing. [905883]

The Minister for Housing (Dominic Raab): We have delivered 357,000 affordable homes since 2010, which is more than in the last seven years of the previous Labour Government, and we will be spending £9 billion on affordable housing, including social housing, until 2022.

Nigel Huddleston: Will the Minister join me in thanking housing associations across the country for all the great work they do on social housing, and in particular Rooftop Housing in my constituency, which has built 850 homes in the last six years, including substantial housing for elderly people and those with supportive care needs?

Dominic Raab: Housing associations played a key role in delivering more than 41,000 homes through the affordable homes programme last year. I certainly welcome the contribution of housing associations in my hon. Friend's constituency. We are restless to do more, through measures such as long-term rent certainty and raising the housing revenue account borrowing cap.

Emma Reynolds (Wolverhampton North East) (Lab): Does the Minister recognise that for many people on low incomes, paying 80% of market rent is not affordable—it is simply unaffordable? When will the Government ditch this twisted notion of affordability and build more homes for social rent?

Dominic Raab: We are lifting the HRA borrowing cap. We are giving local authorities and housing associations longer-term certainty with their rents, and we also look forward to the publication of the social housing Green Paper, to address all these issues in the round.

Mr Speaker: I must say to the Minister that on Saturday at the Buckingham literary festival I met one of his constituents, and I told the constituent that the hon. Gentleman was a clever fellow.

19. [905898] **Jack Lopresti** (Filton and Bradley Stoke) (Con): What steps are the Government taking to speed up the local planning process and make it more about delivering affordable housing and new homes than about narrow local or petty partisan politics?

Dominic Raab: Thank you, Mr Speaker, for your kind words.

Through the changes that we are making to the national planning policy framework, we want to streamline the process to get homes built and, particularly through our emphasis on the housing delivery test, to make sure that homes are built for the next generation.

21. [905900] **Daniel Zeichner** (Cambridge) (Lab): There is growing interest on the Opposition side of the House in funding social housing through land value uplift. Does the Minister have any plans to introduce a land value cap within the lifetime of this Parliament?

Dominic Raab: I certainly welcome the hon. Gentleman's thoughts, and we have heard such ideas on our side of the House as well. I would be very happy to see any proposals he has, and we would certainly take them very seriously.

Rebecca Pow (Taunton Deane) (Con): To enable developers to build the right proportion of affordable housing, it is essential that they have the money for infrastructure. In that respect, I welcome the £7.6 million we have received for the spine road in Staplegrove. When will we know whether £18 million of funding will be announced following the joint bid by my council and Sedgemoor?

Dominic Raab: I thank my hon. Friend. The housing infrastructure fund is absolutely vital because people rightly ask local authorities with the ambition to build new homes where the roads, schools and clinics will come from. We are taking forward a whole range of bids for co-development. The business proposals will be analysed by my Department, and we will make further announcements in the autumn.

Ellie Reeves (Lewisham West and Penge) (Lab): The Ministry's own figures show that, at the end of 2014, the number of households in temporary accommodation in Bromley stood at 956, and by December 2017, the figure had risen to 1,501. There are simply not enough affordable homes in London, so when will the Government take real action to make sure that councils such as Bromley get building?

Dominic Raab: We are raising the HRA cap to give local authorities more flexibility to enable them to deliver the homes. The hon. Lady may also want to have a word with the Mayor of London, because we want the ambition from central Government taken right the way through. She is right to mention local councils, but we must also make sure that city hall is doing its bit.

Brownfield Regeneration

8. **Mr Ranil Jayawardena** (North East Hampshire) (Con): What steps his Department plans to take to enable local authorities to prioritise brownfield regeneration. [905884]

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Nigel Adams): This Government are continuing to identify ways to ensure that local authorities make full and efficient use of brownfield land, including through changing the national planning policy framework, supporting the reuse of buildings through permitted development rights, and requiring every authority to publish and maintain a register of brownfield land suitable for housing.

Mr Jayawardena: I thank my hon. Friend for that answer, but what progress has been made in giving Homes England the powers and resources it needs to acquire sites in fragmented ownership in order to deliver regeneration for our communities?

Nigel Adams: My hon. Friend is well known for his work in ensuring that brownfield land is prioritised for development. The Government are currently working up the details of a new £1.1 billion land assembly fund to enable Homes England to work alongside private developers to develop strategic sites, including new settlements and urban regeneration schemes. Homes

England is also encouraged to use its powers of compulsory purchase, where necessary, to deliver community regeneration.

18. [905897] **Mr Jim Cunningham** (Coventry South) (Lab): Where local authorities have a shortage of brownfield sites, will they be exempt from the requirement under the new national plan proposals, and will the Secretary of State reserve the power to call in such a decision?

Nigel Adams: The Government do not have the ability to force local authorities to build on brownfield sites. I am sure we can write to the hon. Gentleman to get specific details of the needs of his local authority area.

20. [905899] **Mary Robinson** (Cheadle) (Con): With former offices currently being converted into high-quality apartments in Cheadle Hulme, it is clear that first-class housing can be built using existing brownfield land and through office redevelopments. Does the Minister agree that district centres can be revitalised with permitted developments that provide much needed local town centre homes?

Nigel Adams: Again, my hon. Friend is a fantastic champion for her local area. It is very important that her local authority continues, with the Government, to identify ways to increase the take-up of these sites, especially for new homes, and to ensure that suitable brownfield land is prioritised for development.

Dr Roberta Blackman-Woods (City of Durham) (Lab): Recent figures from the Campaign to Protect Rural England show that the amount of farmland, forest, gardens and greenfield land lost to development each year has increased by 58% over the past four years. What are the Government going to do to better protect our vital green spaces and redevelop our brownfield sites, which are so urgently in need of regeneration?

Nigel Adams: The hon. Lady makes a very important point. She will no doubt be aware of the protections in the NPPF to ensure that green-belt and greenfield sites are protected. I encourage all right hon. and hon. Members to remind their local authorities that there are protections in that policy framework.

Philip Davies (Shipley) (Con): As the Minister will know, I recently wrote to the Secretary of State to make a strong case for calling in a decision made by Labour-controlled Bradford Council to build 500 houses on the green belt in Burley in Wharfedale in my constituency. Given that Bradford's *Telegraph & Argus* has reported today that Bradford Council is taking out of the plan a brownfield site in the city centre where more than 600 houses would have been built so that it can be used as a car park until at least 2024, will the Minister confirm that there can clearly not be "exceptional circumstances" to justify building 500 houses on the green belt in Burley in Wharfedale?

Nigel Adams: I am afraid that I have not read this morning's *Telegraph & Argus* and seen that particular news; I shall try to get a copy by the end of today. I am sure that my hon. Friend realises that I cannot comment

specifically on such a case. I understand that my colleague the Minister for Housing will be writing to him in very short order.

Northern Powerhouse

9. **Mike Amesbury** (Weaver Vale) (Lab): What progress the Government have made on the delivery of the northern powerhouse. [905886]

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Jake Berry): We are delivering economic growth across the northern powerhouse by devolving more power and investing more than any Government in history in our transport infrastructure. That is why, since the northern powerhouse was launched, we have grown the northern economy by £20 billion.

Mike Amesbury: Cheshire West and Chester Council, Cheshire East Council, Warrington Borough Council, the local enterprise partnership and other stakeholders are determined in their quest to secure a devolution deal, yet increasingly frustrated. Will the Minister update the House on the timetable for the deal?

Jake Berry: As I am sure the hon. Gentleman is aware, all the councils he mentions and the LEP have brought out what they refer to as the prospectus for growth, which is looking at how they can deliver real economic benefits for the people who live in Warrington and elsewhere in Cheshire. The Government remain open to ground-up locally supported devolution deals. I encourage the hon. Gentleman, the council leaders and the LEP to continue the discussions they have been having with me and my officials.

Andrew Percy (Brigg and Goole) (Con): Last Friday it was announced that Siemens had won the contract for the new Piccadilly line trains and will now invest £200 million in a new train factory in Goole, creating 700 jobs—so not all investment in the south turns out to be all that terrible. However, can we make sure that the Department and the Minister in particular work with Siemens to ensure that the supply chain benefits the north of England in particular?

Jake Berry: It takes a former northern powerhouse Minister to remind the current one that those new trains built in my hon. Friend's constituency in Goole must benefit the entirety of the north of England. I will work with him to make sure that happens.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Should not the Government Front-Bench team learn this truth: that since the departure of the former Chancellor of the Exchequer, there has been no vision, no leadership and no result for the northern powerhouse? Can the Minister not provide some real leadership and let us catch up with some of these soft people in the south of England and London who get all the investment?

Jake Berry: I am torn: I find myself partially agreeing with the hon. Gentleman, although I certainly do not agree that there has been no vision or leadership on the northern powerhouse. Since I became Minister we have announced a “minded to” deal for a North of Tyne

combined authority, we have reaffirmed the commitment to the north Wales growth deal, we have announced that we intend to do a growth deal in the borderlands and the last Budget included £1.8 billion of new money going to the north of England.

Midlands Engine

10. **Jack Brereton** (Stoke-on-Trent South) (Con): What steps his Department is taking to deliver economic growth through the midlands engine. [905887]

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Jake Berry): We recently launched the £250 million midlands engine investment fund and agreed a second devolution deal with the Mayor of the West Midlands, Andy Street. We have also given £4 million to the midlands engine partnership to support a range of economic activity, including that of our very important ceramics sector.

Jack Brereton: I thank the Minister for that response. How best can we encourage new businesses into town centres in the midlands, like those in Longton and Fenton in my constituency, so we can see the revival of our high streets?

Jake Berry: The future health of our high streets is extremely important, which is why I am pleased to be able to announce today that my Department will launch a call for evidence over the summer looking at the future of our high street. We intend to establish an expert panel to diagnose the issues currently affecting the high street. I will be visiting my hon. Friend's constituency shortly. I hope Longton and Fenton will make their voices heard.

Local Authorities: Children's Services

11. **Ms Marie Rimmer** (St Helens South and Whiston) (Lab): What assessment he has made of the effect on the long-term financial viability of local authorities of the use of their reserves to fund children's services. [905888]

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Rishi Sunak): Settlement funding has increased in recognition of pressures, including demand for children's services. In addition, many local authorities have built up substantial reserves over recent years. It is absolutely right that they use those where necessary to protect high quality services for taxpayers.

Ms Rimmer: Baby P, Victoria Climbié, Shannon Matthews—I am sure the House remembers those names. Child safety is a major concern right across our country, with councils starting no fewer than 500 child protection investigations a day. St Helens Council has almost twice as many looked-after children as the national average and has pulled £5 million from reserves to fund their care. That is unsustainable. Does the Minister really realise what is at stake? What will the Minister do to ensure that councils have the money they need to support our vulnerable children, instead of washing his hands of this?

Rishi Sunak: This Government have ensured that all local authorities have increased resources to deal with all the various services they have to provide, including children's services, on which, I am pleased to say, over £9 billion will be spent this year. The hon. Lady mentions reserves. She may know that last year reserves in her local authority were actually higher than they were five years ago.

Jim McMahon (Oldham West and Royton) (Lab/Co-op): We all want to live in a Britain where young people are safe, well cared for and nurtured, but for too many real life is very different. They rely instead on council safeguarding services to give them the protection they need, the very services that are facing a £2 billion funding gap and that have already overspent by £600 million. The question is simple: when can we see real action, with real money going directly to children's services?

Rishi Sunak: As I just said, £9 billion is going to children's services just this year. As the hon. Gentleman knows, we are undertaking a fresh review of the relative needs and resources of all local authorities. As part of that work, there is ongoing work with the Department for Education to understand in detail the specific drivers for children's services up and down the country. I look forward to his contributions to that piece of work.

Local Authorities: Vulnerable Children

12. **Sandy Martin (Ipswich) (Lab):** What recent assessment he has made of the ability of local authorities to discharge their statutory responsibilities to vulnerable children. [905889]

15. **Bambos Charalambous (Enfield, Southgate) (Lab):** What recent assessment he has made of the ability of local authorities to discharge their statutory responsibilities to vulnerable children. [905892]

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Rishi Sunak): Her Majesty's chief inspector of education, children's services and skills is responsible for the inspection of local authority children's services. Last year, spending on the most vulnerable children increased to over £9 billion. I very much welcome the efforts of colleagues in the Department for Education and in local councils, who continually look for ways to improve their services.

Sandy Martin: Following the murder in Ipswich two weeks ago of a 17-year-old and the critical stabbing of a 16-year-old on Wednesday evening, does the Minister recognise the serious effects that cuts to support for looked-after children and other vulnerable young people are having on their ability to lead safe, productive and law-abiding lives?

Rishi Sunak: I am sure the thoughts of the whole House are with the families of the young children the hon. Gentleman mentions at this difficult time. Matters of policing and crime are for the Home Office, but the Government and local councils agree about the importance of high quality children's services. He will know that a new inspection framework was introduced earlier this year. I am pleased that Suffolk County Council, his local authority, was rated good in its most recent inspection.

Bambos Charalambous: Has the Minister spoken to his counterparts at the Department for Education to discuss ways to improve the educational attainment of looked-after and vulnerable children? If not, why not?

Rishi Sunak: I thank the hon. Gentleman for that question. He will be pleased to know that just last week I met the Children's Minister to discuss exactly the topic that he raised. In particular, one of the topics that we discussed was the care leavers covenant, which the Government are piloting and introducing to improve the educational and employment outcomes for children and young people leaving care.

Property Rental Market

17. **Helen Whately (Faversham and Mid Kent) (Con):** What steps his Department is taking to make the property rental market fairer and more affordable. [905896]

The Minister for Housing (Dominic Raab): The Tenant Fees Bill will ban unnecessary fees and cap deposits, making rents fairer and easier for tenants.

Helen Whately: It is hard to call somewhere home if you might not be living there in three months' time, and for children, leaving home can also mean leaving school. Will my hon. Friend advise me what he is doing to increase the security of tenancies for people in rental accommodation?

Dominic Raab: I certainly recognise my hon. Friend's concerns. In fact, we will shortly be consulting on the barriers to longer-term tenancies to inform our work and assess what further ways landlords can be supported to offer more secure tenancies.

Helen Hayes (Dulwich and West Norwood) (Lab): The legal framework and guidance governing the relationship between lodgers and landlords has not been updated since 2006, pre-dating the growth in online lettings platforms and the affordability crisis, which has led many more people to become both landlords and lodgers. In this relationship, both parties can find themselves vulnerable. The current framework of protection is not fit for purpose. Will the Government take action to bring the framework that governs the relationship between landlords and lodgers up to date?

Dominic Raab: I thank the hon. Lady for her question. We keep these matters and the regime under constant review. If she would like to write to me on the specific things that she takes issue with, we will of course look at them.

Marsha De Cordova (Battersea) (Lab): If the Government are serious about tackling rogue landlords, will the Secretary of State today back Labour's plans to give local authorities the power to crack down on rogue landlords through private sector licensing, without authorities having to seek permission from central Government?

Dominic Raab: We are introducing the Tenant Fees Bill, which will not just make renting fairer but save tenants an estimated £240 million in its first year.

My concern with Labour's proposals is that Shelter has said that they would hurt some of the most vulnerable in our society.

Emma Hardy (Kingston upon Hull West and Hessle) (Lab): There are 22,000 properties in Hull with a housing, health and social care rating hazard category of 1, the highest hazard rating that there is, and all these properties are in the private rented sector. The cost of repairing and removing these hazards is £23.5 million. Who does the Minister think should pay for that? Does he think it should be councils or private landlords? If he thinks that it should be private landlords, when will he start making it easier for councils to introduce private landlord licensing?

Dominic Raab: I thank the hon. Lady for her question. We absolutely think that the onus should be on the landlords. That is why we introduced civil penalties of up to £30,000 on rogue landlords and, in April, we are introducing banning orders and a database of rogue landlords and agents, so that we make sure that we protect tenants in the real world from that kind of abuse.

Mr Speaker: I call Toby Perkins—oh dear, where is the fella? The chap is not here, never mind.

Topical Questions

T1. [905902] **Luke Hall** (Thornbury and Yate) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Housing, Communities and Local Government (James Brokenshire): With Ramadan ending, I want to wish everyone Eid Mubarak. This week, we remember the Finsbury Park attack and, last week, we marked one year since the Grenfell Tower tragedy. The cladding thought to have been used on Grenfell Tower was unlawful under existing building regulations and should not have been used. To ensure that there is no doubt about which materials can be used on the external walls of high-rise residential buildings, today I am publishing a consultation on banning the use of combustible materials. Copies of the consultation are being placed in the Libraries of both Houses.

This Friday marks the 70th anniversary of the arrival of the Empire Windrush, and I hope colleagues from across the House will welcome the announcement of a national Windrush day to celebrate the contribution of the Windrush generation.

Luke Hall: South Gloucestershire Council is planning to build thousands of homes, which local families need, but a slow build-out rate from developers is putting the whole of the authority's plans at risk because of a shortage of five-year land supply. Will my right hon. Friend update the House on his strategy to ensure that permissions are built as quickly as possible?

James Brokenshire: I agree with my hon. Friend on the need to ensure that permissions are built out quickly. We will be taking that into firm consideration as part of the update to the national planning policy framework, which will be published before the summer. I hope he will also be aware of the work that my right hon. Friend

the Member for West Dorset (Sir Oliver Letwin) is doing to see what the barriers are to prevent those build-outs from happening, and we will reflect on his ultimate recommendations.

T3. [905904] **Alan Brown** (Kilmarnock and Loudoun) (SNP): What is the timescale for putting cash on the table for the Ayrshire growth deal?

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Jake Berry): The hon. Gentleman will be aware that the Prime Minister recently announced a growth deal for Ayrshire, and I am delighted to tell him that the negotiations, led by my right hon. Friend the Secretary of State for Scotland, are now under way, but it can only proceed as fast as the slowest actors, so I hope the hon. Gentleman will use his not inconsiderable influence to pressurise the Scottish Government to play their part in the negotiations.

T2. [905903] **Jeremy Lefroy** (Stafford) (Con): Will my hon. Friend advise me on when Stoke-on-Trent and Staffordshire will get their business rates retention?

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Rishi Sunak): My hon. Friend has been a long-standing advocate for rural funding in his county, and I am pleased to tell him that we will continue to pilot reform of the business rates retention system in the forthcoming year. We will publish details of the new pilot very shortly and would very much welcome Staffordshire's application to become a pilot.

T5. [905906] **Christine Jardine** (Edinburgh West) (LD): My constituent Shirley Todd, a wheelchair user, carried out a survey of part of the city and discovered that 72% of businesses were inaccessible to wheelchair users. She has now launched a national campaign and petition. Will the Minister agree to consider plans to make local authorities responsible for proactively enforcing the provisions in the Equality Act 2010?

Rishi Sunak: I thank the hon. Lady for raising this important topic. She will know that in the past I have spoken about greater provision of Changing Places in this House. Building regulations set the access requirements for new buildings, while the Equality Act requires providers to make reasonable adjustments. If someone feels they have been discriminated against, there are several means of redress, and the Equality Advisory Support Service can provide help and support in that process.

T4. [905905] **Mr Philip Hollobone** (Kettering) (Con): Local councils in Northamptonshire today launched their official five-week consultation on how the eight councils in the county might best be merged into two by 2020. Will the Secretary of State join me in encouraging all local residents to take part so that their views can be heard loud and clear?

James Brokenshire: I certainly would encourage residents to take part in the consultation. My hon. Friend has rightly highlighted the challenge and need for the county to come together around this. We will obviously look to the consultation and the proposals as they are forthcoming to provide that long-term stability and solution.

T6. [905908] **Gareth Snell** (Stoke-on-Trent Central) (Lab/Co-op): Houses in multiple occupancy are an important part of a mixed housing economy, but when whole streets of former family properties become HMOs, it can put great pressure on local services and leave remaining residents feeling isolated. What actions does the Secretary of State intend to take to genuinely empower local residents to have a meaningful influence on their communities where traditional planning requirements do not apply?

The Minister for Housing (Dominic Raab): I hope that the hon. Gentleman and his constituents have had an opportunity to make a submission on the revised national planning policy framework. We want to make sure that we give clear guidance, but ultimately it will be up to local authorities to get the balance right for the communities they serve.

T7. [905909] **Vicky Ford** (Chelmsford) (Con): Chelmsford is a rapidly growing city, with many new houses planned, but plans for a second railway station and bypass have been put off for too many years. Fortunately, we are through to the final round of bids for the housing infrastructure fund. Will the Minister update us on the timing and process for Chelmsford's key bids?

Dominic Raab: Local authorities can submit their business cases from September and we expect to make the funding decisions later in the autumn. The £4 billion forward funding stream is an essential mechanism to unlock the delivery of 400,000 extra homes and make sure we carry communities with us.

Ruth Cadbury (Brentford and Isleworth) (Lab): I recently went out early one morning with the outreach workers of St Mungo's, who help people newly sleeping rough to get into long-term support. Why is the Secretary of State pressing ahead with changes to funding for homeless hostels and other supported housing that charities such as St Mungo's have said could threaten their hostels?

James Brokenshire: I, too, have visited St Mungo's and seen the excellent work it does to provide first-night-out support to people on the streets. I will continue to work with it and other charities as we look towards our strategy for dealing with rough sleeping and at how that will need to reflect on all these important issues.

T8. [905910] **Sir Hugo Swire** (East Devon) (Con): My right hon. Friend the Secretary of State will be aware of my view—as he and I have discussed it—that most objections to large planning developments are based on the fact that the developments themselves add nothing to the local vernacular, do not acknowledge it and are often poorly built. That is partly owing to a lack of local planning officers and the fact that planning officers are poorly trained. Could the Government consider affiliating some of them to the Royal Institute of British Architects or the Commission for Architecture and the Built Environment, and empowering them so that they can stand against the volume house builders?

James Brokenshire: My right hon. Friend has made a powerful point about design. We have tried to bring people together on round tables to consider such issues,

and to think about what the national planning policy framework can do to advance the agenda that he has highlighted.

Laura Smith (Crewe and Nantwich) (Lab): Why is the Secretary of State pressing ahead with changes in funding for homelessness hostels and other supported housing which charities in my constituency, such as the YMCA, have said could threaten their vital services?

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Nigel Adams): As the hon. Lady will know, the Government have been consulting on that very issue. We are absolutely committed to reducing homelessness, and we will be able to provide further information in due course.

T9. [905911] **Fiona Bruce** (Congleton) (Con): Will the Minister provide an update on the Housing First pilots?

James Brokenshire *rose*—

Nigel Adams: No, it is me. Up and down—you have to be quick.

On 9 May the Secretary of State announced the allocation of funds for the £28 million Housing First pilots, which will be in Greater Manchester, the Liverpool city region and the west midlands. Plans to measure the impact and value for money of the approach are also well under way, and the first beneficiaries of the pilots will be housed in the autumn.

Kate Green (Stretford and Urmston) (Lab): The Government are currently consulting on sites for Traveller families. Rather than simply looking at more enforcement, which police chiefs and others say will not work, what positive solutions is the Minister considering, and will he meet the all-party parliamentary group for Gypsies, Travellers and Roma to discuss some of those positive alternatives?

Dominic Raab: I thank the hon. Lady for her question. I should certainly be very happy to receive any submissions from her. I think it is right that we increase the trend making authorised sites available and, at the same time, ensure that, through both local authority and police powers, enforcement and the rule of law apply to all members of our communities.

Kevin Hollinrake (Thirsk and Malton) (Con): The draft national planning policy framework largely closes the loophole of viability assessments, which developers often use to avoid the requirement for affordable housing. Would the Minister consider introducing stronger compulsory purchase order powers, so that local authorities can step in and purchase sites when developers continue to refuse to meet their obligations?

Dominic Raab: I thank my hon. Friend for his question. I know how interested my hon. Friend is in this matter. CPO powers certainly have a role to play, although they must be exercised proportionately. The review conducted by my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) will enable us to look at the issue in the round.

Clive Efford (Eltham) (Lab): The discussions about any increase in funds for the NHS have been well publicised, but it is shocking that there is no extra money for social care. Was the Secretary of State aware that those discussions were taking place, and did he make any representations to increase funding for social care?

Rishi Sunak: As I have said, the Government are committed to providing a long-term, sustainable settlement for social care. That work has been ongoing for a while and is continuing. It includes the Secretary of State, along with the Secretary of State for Health and Social Care, and there will be a report in due course.

Tom Pursglove (Corby) (Con): Corby and East Northamptonshire is at the forefront when it comes to building new homes, but there are currently a number of planning applications in the system that are completely unwanted and on green open space, although we more than exceed our housing targets. Does my hon. Friend agree that, in such instances, when local communities are doing all the right things, local developers should respect their wishes?

Dominic Raab: I congratulate my hon. Friend and his local authority. We want to see local authorities exercise their ambition, and we want to support them with the homes infrastructure funding that is available. Of course, once authorities have their local plans in place, they should have the protections to ensure that those plans are properly delivered and not abused.

Alison McGovern (Wirral South) (Lab): I thank the Secretary of State for the letter that he wrote to me on 7 June about New Ferry. When I meet him, as he has invited me to do, will that invitation extend not just to me and to the Mayor of Liverpool city region, Steve Rotherham, but to residents of New Ferry?

James Brokenshire: The hon. Lady and I have had an exchange of correspondence and I take the concerns that she has highlighted very seriously. I will certainly liaise with her office in finalising arrangements for that meeting and making it happen.

John Spellar (Warley) (Lab): The music industry, clubgoers, musicians and the Musicians Union all welcome the inclusion of the Agent of Change principle in the Department's proposed revision of planning regulation. When will the Minister actually introduce that much-welcomed and much-needed change?

Nigel Adams: I thank the right hon. Gentleman for the fabulous work he has done, alongside UK Music and others interested in this subject, to bring about this change in policy in what is a very important area. The Government will be responding very shortly.

Diana Johnson (Kingston upon Hull North) (Lab): It is really good to see the northern powerhouse Minister on the Treasury Bench because in recent weeks there was a view that he had gone out of service when we were facing the rail chaos around the new timetabling, so could he tell us exactly what he has been doing to improve connectivity between the east and west of the north?

Jake Berry: Apart from doing ITV, Granada, the BBC and local papers, including the *Manchester Evening News*, I do not know where the hon. Lady has been looking, but we continue to work with Transport for the North to improve transport connections across the north of England. This Government have been absolutely clear that the performance of Northern has been unacceptable, but I offer Labour Members the opportunity to condemn the RMT strike action, which is going to make a bad situation worse, or are they too heavily in hock to the unions to do what is right for the northern powerhouse?

Rachael Maskell (York Central) (Lab/Co-op): Good public health is the best way of improving the wellbeing of the community, yet York City Council has slashed the public health budget by £1.3 million and we now have the highest level of in-service drug deaths in the country, so what is the Minister doing to protect public health, particularly given the removal of the public health grant?

Mr Speaker: These are all magnificent questions, but I hope the House will take it in the right spirit if I say that I do not think many hon. and right hon. Members have yet read the textbook on pithy questioning available on general release from the right hon. Member for New Forest West (Sir Desmond Swayne). It would be a very useful Christmas present.

Rishi Sunak: The public health grant is not being ended; it is being folded into the business rates retention plan that the local government sector has welcomed and agreed for that process. Also, a new funding formula is being worked out with the Department of Health and Social Care specifically for public health, and I am sure we will welcome the hon. Lady's contributions to that.

John Grogan (Keighley) (Lab): Has the Secretary of State yet personally had the chance to consider the important matter of Yorkshire devolution, and will he agree to meet the Yorkshire leaders from all parties before Yorkshire Day on 1 August—the Secretary of State personally?

Andrew Percy (Brigg and Goole) (Con): We don't want it.

Jake Berry: We are seeing peace and harmony across the House on Yorkshire.

I have been having discussions with the Secretary of State on Yorkshire devolution and with the recently elected Mayor of South Yorkshire. The Government have been absolutely clear that, before "One Yorkshire" can proceed, the South Yorkshire devolution deal must be fully implemented. It is up to the Labour party councils in South Yorkshire to get on with that. Nearly £1 billion in Government funding could flow to South Yorkshire. Why do they not seem to want it?

David Hanson (Delyn) (Lab): While the Minister is on his feet, could he tell me when he expects a spade to be in the ground for the North Wales growth deal—any project, any spade, anywhere?

Jake Berry: As the right hon. Gentleman is aware—because he, like me, attended a meeting at the Wales Office just before Christmas—the North Wales growth

deal is proceeding well, but it can only go as fast as the slowest actors, so I say to him that he has power and influence over the North Wales local authorities. This Government have been clear: we would like to see concrete proposals come forward for the autumn Budget, but we cannot do this without the support of the North Wales authorities.

Mr Speaker: As I always like to welcome new young Members, I call, for the second time today, Mr Barry Sheerman.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Thank you, Mr Speaker. Will the Secretary of State urgently

give local authorities new powers and new resources to tackle the tide of plastic and other waste that is engulfing our towns, cities and countryside?

James Brokenshire: I think the hon. Gentleman will, with all his years in this House, recognise the importance of this issue and that the Department for Environment, Food and Rural Affairs has been taking important steps as well. Of course local government have a responsibility too, and I hope he will welcome the settlement that has seen more resources going to local government under this Government.

New Member

The following Member made and subscribed the Affirmation required by law:

Janet Daby, for Lewisham East.

Medicinal Cannabis

3.35 pm

Tonia Antoniazzi (Gower) (Lab): (*Urgent Question*): To ask the Home Secretary if he will make a statement on the granting of an emergency licence to allow the return of medical cannabis for Billy Caldwell.

The Minister for Policing and the Fire Service (Mr Nick Hurd): Over the weekend, my right hon. Friend the Home Secretary issued an emergency licence to allow Billy Caldwell's medical team to access cannabis-based medicine. This was an emergency procedure, led by a senior clinician with the support of the medical director at Chelsea and Westminster Hospital. I am sure that the whole House will want to join me in expressing genuine concern for Billy's health, and that they will be pleased with the news that he has been discharged from hospital today.

The course of action in this case was unprecedented. I should explain that our guiding principle is that any process in this context must be clinically led and evidence based. To date, Home Office policy has been to permit the production, supply and possession of raw cannabis solely for research purposes under a Home Office licence. The cannabis-based medicine Sativex is currently the only one that can be prescribed in the UK, because there is a proven case for its safety and efficacy. However, this case and that of Alfie Dingley and others have shone a light on the use of cannabis-based medicine in this country and highlighted the need for the Government to explore the issue, and our handling of these issues, further.

I recognise the need to ensure that the approach to licensing works more effectively. As a first step, I can announce today that the Government are establishing an expert panel of clinicians to advise Ministers on any individual applications to prescribe cannabis-based medicines. This is consistent with the principle that a clinician must be at the heart of the process. I have asked Dame Sally Davies to take forward this important work. Let me be clear that both the Home Secretary and I have, as fathers, been profoundly moved by Billy's story and others like it, along with the rest of the House and the rest of the country. I want to reassure the families and the public that the Home Secretary and I are working together to do all we can to take forward the necessary steps at pace, and that more announcements will be forthcoming.

Tonia Antoniazzi: I would like to thank the Minister for coming to the House today to discuss this urgent question. The Home Secretary has now conceded that cannabis has medicinal benefits by granting the emergency licence for Billy Caldwell on expert advice. When can we expect to see more import licences to make medicinal cannabis available to all who would benefit from it? Moreover, will the Government support the Bill introduced by my hon. Friend the Member for Newport West (Paul Flynn) on the legalisation of cannabis for medicinal purposes, when it returns on 6 July?

On 20 February, an urgent question was raised by the hon. Member for Reigate (Crispin Blunt) about Alfie Dingley's case. Billy Caldwell is now in exactly the same situation. At that time, the Minister told the House that he would undertake

“to explore every option within the current regulatory framework.”—
[*Official Report*, 20 February 2018; Vol. 636, c. 25.]

[Tonia Antoniazzi]

Now, 119 days later, the Government have still not granted Alfie Dingley his medicine. That medicine is available in 37 other countries. The Prime Minister met Alfie in Downing Street on 20 March and he was told that the Government would do all they could to help him. Billy Caldwell was hospitalised last week after his prescribed medical cannabis was taken away by customs officers, so it is excellent news that he left hospital today, but hon. Members will have been alarmed to hear the Health Secretary say this morning that it will be months before a system is in place to get medicinal cannabis to such children, and other patients who require it. Will the Minister give an assurance that Alfie Dingley will have had his medicine by the time he comes to Parliament with his mother on Wednesday?

Moreover, I also have two children in my constituency—the only two in Wales and two of just 15 in the United Kingdom—who have the rare genetic disorder NKH, which is a serious, life limiting condition. Charlie Jones, who is six, and Jace Newton-Sealey, who is just one, both suffer from frequent debilitating cluster seizures. According to their consultant neurologist, to whom I spoke earlier, both would benefit hugely from using medical cannabis. Charlie's grandad, Ian Gilmore, has been in contact with the Home Office since 2014, when he learned of the benefits of cannabis for Charlie, but he has been given conflicting advice, pushed from pillar to post and fobbed off.

Will the Minister say when his Department will get a grip on the situation? Why the delay until now? Why is an announcement not being made today that this medicine will be available now to all who need it? Many patients—this is what I have a problem with—are illegally accessing cannabis, which opens them up to using the wrong form of the drug. The Government have a duty to protect patients and sufferers, so when will the Minister act? Why—

Mr Speaker: Order. I granted this question because it is urgent, but the hon. Lady has already exceeded her time by 50%. I assume that she is drawing towards a conclusion.

Tonia Antoniazzi: I will conclude right now. Why are the Government stuck in the dark ages? What will the Home Secretary do to speed up the process? In response to, "When?" the answers, "Next week," "Next month," or "In due course," are simply not good enough.

Mr Hurd: I thank the hon. Lady for that long list of questions, and I will do my best to answer them. She asked about the recognition of the medical benefits of some cannabis-based medicine but, as I said in my response, they are already recognised by the fact that, for example, Sativex can be prescribed in the UK. Its safety and efficacy have been proven, and it has been rigorously tested. She will know the responsibility of the Government and everyone involved in the process to ensure that medicines are safe, but the system allows for medicines to be licensed once they are established and tested.

The hon. Lady mentioned the case of Alfie Dingley, with which I am familiar, and I made it clear that, however we may feel about the current rules, I undertook

to try to find a solution for Alfie within the existing rules. Again, it is an unprecedented situation, because this is the first time that we are considering a personal licence, so this is new ground for everyone. I can confirm to her, as I confirmed to the family, that the process of applying for a licence to find a long-term sustainable legal solution for Alfie is well under way. It is clinically led, and I have given assurances that we will drive the process as hard as possible. Indeed, a date has been set for a compliance visit, which is a necessary part of the process. We are pushing things as hard as possible, and I want to place on the record my thanks, appreciation and respect for the dignity and patience of Alfie's family in this difficult situation.

The hon. Lady challenges the Government to change fast, and I think I have made it clear that, as the Prime Minister said this morning, we have to look hard at our processes for handling such situations. We must ensure, as the Health Secretary made clear today, that our policy is fully up to date with the best possible understanding of the most recent and relevant evidence. As I am sure the hon. Lady will appreciate, the Government have to take a bit of time to think things through. We have to get the detail right. We do not have the luxury of opposition; we have to work through the detail to get this right. My statement recognises not only that we are taking immediate steps to improve our processes so that they become more clinically led, with the introduction of a new clinically-led panel of experts to advise Ministers, but that we are taking a wider look at policy processes and will be making a forthcoming announcement.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): I welcome my right hon. Friend's statement. I am by no means a supporter of recreational cannabis use. However, a woman I know, Amelia Powers, was given two weeks to live with a diagnosis of a tumour of the brain. There was nothing more they could do, and she took to using a form of this and, for the last seven or eight years, has not just reduced the tumour but has got rid of it. She now runs her own company, which she started.

The point I would make is somewhat wider. The biggest problem the Minister faces is that in the Department of Health and Social Care it is still not considered a good thing to investigate the medicinal properties of this particular drug. I urge him, if at all possible, to try to get a coalition on getting this investigated, because clearly there are medicinal preparations that could be used. It would be helpful if he drove that.

Mr Hurd: I suspect that every Member has personal knowledge, directly or indirectly, of people who swear by the benefits of cannabis-based medicine that has helped them in very difficult circumstances. I completely understand that.

My right hon. Friend talked about building a coalition across Government on updating the evidence, and I signalled in my statement that that is exactly what is happening. The Under-Secretary of State for Health and Social Care, my hon. Friend the Member for Winchester (Steve Brine), is sitting alongside me, and I refer my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith) to this morning's comments by the Secretary of State for Health and

Social Care, which make it clear that the Government are seriously looking again at our processes and how we handle these cases.

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): Is the Minister aware that the public are increasingly dismayed by the Government's handling of the question of cannabis oil for medical use? I remind him that the concentration of the relevant compounds in cannabis oil is so small that nobody could possibly get any recreational use from it.

I accept that the Home Secretary moved swiftly to allow a short-term supply for Billy Caldwell but, overall, the Government's management of the current system of issuing licences for cannabis oil has been lamentable. It has left people in pain and suffering, and it has left families anxious and distraught. It seems to Opposition Members that the current system, even with the expert panel to which he refers, is simply not fit for purpose.

That is why a Labour Government, mindful that this oil is legal in many other jurisdictions, will move towards a legal framework that allows the prescription of cannabis oil for medical use. We believe that such a move, taken with all due care, tests and so forth, would have support on both sides of the House and would be welcomed by the British public, who are weary of the chaos, confusion and personal tragedies caused by the Government's current management of the system.

Mr Hurd: I thank the right hon. Lady for recognising the speed of movement by the Home Office this week in response to an emergency request from clinical leads at the Chelsea and Westminster Hospital. The Home Secretary overruled nothing in this process. We worked together very closely this week and responded, as I said, very decisively to an emergency request for a limited licence in a direct call from the senior clinician and the medical director at the Chelsea and Westminster.

I understand the right hon. Lady's point about public sentiment on this. People are unsettled by what they have seen, and we totally understand that. What I regret is that she is trying to make a party political point. Of course, she was in power and Labour was in power for a long time, and they did the square root of very little in this context. The system we are now trying to work with is basically the rules we inherited from the last Labour Government.

I do not think anyone in politics is in a position to take a high moral stand on this issue. We need to give an undertaking that the policies and processes will be informed by the most up-to-date evidence, and we challenge ourselves harder to make sure these processes are more clinically led than they have been in the past.

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): I refer Members to my declaration of interest, as a consultant paediatrician. Some compounds within cannabis have anticonvulsive properties. Cannabidiol has been shown in animal studies to have an active anticonvulsant compound, but THC, the one that is illegal in certain concentrations, has been found to have both anticonvulsant and proconvulsant properties in animal studies, and there are concerns that it may also be responsible for causing significant psychological problems, such as psychosis, if used over a longer period. Epidiolex is a pharmaceutical grade, quality-assured

product that contains cannabidiol but less than 0.1% THC, and it is both legal and used in clinical trials in this country, including with children. The oils available on the internet or at health food shops are not subject to that sort of scrutiny, do not have the same level of quality assurance and have variable levels of concentrations. Does my right hon. Friend agree that there is a huge difference between these two products—the quality-assured one and the not quality-assured one—and that we need to investigate the best possible scientific evidence on the usage and benefits of cannabis-based medicines, so that they can be used safely and properly to the best effect for our patients?

Mr Hurd: I defer to my hon. Friend's medical knowledge, and her intervention just reinforces the point I am trying to make about the need for this process to be clinically led, as far as is possible. She is making the point about there being certain cannabis medicines and certain conditions, and the evidence is at best mixed on this. She makes the fundamental point about our responsibility, as regulators, being to make sure that people are accessing and using products that are tried and tested, and as safe as possible. Let us imagine the consequences of prescribing an unregulated medicine that goes wrong—imagine the scene in this House at that point. In our, understandably, emotional response to recent events, we must also make sure that we do policy right and get it right. That is why we require a little more time to come back to this House with more detailed plans.

Joanna Cherry (Edinburgh South West) (SNP): The Scottish National party is in favour of the decriminalisation of cannabis for medicinal use, given the evidence of the benefits it has in alleviating some serious conditions, such as that suffered by young Billy Caldwell and young Alfie Dingley. We would like the Government to look seriously at the evidence for decriminalising the use of cannabis for medicinal use. If they are not prepared to do that, we would like them to devolve the power to Scotland to do it, so that the Scottish Government could take steps. However, I stress that we would like to see this done for everybody in the UK. I therefore have two questions for the Minister. First, when can we expect the Government to look seriously at the evidence and to bring forward these matters for proper debate in this House? Secondly, if that is not going to happen, when will he allow the Scottish Government to take the appropriate steps for people in Scotland?

Mr Hurd: I thank the hon. and learned Lady for that question; she is right to insist on the importance of an evidence-based approach. Of course, the Home Office regularly keeps the evidence under review. As I have said at this Dispatch Box before, one key milestone in this process is to review what the World Health Organisation feels about this issue, because it is conducting a major review of it. We are actively considering whether there is an argument for taking a more urgent step in terms of reviewing the evidence, the processes and the way we handle these cases, and I will keep the House informed on that.

Dr Julian Lewis (New Forest East) (Con): Does my right hon. Friend accept that there is nothing new, and no inherent contradiction, in having available for medicinal

[Dr Julian Lewis]

use addictive drugs that one would not allow for recreational use? May I illustrate that by describing my personal experience of 32 years ago? When recovering from severe back surgery, I was given a rather pleasant drug and I asked for a repeat prescription, only to be told that as morphia is related to heroin, there were limits on how much they were going to give me. So why can common sense not prevail in the case of marijuana, as occurred in that case?

Mr Hurd: I thank my right hon. Friend for sharing his personal experience and bringing back what were clearly some happy memories for him. I understand the point he makes and come back to what I was saying: we are absolutely serious about reviewing urgently our processes and policy in this area, to make sure that we are as consistent and up-to-date as possible. I have signalled today that we recognise, as did the Prime Minister this morning, that we need to make some changes to the way we handle these cases, which is why I have introduced the first step that we have taken today.

Norman Lamb (North Norfolk) (LD): Is it not utterly shameful that in this country we continue to criminalise people who use cannabis in various forms for medicinal purposes, including the relief of pain, thereby pushing people into the hands of criminals who have no interest at all in their welfare? And what on earth is a Home Office Minister doing responding to an urgent question on a health issue? Surely it should be the responsibility of the Department of Health and Social Care.

Mr Hurd: The right hon. Gentleman and I go back a long way and I have a great deal of respect for his position and experience. I simply make two points. First, the rules are as they are and, as a former Minister, the right hon. Gentleman knows that Ministers are bound by the rules. We can debate and challenge in this place—as we are beginning to do—whether the rules are fit for purpose, and that is the right thing to do in a representative Parliament. Secondly, in respect of my role, I have today signalled clearly that we are looking again at our processes and how these cases are handled. I have signalled clearly that we believe strongly that the handling of such cases needs to be more clinically led, hence the appointment of a panel. As to which Ministers decide and where the decision sits inside the system, that will be part of our consideration of how we handle these cases more effectively than we have done in the past.

David Tredinnick (Bosworth) (Con): Will my right hon. Friend assure the House that, with the Government having taken this important initiative, other similar cases will now be treated with similar leniency and that we will not have to wait for the wheels of Government to grind along slowly?

Mr Hurd: I do not think that the wheels of Government moved slowly this week at all—far from it. In response to an emergency request, we issued an emergency and limited licence very quickly, in recognition of the very difficult situation that we were in. I assure my hon. Friend that we will always seek to treat cases as consistently as possible, and that goes for Alfie Dingley and Sophia

Gibson and the others. It is important that we are consistent, but in this case we were dealing with an emergency request for an emergency licence.

Frank Field (Birkenhead) (Lab): Alfie met the Prime Minister eight weeks ago and she instructed the Home Office to act; on Saturday, he had 30 seizures. Will the Home Office give the right hon. Member for Hemel Hempstead (Sir Mike Penning)—who is seeking to catch your eye, Mr Speaker—Lady Meacher and me the authority to go through border control with the drugs that Alfie needs? If the Minister will not act, may we?

Mr Hurd: I do not think that that will be necessary. With respect to the right hon. Gentleman, he is a lawmaker and should not be a lawbreaker. On the Alfie Dingley case, we have made it quite clear that we will do everything that we can, within the existing law, to find a solution. We have had a bit of a stop-start process because this is new ground and it is very complicated. It has to be clinically led. The right hon. Gentleman possibly does not know the underlying details, but I assure him that I am assured that the process is now firmly on track. I hope that we will be in a position to make a positive decision as soon as possible.

Antoinette Sandbach (Eddisbury) (Con): My constituent's two-and-a-half-year-old son was having 300 seizures a day. He described each one as resetting his son's brain like a computer hard drive being wiped. Following the use of CBD, the seizures have been reduced to between 30 and 50 a day. Will the Minister meet me to discuss this case, and will he perhaps meet my constituent, because he has an outstanding application for a medical licence for his son?

Mr Hurd: I can certainly give my hon. Friend that assurance. I will of course offer to meet her constituent, as I have met every single family who have come forward, because we are absolutely serious about trying to help, as far as we can, because these cases are deeply difficult. I come back, though, to the point that I am sure my hon. Friend will absolutely respect, which is that it should not really be down to politicians to make these decisions; it has to be a clinically led process. When the clinicians came forward this week on Billy's behalf, we were able to respond to the request for emergency help, but it has to be a clinically led process.

Ronnie Cowan (Inverclyde) (SNP): The fact is that, had Billy Caldwell's family not taken this to the limits at the weekend, the Government would still be sitting on their hands. The good news is that, for the first time, the Government have acknowledged the therapeutic value of medicinal cannabis. I ask the Government to expand this to people suffering from multiple sclerosis, Parkinson's and certain cancers. It is happening in 30 American states, and 12-plus countries in Europe are already doing this. I ask this Government to legislate to bring forward medicinal cannabis under prescription in the United Kingdom.

Mr Hurd: The hon. Gentleman is expressing the view, which is held in many places across the House, that legislation needs to be revisited and that this is the right place in which to debate that. I refute what he was saying about the Government sitting on their hands in

relation to the Billy Caldwell case. We worked very hard during the week to try to find solutions to a very difficult situation. The Government will always be bound by the rules of the day whatever people think about them. I am just very glad that we could find a temporary solution for Billy and I hope that it is a step towards the long-term solution that he deserves.

Sir Desmond Swayne (New Forest West) (Con): Will my right hon. Friend ensure that this process, even if clinically led, is not administered by a bureaucrat, but is electrified by a politician alive to the need to be re-elected?

Mr Hurd: Of course this process must be driven at pace, as it was this weekend by the team at the Home Office. I wish to place on record my thanks to the officials who worked extremely hard to find a solution and respond to this emergency. I come back to the point that this needs to be clinically led. In asking Dame Sally Davies to take forward the important work of setting up this panel, I am not talking to a plodding bureaucrat.

Caroline Lucas (Brighton, Pavilion) (Green): Further to the question from the right hon. Member for New Forest East (Dr Lewis), does the right hon. Gentleman agree that it is unfathomable that medicinal opiates, which are the same family as heroin, can be prescribed for medical reasons—usually for pain relief—yet medicinal cannabis cannot be despite the strong evidence base that it should be? Crucially, can the Minister give us the evidence base that is informing the Government's position?

Mr Hurd: The evidence base comes from the official advice from the advisory council and others and it has been set for some time. The rules that we are having to work with have been around for a while under successive Governments. If this is the moment to revisit and challenge those rules, that is the role of a parliamentary democracy. What I am saying is that the Government have reflected deeply on the events of the past few weeks. They are constantly updating the evidence from the World Health Organisation and others, and are actively discussing changes to the way in which we handle these cases. I have made one announcement today and expect others to follow.

Crispin Blunt (Reigate) (Con): I thank my right hon. Friend for the way in which he personally intervened on Friday afternoon as the deterioration in Billy Caldwell's condition became clear, and the Home Secretary for his response within hours of his becoming aware of the situation. My right hon. Friend knows that he has received advice from me, as co-chair of the all-party group for drug policy reform, about how the Government should navigate their way out of this. I offer to assist in the review that is going on. Will he also take advice from Charlotte Caldwell, whom I have met a number of times before this week? She is a redoubtable campaigner and, of necessity, an expert in this field. I hope that he will take up her offer of engaging with her in this process.

Finally, I do have an anxiety that the framework of this review, if it is within the current law, could end up with the wrong answer. The problem is that the current law is based on the wrong premise, which is that there is no value in this medicine.

Mr Hurd: I thank my hon. Friend for his comments and his extremely constructive approach to a very difficult situation. He will get a reply to his helpful letter. I fully undertake to engage with him and with anyone who has strong views, opinions, and particularly expertise in this area. As I have said, we must make sure that policy and process are up to date and informed by the best and most up-to-date evidence, and that is what we undertake to do.

Diana Johnson (Kingston upon Hull North) (Lab): The Minister has referred to the role played by the Advisory Council on the Misuse of Drugs, and he announced an expert body to look at the matter. Will he tell us what the advisory council is currently saying to the Government about this issue?

Mr Hurd: The advisory council's advice on the lack of evidence around the medicinal benefits of cannabis and cannabis-based medicines has not changed, but the process needs to be reviewed constantly in the light of the evidence, and that is what we do. I should clarify that the clinical panel that I have announced today will advise Ministers on specific claims and applications that come to us.

Sir Mike Penning (Hemel Hempstead) (Con): The Minister knows that I was at No. 10 with him and the Prime Minister, Alfie and his family. I cannot see why there should be a difference between the wonderful news that Billy has been given his drugs on clinical advice, and the advice in the cases of Alfie and others. The reason for the difference is that these medications come under schedule 1 of the Misuse of Drugs Regulations 2001. That is why the issue is being dealt with by the Home Office, but it should not be in the Home Office; it should be in the Department of Health and Social Care. I am sure that Alfie will get his drugs very soon, but it is not soon enough for many others.

Mr Hurd: I understand my right hon. Friend's point. He has been a tireless and persistent campaigner for Alfie and others in this situation. I share his hope that we can process Alfie's application as quickly as possible; it is now on a much better track. This is complicated and it is new ground for everyone, not least the clinical and medical community, but we are finding our way towards a legal, sustainable, long-term solution, as well as reviewing our processes in the handling of such cases, as I have outlined today.

Hannah Bardell (Livingston) (SNP): Is it not the case that it is becoming policy by public outcry? It should not take such desperate cases for the Government to revisit and relook at their policy. A constituent of mine has relapsing-remitting multiple sclerosis, and suffers serious pain every day. Her specialist thinks that medicinal cannabis is the way forward for her pain relief. Will the Minister look at her case if I write to him, and will he look seriously at expediting provisions as quickly as possible for all our constituents?

Mr Hurd: I hope that I can do better than that by inviting the clinical panel, once it is set up, to look at the case raised by the hon. Lady. The point is that, within the rules at the moment—as we are trying to demonstrate through the Alfie Dingley application—we are prepared

[Mr Hurd]

to look at individual licences in exceptional cases. Will it be as quick as I, or anyone, would like? No, but this is new and difficult. We need to get it absolutely right, not least to ensure that these licences stand up to scrutiny and legal challenge. I hope that we are going to get there very soon. I have given the family my absolute assurance that we are going to drive this process as hard as possible, as we will with other applications in the new system that we are setting up.

George Freeman (Mid Norfolk) (Con): As the former Minister for medicines regulation, may I welcome the intervention of the Home Secretary and the Policing Minister this week? When I tried to look at this issue as a Minister, the message that I got was that it was the Home Office that was so tough on cannabis law that it would not countenance changes. I welcome the fact that Ministers are looking at this issue and, more importantly, the Prime Minister's announcement today that she is supporting a review. I urge the Minister not to overcomplicate this. Patients around the country are suffering from acute conditions. It should not be beyond the wit of Ministers to put together a simple licensing and registration scheme so that those people are able to possess appropriate cannabis oil in a way that does not open up the market for recreational use.

Mr Hurd: I thank my hon. Friend for his comments and recognise his passion and leadership on the subject. I come back to this point: it is all very well for politicians to express their passionately held views on this subject but, at the end of the day, the people we have to hear from are the clinicians.

Jeff Smith (Manchester, Withington) (Lab): I welcome this first step from the Government, but the Minister has just said that the Government recognise the medical benefits of cannabis, so the question is: why on earth is cannabis still a controlled drug under schedule 1, which is for drugs with no medical benefit? It is time for an urgent rescheduling of cannabis, which would make life easier for the Government and for patients.

Mr Hurd: As I was at pains to point out in my opening remarks, cannabis-based Sativex is prescribed in the UK because there is a proven case for its safety and efficacy. I am sure that the hon. Gentleman, like me, will not want to have the market full of unregulated or untested products if we do not know their long-term impact. We have to proceed with some sense of responsibility and get the detail right. We have shown at the Home Office that we are prepared to be flexible on these issues out of compassion for exceptional cases.

John Howell (Henley) (Con): When will the commission start work, how will it operate, and how will it speed up the process of delivering these drugs?

Mr Hurd: We have only announced it today. I have only just asked Dame Sally Davies to take forward this important work. There is a lot of detail to be filled in, in consultation with her and others. We will return to the House to fill in some of the detail that my hon. Friend asks for.

Jim Shannon (Strangford) (DUP): I thank the Minister for his help so far. I thank him, in particular, for the meeting that we had with my constituent Danielle Gibson about her daughter, Sophia. The Minister will know, and the House needs to know, that Darren and Danielle Gibson took their daughter Sophia to Holland to receive cannabis oil, under prescription and controlled. During the three weeks they were there, she had only one seizure instead of the dozens that she has every day. In the past 48 hours, she has not eaten or slept. At this moment in time, there is six months of cannabis oil available for her, paid for, sitting in Holland for her to collect. What will I tell my constituents? How long will the process take?

Mr Hurd: As the hon. Gentleman and I have discussed before, and in the presence of Danielle, there is a mechanism—a process—that can lead to a legal, sustainable solution to this through a licensing process that needs to be clinically led. In this case, it is devolved to the Northern Ireland Administration, as he well knows. There is a process. We are feeling our way. We all want to drive this fast, but it does need to be done properly. In the situation that we had this week with Billy, we were responding to an emergency situation where clinical leads inside an institution came to us and said, “We need this on an emergency, limited-duration basis.” The long-term solution for Billy now has to be clinically led, but we were responding to an emergency situation.

Bill Grant (Ayr, Carrick and Cumnock) (Con): I am sure that many will agree that the great British public are very much behind the emergency decision taken by the Minister to secure the cannabis oil for Billy Caldwell. Will the Minister now look at whether other children like Billy should, with clinical support, be allowed to legally access cannabis oil?

Mr Hurd: As I have said in my previous answers, there is an active discussion about a review of how we handle these types of situations. Again, the core principle, as it was this week in the case of Billy Caldwell, is that this must be clinically led.

Matt Western (Warwick and Leamington) (Lab): Does the Minister accept that the UK is behind the curve on public opinion on the matter of medicinal cannabis? How does he explain the fact that Ireland introduced a purpose-designed special licence for little Ava Barry back in December 2017, yet the UK Government appear to be dragging their heels?

Mr Hurd: I do not necessarily agree that we are behind the curve on public opinion. We moved very fast this week under extremely difficult circumstances. I wholly agreed with the Health Secretary this morning that we need to make sure that our policy is up to date in terms of the medical evidence and the best interests of patients. That is why, as I said, there is an active discussion within Parliament about changes in process and policy. The first announcement in that process was made today. I am sure that as those discussions are finalised, there will be more announcements to follow.

Bob Blackman (Harrow East) (Con): This is a personal licence that has been issued. What liability, if any, is there for a clinician who believes that this is the right treatment to be provided, given that this drug has not been authorised in the UK?

Mr Hurd: My hon. Friend makes an important point. As part of the licensing process for the exceptional, limited-duration licence for Billy, the paediatric consultant at the hospital specifically stated that decision making about Billy's long-term care with regard to medication and supervision of his treatment should be undertaken by the paediatric neurologist. We agree with that.

Susan Elan Jones (Clwyd South) (Lab): It seems to some of us that the biggest problem with the legalisation of this drug is the fact that it is called "cannabis". Some of us share the Government's view that cannabis should not be legalised for recreational use, but this is a totally different situation. While there is delay, children and adults are in serious suffering and, in some cases, may die. Given that organisations such as the MS Society are fully in favour of this legalisation, how long will it take the Government to act?

Mr Hurd: I understand the hon. Lady's point, but I want to reassure her that the Government are very clear that this is a discussion about access to cannabis-based medicine and nothing else.

Andrew Percy (Brigg and Goole) (Con): There is clearly a consensus in the House for a review of policy in this area, but neither this House nor public opinion is expert, so can the Minister assure me that we will always proceed on the basis of clinical evidence? Will he look particularly closely at the good, the bad and the ugly examples from North America, where medicinal cannabis has been legalised?

Mr Hurd: I thank my hon. Friend for his question. I come back to the point that we have to proceed on the basis of good evidence and the most up-to-date information. Some of the evidence in this area is mixed, and therefore we need to be very careful about how we proceed. That sounds bureaucratic and a bit plodding, and I apologise to anyone who feels that way, but it is the responsibility of Government to think things through and get things right, and we will proceed on the basis of evidence and introduce more clinical leadership to this process.

Alison Thewliss (Glasgow Central) (SNP): The many constituents who have contacted me who have MS, seizures and chronic pain will no doubt welcome the moves that the Government have made, albeit not as fast as they would like. Can the Minister confirm whether this is a change in approach from the Government, to stop treating drugs as a criminal issue and start treating them as a medical issue? He mentioned that he is taking advice from the Advisory Council on the Misuse of Drugs. The ACMD also supports supervised drug consumption rooms, which help to make this a medical, not a criminal, issue. Is he willing to meet me to discuss that?

Mr Hurd: I am happy to meet all Members with an interest in this subject. I should say that the Government have not formally changed their position on medicinal cannabis. We have responded to an exceptional case and issued a licence to ensure that emergency treatment can be accessed, but I have signalled that we are looking again at the way in which we handle these cases.

Mr Philip Hollobone (Kettering) (Con): I support the legalisation of cannabis for medical use and understand the need for a clinical lead on this issue, but given that a

large number of countries have already legalised this drug, there must be a mountain of internationally accredited research already being undertaken that clinicians in the United Kingdom could access.

Mr Hurd: My hon. Friend makes an important point, and I thank him for the emphasis he places on the need to move ahead on an evidenced, clinically-led basis. He talks about international evidence, and he is absolutely right. That is why we are taking great interest in the WHO's updating of its research, evidence and guidance on this extremely important, complicated and difficult subject.

Christine Jardine (Edinburgh West) (LD): Given that the Minister has said that clinicians must take the lead on this, when will he reschedule cannabis to allow clinicians to use their professional judgment in the provision of medicinal cannabis to children such as my constituent Murray Gray, who suffers from a very similar condition to Alfie Dingley? Will he meet me to discuss that?

Mr Hurd: I have met all the families I know about who are going through these incredibly difficult situations. Everyone understands that parents would do absolutely anything for their children in these circumstances, and I have huge respect for that, so of course I will meet the hon. Lady. The straight answer to her question is that we have demonstrated today—it is not yet completed with Alfie Dingley—that we are prepared to look at licences in a new way, but it needs to be clinically led, and that is the fundamental point.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): An advisory vote in the Senedd in support of legalising cannabis for medicinal purposes was hailed as a victory for common sense and compassion by Arfon Jones, the police and crime commissioner for north Wales. Only two AMs voted against it. Considering the political support in Wales and the fact that health is a devolved issue, why will the British Government not allow the National Assembly to make decisions on this issue on behalf of Welsh patients?

Mr Hurd: It is not a devolved matter at the moment. I am more than happy to have those conversations, but we deal with the system as it is.

Sir Mike Penning: On a point of order, Mr Speaker.

Mr Speaker: Points of order do not really come now—

Sir Mike Penning: Well, you can try!

Mr Speaker: The right hon. Gentleman can try and—I will even be helpful to him, because my generous spirit is getting the better of me—if his point of order relates to the matter with which we have just been dealing, I feel that we can on this occasion indulge him.

Sir Mike Penning: If you do not try, you never know, do you?

During the urgent question, the right hon. Member for Birkenhead (Frank Field) asked whether it would be okay if Members went abroad and brought back such a prescribed product, and the Minister for Policing and the Fire Service quite rightly said that we are lawmakers

[Sir Mike Penning]

not lawbreakers. However, we are also here to protect our population and our constituents. I say this with an open heart and a genuine understanding of what the Minister is going through, because I tried to deal with this when I was in his position, but if Alfie Dingley does not get his drugs by Wednesday, a delegation from this House will go abroad to get them for him.

Mr Speaker: I am very grateful—or at least I think I am very grateful—to the right hon. Gentleman. Manifestly, that was not even an imitation of or an approximation to a point of order. Nevertheless, I am sure it was extremely important. He has unburdened himself of his opinions, and they are on the record for the people of Hemel Hempstead, the nation and possibly even the world to study.

Before we proceed to the second urgent question, I will take this opportunity to inform the House that Gina Martin, who was herself a victim of the loathsome practice of upskirting and has subsequently led the campaign to outlaw the practice, has joined us in the Gallery today. Gina, we welcome you here and we thank you for coming.

Upskirting

4.21 pm

Wera Hobhouse (Bath) (LD) (*Urgent Question*): To ask the Secretary of State for Justice if he will make a statement on the Government plan to legislate on making upskirting a specific sexual offence.

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer): I am very pleased to have this opportunity to respond to the urgent question asked by the hon. Member for Bath (Wera Hobhouse) because she and Gina Martin have campaigned tirelessly for upskirting to become a criminal offence. I am delighted to have met both of them on a number of occasions to discuss how we can progress this important legislation, and to have worked with them to support the hon. Lady's private Member's Bill—the Voyeurism (Offences) Bill. I welcome Gina Martin to the House today. We will continue to build on their efforts to ensure that this activity becomes a criminal offence because upskirting is an invasion of privacy, and a humiliating and distressing experience. The Lord Chancellor and I were disappointed when the private Member's Bill did not make progress on Friday.

Although there are existing offences that can be used to punish upskirting in some circumstances, there is a gap in the law. The offences of outraging public decency or voyeurism may be used to capture upskirting. However, the public order offence is limited, as the offence needs to take place in a public place and two people need to be present. Conversely, the voyeurism offence needs to be a private act and must take place in a place where one would expect privacy. There may be activities, such as photographs taken in schools, that are not caught by either provision. This law will close that loophole, and ensure there is no doubt that this activity is criminal and will not be tolerated. For the most serious sexual offences, we will ensure that the offender is also placed on the sex offenders register.

Upskirting is an invasion of privacy that leaves victims feeling humiliated, so we will bring legislation before the House in Government time to ensure that this practice becomes an offence. We will introduce the Bill in the House of Commons on Thursday, with a Second Reading before the recess. The leadership of the hon. Member for Bath and the outstanding campaign of Gina Martin have shown how it is possible for individuals to make a difference. I am looking forward to working with colleagues from across the House to progress this matter and make upskirting an offence.

Wera Hobhouse: I thank the Minister for her response and for the fantastic teamwork on this issue so far. Does she share my appreciation of the Prime Minister saying on “The Andrew Marr Show” yesterday that the practice of upskirting is “invasive”, “degrading” and “offensive”, and that she will take the Bill that was blocked and put it through in Government time? Will the Minister join me in congratulating Gina Martin and her lawyer, Ryan Whelan, on their fantastic work in bringing the issue to the point we have reached today?

My Bill remains on the books and will be reached again on Friday 6 July. Will the Minister provide me with a full timetable of the Government's planned

programme for their proposed Bill? The Bill must, of course, travel through the Commons and the Lords to become law. If the Government do not introduce the legislation until the end of July, the changes will not be in place soon enough for the summer and further potential victims will be left vulnerable to this vile practice.

It is a shame that we have to be here today because of the objection of the hon. Member for Christchurch (Sir Christopher Chope) to the Bill on Friday. The private Member's Bill system must be modernised, but that is a matter for a different day. The Government must bring about this important change to the law, making upskirting a specific offence as soon as possible. Will they ensure that the Bill has the full support of all their Members?

Lucy Frazer: I thank the hon. Lady for her comments and I agree with the Prime Minister that upskirting should be an offence and should be prosecuted; having spoken to Gina, I understand the humiliation it causes. Our priority is that it should become an offence as soon as possible. We will introduce the Bill on Thursday. I understand that it has considerable support across the House, and I welcome that cross-party support.

Mrs Maria Miller (Basingstoke) (Con): I very much welcome my hon. and learned Friend the Minister's announcement today; she is to be commended for the rapid and collegiate way in which she has dealt with this issue. I encourage her to look more widely at some of the other offences that particularly affect women, such as the posting of explicit images online, commonly known as revenge pornography. Many of us have campaigned for a long time for such activities also to be recognised as sexual offences and be dealt with accordingly.

Lucy Frazer: My right hon. Friend makes some important points and I know that the Women and Equalities Committee, which she chairs, does an immense amount of work ensuring that women can take their place in society and are protected. A number of issues could be raised. There is clearly a gap in the law when it comes to one of them, but it can be put on the statute book quickly and easily. We are ensuring that that is done as soon as possible.

Yasmin Qureshi (Bolton South East) (Lab): I begin by congratulating the campaigners, especially Gina Martin, who has shone a spotlight on this important issue, as has the hon. Member for Bath (Wera Hobhouse). I welcome the Government's decision finally to bring forward the legislation, but I must put it on the record that the delays in getting to this point were totally unnecessary and have caused needless suffering. The Government should not have waited to act until almost a year after Labour's shadow Justice Secretary first wrote demanding this new legislation. They should not have been relying on a private Member's Bill that was likely to be scuppered by the disgusting behaviour of their own MPs. But better late than never.

Although we welcome the Government's decision to introduce this legislation, I would like the Minister to clarify a number of issues. Given the broad parliamentary consensus on this matter, can it not be addressed within a day or a week—before the summer, at least? That is when women will most go to festivals, where this disgraceful practice is far too common. What will the Minister do

to ensure that her own MPs vote in favour, given the disgraceful opposition from the Tory Back Benches last Friday?

Will the law cover the act of distribution as well as the taking of the image? Will the legislation guarantee that the victims of upskirting will be granted automatic anonymity in any criminal cases? Finally, given that we must do all we can to prevent the suffering and harassment of women online, will the Government now reconsider last week's disappointing decision to refuse to extend anonymity to the victims of so-called revenge porn?

Lucy Frazer: The Government have a priority: to ensure that this legislation gets on to the statute book as soon as possible. On the Government side of the House, we are not bothered about the vehicle for that; the public are not concerned about that. The priority is to ensure that the legislation goes on to the statute book. As my right hon. Friend the Member for Basingstoke (Mrs Miller) recognised, the Government have made a commitment to introducing a Bill as swiftly as possible and we will be doing so on Thursday.

The Government have taken a number of measures to ensure that women are protected. On domestic violence, we have ensured that coercive control is recognised as a matter of domestic violence and we have increased the penalties for stalking. Members on the Government Benches do want to protect women.

Rachel Maclean (Redditch) (Con): I assure the Minister that from the multiple conversations I have had, every single Back Bencher on the Government Benches, bar an unfortunate very small minority, support the Government bringing this forward as a criminal offence. We welcome it almost unanimously. Does she believe that making this a criminal offence is an extremely welcome step forward in tackling some of the sexist attitudes remaining in our society that underpin violence against women and girls?

Lucy Frazer: I agree with my hon. Friend. I have not heard one Government Member say that they think that as a matter of principle this measure should not become law. I agree that this very important proposed legislation needs to be put through Parliament.

Joanna Cherry (Edinburgh South West) (SNP): The Scottish National party deplores what happened on Friday in this House. It illustrates how the archaic rules of the House can sometimes be used to prevent the proper debate of important private Members' Bills. Something needs to be done about it.

I welcome today's announcement, and I congratulate the hon. Member for Bath (Wera Hobhouse) and Gina Martin on their campaigning on this issue. Upskirting is already a criminal offence in Scotland and has been since 2010. Will the Minister, in framing the new law for England and Wales, look at sections 9(4)(a) and 9(4)(b) of the Sexual Offences (Scotland) Act 2009, which in 2010 were brought in to make upskirting an offence in Scotland; and will she consult the expertise of my former colleagues in the sexual offences special prosecution unit at the Crown Office and Procurator Fiscal Service in Scotland, given that they have some seven or eight years' experience of prosecuting this crime?

Lucy Frazer: I thank the hon. and learned Lady for her comments. We have looked very closely at the Scottish legislation. There is a slight difference between the legislation in Scotland and in England. There is no public order offence in Scotland, so there was a bigger gap in Scotland than there was here. We have, however, looked very closely at that legislation. Our proposed legislation is not identical, but it is modelled very closely on the Scottish legislation.

Ross Thomson (Aberdeen South) (Con): I am delighted to welcome Gina and Ryan as guests today in the Gallery. Does the Minister agree that the upskirting campaign led by the extraordinary Gina Martin, supported by her lawyer and fellow Aberdonian Ryan Whelan, is worthy of the praise of this House? We owe Gina so much for her courage in raising this issue and fighting for change. That should be put on the record, because we need to make sure that this practice is truly and well outlawed.

Lucy Frazer: My hon. Friend is absolutely right. Gina Martin and her lawyer Ryan are both in the House today. They should be commended for the work they have done to ensure that this becomes law. They have done an immense job in highlighting the issue and ensuring the legislation is put on the statute book.

Helen Goodman (Bishop Auckland) (Lab): The hon. Member for Christchurch (Sir Christopher Chope) has succeeded in uniting the nation where the Procedure Committee has failed for two years: namely, on the need to update the private Members' Bill process. Has the Minister spoken to the Leader of the House about when we might do that as well?

Lucy Frazer: There was an issue in relation to Friday, but I would like to remind hon. Members across the House of the important role private Members' Bills play in our parliamentary system. A number of private Members' Bills have passed or are passing through the House at the moment that will improve the lives of the public considerably: the Assaults on Emergency Workers (Offences) Bill from the hon. Member for Rhondda (Chris Bryant) and the Mental Health Units (Use of Force) Bill from the hon. Member for Croydon North (Mr Reed). Such Bills play an important role and we should recognise that.

Philip Davies (Shipley) (Con): I very much support the Voyeurism (Offences) Bill—commonly known as the upskirting Bill—introduced by the hon. Member for Bath (Wera Hobhouse), not least because I have been helping a very brave woman called Emily Hunt to get justice. Emily was the victim of a very serious voyeurism abuse, and I have already been in discussions with the Solicitor General about how we can ensure that the upskirting Bill helps Emily, too. If the Government are bringing forward a Bill, will the Minister look at Emily's case to make sure that the legislation also covers the serious voyeurism abuse that she suffered?

Lucy Frazer: My hon. Friend raises an important point, and I am aware of the issue in relation to Emily Hunt's case. I have discussed that matter with the Minister for Digital and the Creative Industries, who responded recently to an Adjournment debate on this secured by

an Opposition Member. The issue is an important one. What this Bill does is tackle a specific issue, which we should get on to the statute book as soon as possible.

Catherine West (Hornsey and Wood Green) (Lab): Has the Minister given some thought to how this potential Bill and then Act will be enforced? With the newspapers saying that only 5% of burglaries and robberies are being tackled by police, how does one expect that the law on these sorts of acts will be enforced by the police, who are so stretched? Will she have a resource implication chapter in her Bill?

Lucy Frazer: It is comforting to know, as I mentioned, that there are already offences on the statute book whereby it is possible sometimes for this offence to be caught. Indeed, there have been prosecutions in recent years under the public order offences legislation; people have been prosecuted for this type of activity.

Mr Marcus Jones (Nuneaton) (Con): I attended several constituency events on Saturday and a number of people came up to me and expressed their utter concern and disappointment at what happened to the Bill of the hon. Member for Bath (Wera Hobhouse) on Friday. I welcome what my hon. and learned Friend has said at the Dispatch Box today about bringing the legislation forward quickly. The need for the legislation is a product of what has happened with technology in recent years. Will she continue to look at what is going on with technology to make sure that we keep ahead of these types of offences in future?

Lucy Frazer: My hon. Friend raises an important point, as my hon. Friend the Member for Shipley (Philip Davies) did. We are looking at a very broad area in relation to sexual offences, technology, the internet and the use of photography. These are all important issues that we are currently looking at, but this is a specific offence that we would like to get on the statute book as soon as possible.

Emma Little Pengelly (Belfast South) (DUP): I thank the Minister for her direct engagement with me on this issue and commend her for the very swift action. This is a devolved issue, but it is one that should unite all parties in Northern Ireland. Will she commit to meeting me, so that the work being undertaken can be shared and we are then able to bring that forward in the Northern Ireland Assembly as soon as possible?

Lucy Frazer: I thank the hon. Lady and I would be delighted to meet her to discuss the legislation, so that we can work together to ensure that as many women as possible are protected.

Alberto Costa (South Leicestershire) (Con): On Friday evening, I was at a constituency event, and Councillor Guy Jackson of Blaby District Council was aghast at how an arcane procedure of this House stopped what would have been a very important piece of legislation. Can I say on behalf of Councillor Guy Jackson and my constituents in South Leicestershire how welcome it is to have the Minister at the Dispatch Box today making the proposals that she is?

Lucy Frazer: I thank my hon. Friend very much. I am pleased that we are able to bring in this legislation as soon as possible.

Liz McInnes (Heywood and Middleton) (Lab): If this whole sorry episode has highlighted one thing, it is that we need to urgently rethink the way we deal with private Members' Bills, so will the Minister support an urgent debate on the procedures used over private Members' Bills?

Lucy Frazer: As I mentioned, private Members' Bills play an important role in this House. That is not a matter for the Ministry of Justice, but the hon. Lady's points have been heard.

Sir Desmond Swayne (New Forest West) (Con): In the meantime and until my hon. and learned Friend's Bill becomes law, will she vigorously exploit every opportunity afforded by the common law to see that these offences are prosecuted?

Lucy Frazer: My right hon. Friend, as always, makes an interesting and important point, but I assure him that the CPS is already prosecuting these offences under the legislation that exists. What we are doing is ensuring that there is not a gap in the law so that some cases do not fall through a loophole.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): I thank Gina Martin for the campaign and the hon. Member for Bath (Wera Hobhouse), whose private Member's Bill should have gone through on Friday, and I welcome today's announcement. I know from having worked as a psychologist in forensic services that individuals who perpetrate this type of crime are sexually perverted and often go on to commit contact offences. It is extremely important, therefore, that there is legislation to ensure that the appropriate risk assessments and multi-agency protection arrangements are in place right at the start of their cases.

Lucy Frazer: I reiterate the point made at the beginning about the importance of cross-party working; this is a cross-party issue that I hope has the support of the House. The hon. Lady raises a specific and important point. The way the Government have expanded the private Member's Bill will ensure that perpetrators of the most serious sex offences will go on the sex offenders register. This will further protect women and ensure that others are not victims in the future.

Mary Robinson (Cheadle) (Con): Having attended the Chamber on Friday and having been prepared to back the Bill, I was disappointed that it was not put forward. I want to correct any assertion that there is a party political divide on this. Many people on the Government Benches would have supported the Bill and intend to do so. May I congratulate the Minister, therefore, on her announcement today and on bringing this forward? The sooner this is on the statute book, the sooner women will be protected from this vile practice.

Lucy Frazer: I thank my hon. Friend for coming on Friday to support the Bill and for her support going forward.

Thangam Debbonaire (Bristol West) (Lab): Upskirting is not caused by technology; it is caused by sexist and misogynistic attitudes, which need to be driven out. Will the Minister please encourage her colleagues to bring forward compulsory personal, social and health education and sex and relationships education as soon as possible?

Lucy Frazer: The hon. Lady is right that this technology facilitates and increases the opportunities for people to harm women. She raises an important issue that is not in my portfolio, but I thank her for bringing it to the House's attention.

Michael Tomlinson (Mid Dorset and North Poole) (Con): I, too, was in Parliament on Friday—one of the few actually in the Chamber when the Bill was objected to—and, as others have said, the view of the House on both sides of the Chamber was made perfectly plain at the time. I warmly welcome the Minister's personal assurance that the Bill will be brought through as quickly as possible, but will she confirm that there will be sufficient time not only on Second Reading but in Committee to ensure that the Bill is debated thoroughly and on the statute book as quickly as possible?

Lucy Frazer: My hon. Friend makes an important point. It is something that I would wish to see.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): Upskirting is an example of digital technology and criminality moving faster than the law. Legislation to tackle the criminal misuse of digital technologies and services includes at least 30 statutes and measures. Does not the Minister agree that a review of the sheer complexity of the legislation on digital crime is urgently required?

Lucy Frazer: The hon. Lady points out that technology leads to more sexual acts being disseminated, and there are economic issues relating to digital technology. As I said earlier about the matters that fall within my portfolio, the Ministry of Justice is looking at this matter as it relates to sex and criminal offences, but I reiterate that the Bill deals with a specific issue that we think needs to be tackled and can be tackled immediately.

Kevin Foster (Torbay) (Con): As one of the Members present in the Chamber when my hon. Friend the Member for Christchurch (Sir Christopher Chope) objected, I shared the fury that many, including me, expressed vocally at the time, so I was pleased to hear the Minister announce that a Government Bill will come forward and that the CPS will still be encouraged to authorise charges under the existing law. Can she reassure me that the Bill, while rightly plugging this hole in the law, will still provide for those who commit offences against children to be charged with the more serious offence of making an indecent image of a child—the correct charge—which brings with it a higher prison sentence?

Lucy Frazer: There is already a panoply of offences on the statute book to protect children and women. The Bill will add to the portfolio available to the CPS to bring the most appropriate punishment for offenders. As I mentioned earlier, there is also the ability to put people on the sex offenders register when that is appropriate.

Emma Hardy (Kingston upon Hull West and Hessle) (Lab): One of my constituents, Leah, summed it up best when she said that this abhorrent act could happen to any woman, regardless of age, class, race or sexual orientation. Will the Minister please ensure that the new legislation on upskirting will grant anonymity in any criminal case to protect the women who suffer from this disgusting practice?

Lucy Frazer: I should point out that, while the legislation will largely protect women, it is not solely about women. It is about photographing up people's clothes, and it will apply to men as well as women. It will also protect children.

Mr Philip Hollobone (Kettering) (Con): Residents of Kettering back the legislation, and I will gladly support it. Does the Minister agree that legislation is improved when it is given parliamentary time, and that the advantage of the Government's introducing the Bill is that a full debate on the issue will be guaranteed on Second Reading?

Lucy Frazer: I think that there is a role for private Members' Bills and for the procedure, but I am pleased that the House will have an opportunity to scrutinise this legislation fully.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): I think that today, at least, the whole House is in agreement that the upskirting offence should be on the statute book. It is a shame that the hon. Member for Christchurch (Sir Christopher Chope) does not deign to be among us today as we discuss it. Does the Minister agree that the blocking of important legislation to protect women by a long-serving knight of the realm does nothing to enhance the reputation of this Parliament or its procedures?

Lucy Frazer: As I have mentioned—

Mr Speaker: Order. I would just say very gently to the hon. Member for Paisley and Renfrewshire North (Gavin Newlands) that I understand the anger in the House about this matter, but I must ask him whether he gave the hon. Member for Christchurch notice of what was a personal attack. Did he do so?

Gavin Newlands: No, Sir.

Mr Speaker: I am sorry, but Members really must observe the courtesies in this place, whatever the strength of feeling. To make a personal attack on another Member without giving prior notification, and to do it in the guise of putting a question to a Minister who is not responsible for that matter, is not the right thing to do. I understand the hon. Gentleman's sincerity, and the circumstances, but we really must try to observe proper procedures. I hope the Minister will not mind if I say that she is answering the questions very fully and we are grateful to her for that, but this is not one that she needs to answer.

Stephen Kerr (Stirling) (Con): I welcome the Minister's response. I also welcome her statement that she will look very carefully at the experience we have had in Scotland in relation to the law that we have had since 2010. Does she agree that the overwhelming reaction to Friday's business sends a clear message from this place that such behaviour will not be tolerated, and that perpetrators will be properly punished by facing up to two years in prison?

Lucy Frazer: My hon. Friend has made an important point. I should mention again Gina Martin's tremendous campaign, which brought this matter to the attention of the public. It is not just laws that are passed that dictate

how people act; it is also people's knowledge of the laws and sending a signal about what is acceptable and what is not acceptable. This behaviour is not acceptable and should not be tolerated.

Diana Johnson (Kingston upon Hull North) (Lab): Part of the reason why the Bill was blocked last Friday was that the House had not had an opportunity to debate it fully. Following her welcome announcement, will the Minister tell us how many hours of debate she thinks will be required for Members to arrive at the conclusion that the taking of photographs underneath, mainly, women's clothes by perverts is a bad thing?

Lucy Frazer: As I have mentioned, we will introduce the legislation on Thursday, and Second Reading will take place before the summer recess. The allocation of time will be dealt with in the usual way.

Alison Thewliss (Glasgow Central) (SNP): I welcome the Government's response to this issue because it has caused an outcry among people throughout the United Kingdom, and many of my constituents have written asking me to support the Bill. However, notwithstanding the actions of one Member—and others who have acted similarly—the fact that private Members' Bills are stymied by means of objection is not a new issue. Does the Minister agree that we need to review the procedures of the House, so that the will of the majority of the House, who support good legislation and measures to stop the abuse of women, is recognised and they can see their legislation passed, against the wishes of some people who wish to stop that?

Lucy Frazer: What I am pleased about is that the Government have ensured that this legislation can be brought forward in Government time so that it can be passed and upskirting becomes a criminal offence.

Philip Davies (Shipley) (Con): On a point of order, Mr Speaker. As you have heard, I very much support the upskirting Bill, not least because of the work I have been doing with Emily Hunt.

Mr Speaker, you have always tried to ensure people outside this place better understand our procedures inside here and I ask you to do so again today. It has been stated in a number of places that my speech on the first Bill on Friday in some way blocked the progress of the upskirting Bill, which was the eighth Bill for consideration on Friday. Given that the Government on Friday had made it clear that they were going to talk out the second Bill for consideration, that of the hon. Member for Hammersmith (Andy Slaughter)—a Bill which, incidentally, I also support—and given that, to the best of my knowledge, in the history of the House of Commons the eighth Bill for consideration has never been reached for debate on a Friday, can you confirm to people, with the authority and independence of your position, that it is a matter of fact, not opinion, that my actions on Friday had no impact on the upskirting Bill in any way, shape or form, that even if I had not spoken at all on Friday that particular Bill would not have been reached for debate before 2.30 pm anyway, and that it was always going to be reliant on being nodded through at the end of the day, something that I certainly did not oppose? I hope you can set the record straight, Mr Speaker, and help those people outside the House to better understand the facts of what happens inside the House.

Mr Speaker: I am grateful to the hon. Gentleman for his point of order and for his characteristic courtesy in giving me advance notice of his intention to raise it. As a matter of fact, I can confirm that if the Mental Health Units (Use of Force) Bill had completed its passage on Friday afternoon before 2.30 pm, the next business would have been the second Bill on the Order Paper, the Freedom of Information (Extension) Bill of the hon. Member for Hammersmith (Andy Slaughter). Moreover, I can confirm that the Voyeurism (Offences) Bill was the eighth Bill on the Order Paper. For clarification and wider understanding outside the House, it is perhaps worth me emphasising that it was the eighth Bill because other Bills were put down over recent months by other Members, quite properly, before the hon. Member for Bath (Wera Hobhouse) brought her important Bill forward. I am advised—I have consulted specialist advisers who have in turn consulted their scholarly craniums—that nobody can recall an instance of the eighth Bill on a private Members' Bill Friday being reached for debate.

People feel very strongly about what happened on Friday, and I completely understand that and have every respect, as I sought to indicate earlier, for the person who has brought forward the upskirting Bill, and the public-spirited Gina Martin who has campaigned so strongly for it.

Needless to say, the Chair is absolutely no obstacle to such a progressive measure. It is important, however, in public debate to distinguish between fact and opinion, and simply as a matter of fact—incontrovertible fact—the hon. Gentleman is in no way whatsoever responsible for the failure of the eighth Bill to be debated.

I should say to colleagues that the process whereby after the moment of interruption—2.30 pm on Friday—the objection of a single Member is enough to block for the

time being a Bill being read a Second time may well not please many people inside and outside the House, and it is certainly not my role to defend the Standing Orders of the House from criticism that people may wish to express of them.

The Procedure Committee, under the outstanding chairmanship of the hon. Member for Broxbourne (Mr Walker), has indeed devoted much effort in recent years to suggested improvements to the private Members' Bill regime, but its proposals have not been put to the House. I myself have spoken regularly around the country of my personal belief that the private Members' Bill procedure should be changed, and I treated of the matter in a lecture in Speaker's House in October last year. The fact is, however, that proposals for change have not been put to the House, and it is not within the power of the Speaker to put them to the House.

I should point out, in fairness and for accuracy, so that no one is misled, that the rule about a single objection applies similarly to any other business before the House after the moment of interruption. Under Standing Order No. 9(6),

“no opposed business shall be taken”

after the moment of interruption.

I hope that colleagues will accept that I have said what I have said in a very low-key way simply because I think it is quite important, in a highly charged atmosphere, to put the facts on the record. The House can then proceed in relation to the procedure or in relation to a particular Bill as it thinks fit. Thank you—*[Interruption.]* Well, that is very good of the right hon. Member for Birkenhead (Frank Field), who has chuntered his enthusiasm from a sedentary position. I am extremely grateful to him; I mean that genuinely.

NHS Long-Term Plan

4.56 pm

The Secretary of State for Health and Social Care (Mr Jeremy Hunt): With permission Mr Speaker, I will make a statement about the Prime Minister's announcement yesterday of a new long-term funding plan for the NHS. The NHS was built on the principle that good healthcare should be available for everyone, whatever their background and whatever their needs. Seventy years on, it remains this country's most valued public service: an institution that is there for every family, everywhere, at the best of times and at the worst, so no one in this House underestimates the importance of putting the NHS on a steady financial footing, not just for the sake of their constituents but also for their own families and loved ones. That is why I am proud today that this Government have announced their commitment to a long-term funding settlement for the NHS.

From vaccinations to IVF, to radiotherapy and to next-generation immunotherapies, the NHS has always been at the forefront of excellence in medicine, but as only the sixth universal healthcare system in the world, it has also come to symbolise equity both at home and abroad. Despite pressures in recent years, the Commonwealth Fund rates the NHS as the best healthcare system in the world, cancer survival rates are at a record high, stroke mortality is improving faster than almost anywhere else in the OECD and heart disease mortality rates continue to fall. All this is thanks to NHS staff who continue to work tirelessly, day in, day out to make it the world-class service it truly is.

But alongside advances in medicine, demographic pressures pose a potentially existential threat to the NHS as we know it. With the number of over-75s expected to increase by 1.5 million in the next 10 years, these pressures, far from reducing, will intensify. So in March the Prime Minister made the bold decision to commit to a 10-year plan for the NHS backed up by a multi-year funding settlement. Since then I have been working closely with the Prime Minister and the Chancellor, and I can today announce that the NHS will receive an increase of £20.5 billion a year in real terms by 2023-24—an average of 3.4% per year growth over the next five years. The funding will be front-loaded with increases of 3.6% in the first two years, which means £4 billion extra next year in real terms, with an additional £1.25 billion cash to cope with specific pension pressures. Others talk about their commitment to the NHS, but this settlement makes it clear that it is this Government that delivers, and the details will shortly be placed in the Library of the House.

This intervention is only possible due to difficult decisions taken by the Government—opposed by many—to get our nation's finances back in order and our national debt falling. Some of the new investment in the NHS will be paid for by our no longer having to send annual membership subscriptions to the EU after we have left, but the commitment that the Government are making goes further, and we will all need to make a greater contribution through the tax system in a way that is fair and balanced. My right hon. Friend the Prime Minister said that we will listen to views about how we do that and, my right hon. Friend the Chancellor will set out the detail in due course. I want to pay particular tribute

to the Chancellor, whose careful stewardship of the economy—alongside that of George Osborne before him—is what makes today's announcement possible.

The British public also, rightly, want to know that every pound in the NHS budget is spent wisely. It is therefore critical to the success of the plan that the whole NHS improves productivity and efficiency, eliminates provider deficits, reduces unwarranted variation in the system so that people get the consistently high standards of care wherever they live, gets better at managing demand effectively, and makes more effective use of capital investment. We have set the NHS five key financial tests to show how it will play its part in putting the service onto a more sustainable footing, and I will expect the NHS to give this work the utmost priority. The tests will be a key part of the long-term plan.

However, this is more than just a plan to get finances back on track. In its 70th year, we also want our NHS to make strides towards being the safest, highest-quality healthcare system in the world. That means making a number of improvements to the treatment and care currently offered, including getting back on track to delivering agreed performance standards, locking in and further building on the recent progress made in the safety and quality of care, and transforming the care offered to our most frail and vulnerable patients, so that we prioritise prevention as much as cure. It also means transforming our cancer care, where we still lag behind France and Germany despite record survival rates. There is no family in this country that has not been touched by cancer, so the whole House will want to know how the NHS intends to make our cancer treatment and care among the best in Europe.

Many of our constituents worry about the mental health of their loved ones, families and friends. Again, I am proud of this Government's record here: investing more in mental health than ever before and legislating for true parity as part of one of the biggest expansions in mental health provision in Europe. A critical part of the plan will be to decide what next steps will enable us to claim not just that we aspire to parity of provision with mental health, but that we are actually delivering it.

For our most vulnerable citizens with both health and care needs, we also recognise that NHS and social care provision are two sides of the same coin. It is not possible to have a plan for one sector without having a plan for the other. Indeed, we have been clear with the NHS that a key plank of its plan must be the full integration of the two services. As part of the NHS plan, we will review the current functioning and structure of the Better Care Fund to make sure that it supports that. While the long-term funding profile of the social care system will not be settled until the spending review, we will publish the social care Green Paper ahead of that. However, because we want to integrate plans for social care with the new NHS plan, it does not make sense to publish it before the NHS plan has even been drafted, so we now intend to publish the social care Green Paper in the autumn around the same time as the NHS plan.

Finally, there are two further elements crucial to putting the NHS on a sustainable footing. Alongside the 10-year plan, we will also publish a long-term workforce plan recognising that there can be no transformation without the right number of staff, in the right settings and with the right skills. This applies to

both new and existing staff. As part of this, we will consider a multi-year funding plan for clinical training to support this aim. Similarly, we know that capital funding is critical for building the NHS services of the future and, again, we will consider proposals from the NHS for a multi-year capital plan to support the transformation plans outlined in the long-term plan.

Given the national economic situation, yesterday's announcement is bold and ambitious. For the first time, national leaders of the NHS will develop a plan for the next decade that is clinically led, that listens to the views of patients and the public and that is backed by five years of core funding. We want to give the NHS the space, the certainty and the funds to deliver a comprehensive long-term plan to transform health and care and to ensure that our children and grandchildren benefit from the same groundbreaking health service in the next 70 years as we all have done in the first 70.

That is the Government's commitment to our NHS, and I commend this statement to the House.

5.6 pm

Jonathan Ashworth (Leicester South) (Lab/Co-op): I thank the Secretary of State for an advance copy of his statement.

Today's announcement is the clearest admission that eight years of cuts, of the tightest financial squeeze in its history and of privatisation have pushed the NHS to the brink. Is not the announcement of new potential legislation the clearest admission that the Health and Social Care Act 2012 has been a wasteful mess and should never have been introduced in the first place?

With waiting lists at 4 million, with winters in our NHS so severe that they were branded a "humanitarian crisis" and with 26,000 cancer patients waiting more than 60 days for treatment, Tory MPs should not be boasting today but should be apologising for what they have done to the NHS.

We have long called for a sustainable funding plan for the NHS, and I note that the Secretary of State did not use the words "Brexit dividend." Is that because he knows—I say this for the benefit of his own Back Benchers—there is no such thing as a Brexit dividend? That is why the Institute for Fiscal Studies said with respect to the Brexit dividend that

"over the period, there is literally zero available".

If the Secretary of State disagrees with the IFS, will he confirm the Government's own Office for Budget Responsibility forecasts that there is no Brexit dividend initially for the public finances? Is it not the truth that this package will be paid for by extra borrowing and higher taxation? The Prime Minister should level with the British public and not take them for fools.

The Secretary of State is graceful enough to concede that higher taxation is on the way, but do the British public not deserve to know how much extra tax they will be paying? Will VAT go up under the Tories? Will the basic rate of income tax go up under the Tories? It is not good enough for him to say that these are matters for the Chancellor, because they are matters for the Cabinet of which he is a member.

Given that the Secretary of State is putting up tax and borrowing, and of course every £1 should be spent wisely, can he guarantee that not a further penny piece will be siphoned off into poor-quality, poor-value

privatisation? Three years ago, he told us that the NHS would find £22 billion-worth of efficiency savings. How much of those efficiency savings came to fruition?

How much will the NHS be spending on agency workers and locums in the coming years? The NHS already spends £3 billion a year. Staffing gaps have led to clinical negligence claims of £1.7 billion a year, twice the rate of 2010. How much of this new money will go to further claims? The NHS spends £389 million a year on consultancy costs. Will consultancy costs increase, or will the Secretary of State cap them? With hospital trusts in deficit by £1 billion, can he guarantee that trusts will break even next year?

Is it not the truth, as expert after expert has said, that this settlement is not good enough to deliver the needed improvements in care? Indeed that is why the Prime Minister could not even confirm, when asked a basic question today, whether this funding will deliver the NHS's constitutional standards on treatment waits, A&E waits and cancer waits.

Can the Secretary of State tell us whether, this time next year, the waiting list for NHS treatment will be higher or lower than the 4 million it is today? This time next year, will there be more or fewer patients waiting more than 60 days for cancer treatment? This time next year, will there be more than 2.5 million people waiting beyond four hours in accident and emergency or fewer? If he cannot give us basic answers to these fundamental performance target questions, that exposes the inadequacy of this settlement.

Why does the Secretary of State not tell us what was left out of this settlement? We have a childhood obesity crisis; we have seen cuts to sexual health services and to addiction services; and health visitor numbers are falling. Yet there is no new money for public health in this announcement—instead we are told to wait until next year. We have a £5 billion repair bill facing the NHS and outdated equipment, yet there is no new money for capital in this settlement—instead we are told to wait until next year.

On social care, we have had £7 billion in cuts and we have had 400,000 people losing care support. The social care Green Paper is delayed again. Is it not a total abdication of responsibility to have left social care out of this settlement? This is not a credible long-term funding plan for our NHS; it is a standstill settlement for the NHS. The reality is that under this plan the NHS will remain understaffed, under-equipped and underfunded—it needs to be under new management.

Mr Hunt: It was a valiant effort, but the hon. Gentleman could not get away from the truth in British politics: when it comes to the NHS, Labour writes the speeches, Conservatives write the cheques. He gamely managed to avoid smiling when he said that this settlement was not enough. He said the same thing on "Sunday Politics" yesterday. Let me remind him that at the last election his party was promising not the 3.4% annual increases that we are offering today, but 2.2%. What today he says was not enough he said in the election was enough to "restore the NHS to be the envy of the world".

His leader said that it would

"give our NHS the resources it needs".

What we are offering today is not 10% or 20% more than that, but 50% more. In five years' time this Conservative Government will be giving the NHS £7 billion more

[Mr Hunt]

every year than Labour was prepared to give. [Interruption.] It is funny, isn't it, that Labour Members talk about funding the NHS but when we talk about it they try to talk it down? They do not want to hear the fact that under a Conservative Government there will be £7 billion more funding every year—that is 225,000 more nurses' salaries under a Conservative Government. [Interruption.]

Mr Speaker: Order. There is far too much noise in this Chamber. As is my usual practice, I was addressing Education Centre students via Skype this morning. They were from a primary school from Wythenshawe and Sale East. One of the youngsters said to me, "Is it not the case, Mr Speaker, that often Members speak very rudely to and at each other?" I could not dissent from that proposition. I think it would be helpful if Members calmed themselves. The Secretary of State is accustomed to delivering statements and responding to urgent questions in this place, and he knows, and will expect, that there will be plenty of opportunity for people to question him. As he gives his answers, it is only right that he be heard, as I want then to hear every Member.

Mr Hunt: Thank you, Mr Speaker. The hon. Gentleman said just now that there is "no such thing as a Brexit dividend".

I have heard lots of other people say that from a sedentary position. But what did their leader say on 26 February? These were his exact words:

"and we will use the funds returned from Brussels after Brexit to invest in our public services and the jobs of the future".

So who is right: is it the hon. Gentleman or his leader?

After paying the Brexit divorce bill this Conservative Government will use the contributions that would have gone to Brussels to fund our NHS—that is what the British people voted for. But the main reason we are able to announce today's rise, one of the biggest ever single rises in the history of the NHS, is not the Brexit dividend but the deficit reduction dividend, the jobs dividend, the "putting the economy back on its feet" dividend, after the wreck left behind by the Labour party. Every measure we have taken to put the economy back on its feet has been opposed by the Labour party, but without those measures there would be no NHS dividend today; with the Conservatives you don't just get a strong NHS, you get the strong economy to pay for it.

In the next few weeks, as Labour scrabbles around to raise its offer on the NHS, we will no doubt hear that it is offering more for the NHS, but when the Labour party comes forward with that offer, the British people will know that the only reason it has done so is that a Conservative Government shamed it into doing so with an offer far more generous than anything Labour was prepared to contemplate.

Another thing I have heard said about NHS funding is, "Whatever the Conservatives offer, we'll match and do more," but the trouble is that the opposite is true, because under this Government NHS spending in England is up 20% in the past five-year period, but in Wales it is up just 14%. That is to say that for every extra pound per head invested in England, in Wales it is just 84p, which is why people are 70% more likely to wait too

long in A&Es in Wales. The right response to this statement would be for Labour to say that every additional penny though the Barnett formula will go into the NHS in Wales, but we did not hear that pledge.

The hon. Gentleman also talked about social care, and this matters. I fully agree with him that we need to have a strong plan for social care and that it needs to go side by side with the NHS plan, and we have made some important commitments to the social care sector today. But if he is going to criticise social care cuts, he might at least ask why austerity happened. It was not, as he continually suggests, because of an ideological mission to shrink the state, but to save our economy and create jobs so that we could reinvest in public services. The evidence for that is shown today, with the first ever five-year NHS funding plan, to go alongside a 10-year plan. This is a Conservative Government putting the NHS first and shooting to pieces his phoney arguments about Conservative values.

Dr Sarah Wollaston (Totnes) (Con): I recognise and thank the Secretary of State for his tireless efforts in making the case for this funding uplift and for a long-term plan. Will he now go further and set out whether, as a result of the extra funding, we will see an end to capital-to-revenue transfers? Will he also set out the role of transformation funding, because we all know that that is essential to get the best from the resources that we are going to add?

Mr Hunt: My hon. Friend asks two important questions. As she knows, we have committed to phase out capital-to-revenue funding, because if we are to make the NHS sustainable in the long run, we urgently need to make capital investment in estates, technology and a whole range of new machinery, including cancer-diagnostic machinery and so on, and we will not be able to do that if we continually have to raid capital funds for day-to-day running costs. That was one of the main reasons why we decided that we had to put revenue funding on a more sustainable footing. My hon. Friend is absolutely right about that.

Transformation funding is also important, because when the five year forward view was published, pressures in secondary care and the acute sector meant that a lot of transformation funding was sucked into the hospital sector and we were not able to focus on the really important prevention work that can transform services in the long run. I am very sympathetic to the idea that we need, if not a formal ring fence, a pretty strong ring fence for transformation funding, so that the really exciting progress that we see in some parts of the country can start to spread everywhere.

Dr Philippa Whitford (Central Ayrshire) (SNP): I echo the comments made about the approach of the NHS's 70-year anniversary across the four countries of the UK, having myself spent a fair chunk of those 70 years—perhaps slightly longer than I care to admit—working in the NHS.

Like most people present, I imagine, I absolutely welcome the additional funding, which has been described as bringing the UK to the same level of spending as France by 2023. In that description is, though, the admission that we do not spend the equivalent of what France spends right now. Indeed, we saw a deficit of almost £1 billion in 2017-18, despite transformation funding being sucked in to try to clear that deficit.

I echo what the hon. Member for Totnes (Dr Wollaston) said: is transformation funding on top of this funding? If it is just revenue funding, will there be a separate announcement about transformation funding? The Secretary of State also mentioned the need for prevention, yet we do not see any mention of money for public health. That is where we need to be doing prevention.

It is said that we need a 3.9% increase in social care spending, but that is not identified in the statement. If the Green Paper is to come only in the autumn, social care may not get real funding until next year. With the demographic challenge that the Secretary of State mentioned, that is just too far away. The NHS has faced, on average, an uplift of 1.2% over the past eight years, according to the King's Fund. Taking it up to 3.4% brings it more in line with the traditional uplifts that we have seen, and yet, in actual fact, with an ageing population, the pressure is even higher. Hopefully, this will stop the slide of the NHS, but the NHS Confederation says that it is not possible to transform on this kind of money. It is, therefore, important that these other projects are looked at separately and are funded separately.

As for where that money is to come from, I do not know how the Prime Minister kept a straight face when she talked about the Brexit dividend. The Institute for Fiscal Studies says that there will not be a dividend. The Office for Budget Responsibility talks about a £15 billion drop in public service and finances. I want to know how the rise will be funded. Will it all be just borrowing and tax rises? The Government should be honest about how they will fund this rise.

Mr Hunt: First, may I thank the hon. Lady for doing something that the shadow Health Secretary did not do, which is to welcome this £20 billion annual rise in the NHS budget? I completely agree with her about the importance of prevention, the importance of social care and the importance of making sure that we sustainably invest in transformation funding. The think tanks do disagree on what level of rise is necessary. Lord Darzi and the Institute for Public Policy Research said 3.5%; we are on 3.4%, which is not far off that. The IPPR went a little higher, but, like the hon. Lady, Paul Johnson said that this will stop the NHS going backwards.

With respect to overall funding levels for the NHS, the United Kingdom currently funds the NHS at the western European average as a percentage of GDP. That is not as high as France or Germany and it is true that, by the end of this five-year period, our funding will end up at broadly similar levels to those of France today, although of course it may change them over the five-year period.

I gently say to the hon. Lady that if that is a worry for her, she needs to explain to NHS users in Scotland why, when NHS spending has increased by 20% in England over the past five years, it has increased by only 14% in Scotland because of choices made by the Scottish National party. For every additional pound per head invested in the NHS in England only 85p has been invested in the NHS in Scotland. I hope that she makes a pledge, as I hope Labour does with its responsibility for Wales, that every extra penny that she gets through the Barnett formula will go to the NHS, because that is what the voters in Scotland want.

John Redwood (Wokingham) (Con): As soon as we are fully out of the EU, there will indeed be a very big Brexit dividend, which a lot of us want to get on and

enjoy here at home. Will the Secretary of State confirm that some of that money will be spent on training and educating and recruiting people already settled here into full-time NHS jobs to cut down on very expensive agency staff and to stop denuding the health services often of poorer countries around the world?

Mr Hunt: My right hon. Friend is absolutely right. One thing that we have historically got wrong in the NHS is not having a long-term workforce plan. Whatever Members' views on the Brexit debate, it was always a false economy to say that we could get away with not training enough people because we could import them from other EU countries. The truth is that we are not the only country with an ageing population: France, Spain and Portugal need their doctors and nurses as well, as indeed, as he rightly says, do poorer countries.

Mr Dennis Skinner (Bolsover) (Lab): For the sake of the record, is the Minister aware that, when John Major's Government fell and Labour came into office, £33 billion was being spent on the national health service? By the time the Labour Government left office, they had trebled the amount of money in real terms to an average of 5.9%. People like me are proud of that achievement. The reason why the people will not listen to him and his 10-year plan is that he is the same man who, only two years ago, was calling on the junior hospital doctors to work seven days a week. He caused chaos in the national health service and he is not fit to run it.

Mr Hunt: May I gently say to the hon. Gentleman—

Mr Skinner: There's no need to be gentle with me.

Mr Hunt: Okay, may I decisively say to the hon. Gentleman, if he was so proud of what the last Labour Government did, why did he say nothing when, at the last election, his party was only offering a 2.2% increase? If he thinks it is important to be generous, he should be welcoming what we are saying today.

Theresa Villiers (Chipping Barnet) (Con): I warmly welcome this new money for the NHS in its 70th anniversary year. Does the Secretary of State agree that it should devote some of these new resources to more staff dealing with early diagnosis of cancer, to help more people beat this condition in accordance with the "Shoulder to Shoulder" campaign being run by Cancer Research UK?

Mr Hunt: I absolutely agree. In fact, the critical thing that we need to improve in our cancer care is diagnosing more people at stages 1 and 2, rather than at stages 3 and 4. That means more staff and more diagnostic machinery. One of the most encouraging points about Simon Stevens's response to the new settlement was that he said that it will allow us to accelerate the improvements that we are making in cancer care.

Norman Lamb (North Norfolk) (LD): I welcome this as a step in the right direction, but there is a complete absence of any clarity about how this will be funded. Given that, given—as he knows—the lack of any Brexit dividend and given that there has been nothing of detail at all on social care despite the Secretary of State recognising the need to bring health and social care together, can I tempt him again to engage in genuine cross-party discussions to reach a proper, long-term settlement, including consideration of a dedicated NHS and care tax?

Mr Hunt: With respect, this is a huge increase in NHS funding, the like of which I am not aware that the Liberal Democrats were proposing at the last election. Although I am grateful to the right hon. Gentleman for welcoming the settlement, for him to stand up and say that it is not enough is not a satisfactory response. As he knows, we have actually put our money where our mouth is and demonstrated that we are committed to the NHS, with one of the biggest single injections of cash in the history of the NHS.

Sir Peter Bottomley (Worthing West) (Con): I am glad that both my right hon. Friend and the Prime Minister have welcomed the fact that all parties have supported the health service: the Liberals first with Christopher Addison, for whom my father once worked, in 1919; Henry Willink, a Conservative member of the coalition Government, in 1944; and Aneurin Bevan, who made some changes and nationalised the hospitals, rather than the family doctors. Both the resources and the reform are needed, and future generations will be grateful to this Government—hopefully with the support of other parties—for taking this forward.

Mr Hunt: I thank my hon. Friend for that comment. If there is ever a memorial built to Sir Henry Willink for his role in the White Paper that critically announced to this House that we were going to have a national health service, my hon. Friend should certainly be the person to unveil it because he has done a huge amount to make the point that, although Nye Bevan's role was absolutely critical, other people in other parties also played a vital role.

Frank Field (Birkenhead) (Lab): Well done. But is it well done enough? For 20 years some of us have been calling for a reform of NHS and social care financing by showing that the public's wish is for a reform of the national insurance base. When is the Secretary of State going to win that battle for us, please?

Mr Hunt: Given that I thought the response from the right hon. Gentleman's Front Bench was a bit churlish, I am going to be very grateful for the fact that he said well done. I think that "well done enough" is what we say when we deliver the plan that is now being developed because, as he knows incredibly well, having a plan is not the same as delivering it. With respect to imaginative proposals as to how we fund the NHS, the right hon. Gentleman always speaks incredibly interestingly and powerfully on the subject. The Prime Minister has said that she will listen to all views on that ahead of the Budget.

Sir Oliver Heald (North East Hertfordshire) (Con): I congratulate my right hon. Friend not only on being the longest-serving Health Secretary, but on the tenacious way in which he has campaigned for the money that we are hearing about today. In talking about improving cancer outcomes, does he agree that the patient experience is very important, and that the campaign of Hertfordshire MPs for a radiotherapy centre in our county is something that may possibly benefit from this new largesse?

Mr Hunt: I have listened carefully to what my right hon. and learned Friend says. With regard to cancer care for people who have had a cancer diagnosis, I commend the work of Dimpleby Cancer Care—a really

fantastic charity. The shadow Health Secretary, the Lib Dem health spokesman—the right hon. Member for North Norfolk (Norman Lamb)—and I attended the start of its annual 50 km walk on Friday night.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): The Secretary of State closed by saying that he wants to transform health and social care, but every economic expert, from the Institute for Fiscal Studies to the Health Foundation, tells us that with a growing ageing population increasingly living with long-term conditions, this announcement will do nothing more than see the NHS stand still. Will he now admit that it is not enough to repair the damage of the past eight years of cuts to public health, GPs, and social care? How will he ensure that we have a service with new models of care fit for the 21st century?

Mr Hunt: It is funny, isn't it: the hon. Lady says that this is not enough, but she did not say that when her own party was offering almost half the amount at the last election. She also says that every economic expert says that it is not enough. Let me tell her about one economic expert that does not say that—the Institute for Public Policy Research, left-leaning, in a piece of work done by Lord Ara Darzi, a former Labour Health Minister, who says that 3.5% is enough.

Mr Philip Dunne (Ludlow) (Con): May I wholeheartedly congratulate my right hon. Friend on this historic achievement in securing a long-term funding increase for the NHS? I suspect that it is because he is now the longest-serving Health Secretary that he has the credibility within Cabinet to secure this achievement. I also congratulate him on proposing to get the NHS to develop a 10-year plan alongside a long-term workforce plan—which is such a critical element of this—and a long-term capital funding plan, because this needs to be seen coherently alongside the social care Green Paper. Bringing them all together at the right time must be the right thing to do. Will he, as part of the deployment of this new-found funding, look to use the data revolution to innovate to ensure that we have world-class data driving better patient outcomes?

Mr Hunt: As usual, my hon. Friend speaks very perceptively. When he was a Minister in my Department, he did a fantastic job in getting our capital funding and our workforce planning into a much, much better place. He is right. Although this is a big opportunity for the NHS, we must not make the mistake of solving yesterday's problems tomorrow. A huge data and tech revolution is about to happen in healthcare all over the world, and we must make sure that we are at the forefront of it.

Dr Paul Williams (Stockton South) (Lab): How does the Secretary of State plan to lead the transformation from reactive hospital care to preventive community care? He has presided over a fall in community nurses, a fall in GP numbers, cuts to public health and social care, and widening health inequalities. How are the next five years going to be any different from the past five years?

Mr Hunt: Let me tell the hon. Gentleman what I presided over: 10,100 more doctors; 14,300 more nurses; the Commonwealth Fund saying that our healthcare system is the best in the world; the biggest expansion in

mental health provision; and improved outcomes for cancer, heart attacks, strokes and nearly every other disease category. I can do that because this Conservative Government have put the economy back on its feet. Everyone in the NHS knows that, in the end, that is how we get more resources into it.

Sir Desmond Swayne (New Forest West) (Con): Clinicians tell me that half of interventions have no value to the patient whatsoever, and yet the Medicines and Healthcare Products Regulatory Agency wages war on new entrants with inexpensive and effective remedies. There is plenty of scope for reform, isn't there?

Mr Hunt: There certainly is. The pattern to date had been very different in tone between the two sides. My right hon. Friend is right to challenge the NHS on this, because the truth is that we do not adopt new treatments and new medicines nearly quickly enough. I hope that this new settlement will mean that we can change that.

Preet Kaur Gill (Birmingham, Edgbaston) (Lab/Co-op): The Government have promised parity of esteem for mental health. Can the Secretary of State clarify whether there is a ring-fenced element of this funding for mental health?

Mr Hunt: I can clarify that NHS England has a mandatory—*[Interruption.]* I can confirm, if the Opposition would be kind enough to listen to what I am about to say, that NHS England has a mandatory mental health standard, which means that every CCG is required to increase its mental health funding by more than its total funding. That is an effective ring fence.

David Tredinnick (Bosworth) (Con): To follow on from the question asked by my right hon. Friend the Member for New Forest West (Sir Desmond Swayne), will the Secretary of State look at making greater use of the Professional Standards Authority's accredited register of 85,000 practitioners? If he made it possible for them to refer to doctors, he would reduce the burden on doctors. That is a recommendation of that statutory body.

Mr Hunt: I am happy to look again at that issue, which I have looked at in the past for my hon. Friend.

Mr Kevan Jones (North Durham) (Lab): I welcome any new money for the NHS, but does the Secretary of State agree that prevention is better than cure? Durham County Council has had its public health budget cut every single year for the last eight years. Can he tell me how much of this new money will be going to public health, or is he now going to have another fight with the Treasury to get it to release more money for public health?

Mr Hunt: Today's announcement is for NHS England's core frontline services, but the right hon. Gentleman is right about the critical role of public health. Many of those services are delivered by the NHS, and we are very clear in what we are saying today and in a further announcement we will make in due course that there cannot be a transformation of the NHS without a proper emphasis on public health.

Neil O'Brien (Harborough) (Con): The Secretary of State recently visited my constituency, so he will be aware of the important capital investments in my area,

such as the new St Luke's Hospital in Market Harborough, the decision to keep Glenfield Hospital's children's heart unit and the brand new state-of-the-art A&E at Leicester Royal Infirmary. Does the Minister agree that capital investments that improve productivity have an important part to play in the long-term plan for the NHS? Does he also agree that Leicestershire would be a very good place to make those investments?

Mr Hunt: Leicestershire would, I am sure, be a very good place to make them. Indeed, my hon. Friend will know that there has been considerable capital investment in Leicestershire. He makes an important point: one of the real benefits of a long-term plan is that we can create a stable environment for capital investment. One of the problems we have had is that when the budget is set hand to mouth, year in, year out, people do not make long-term investments in things such as IT systems. We have to put that right.

Mr Pat McFadden (Wolverhampton South East) (Lab): It is important to be honest about where public spending is coming from. Can the Secretary of State confirm that the Government's own estimates, released in part by the Brexit Select Committee, show that far from there being a Brexit dividend, the plan that they are set to follow is scheduled to increase public borrowing by £55 billion a year by the end of the forecast period, meaning that this spending will have to be funded in spite of Brexit, not because of it?

Mr Hunt: It is a matter of fact that when we leave the EU we will not have to pay membership subscriptions. There will be a divorce bill, and when that is settled, those subscriptions will be available for the NHS, which was exactly what the British people voted for. The right hon. Gentleman is talking about the projections for the economy in the meantime. All I will say is that there is a lot of debate about those projections. They have not always been right in the past, and the British economy has been much more resilient than many people predicted.

Richard Graham (Gloucester) (Con): An announcement of the largest ever new injection of funds into the NHS is a triumph for our longest ever serving Health Secretary and the Prime Minister, because it shows the outstanding priority of this Government. Every Member of the House should welcome that. When my right hon. Friend looks at productivity gains in the NHS, will he focus on the implementation of IT projects? Although Gloucestershire Hospitals NHS Foundation Trust does a remarkable job in many ways and its staff work unbelievably hard, the expensive and underperforming Smartcare project could have been better done.

Mr Hunt: I thank my hon. Friend for hosting me at his local hospital, which was very informative. He is absolutely right: it is an enormous cause of frustration to staff throughout the NHS that so many of our hospital systems are, frankly, antediluvian. We must put that right, because so many nurses could spend so much more time with patients if they were not having to fill out forms, and the same is true for doctors.

Liz Kendall (Leicester West) (Lab): We cannot put the NHS on a steady financial footing without a proper funding settlement for social care, yet the Secretary of

[Liz Kendall]

State now says that that will not happen until the spending review, which in reality means no substantial extra money for social care until 2020 at the earliest. We cannot transform care for older people or reduce pressure on the NHS until we look at the two together. Why are the Government still ducking this vital issue?

Mr Hunt: I always listen to the hon. Lady very carefully when she talks about the social care sector. I would say to her that while we are not announcing a new long-term plan for social care today, we are making some very important commitments to the NHS and the social care system, including the commitment that we will not allow the pressure from the social care system on the NHS to increase further. That means that, even before the date she mentioned, we are going to have to look very carefully at the settlement for social care.

Dr Andrew Murrison (South West Wiltshire) (Con): I congratulate my right hon. Friend, whose commitment to our NHS is very clear. Does he agree with me, however, that the Commonwealth Fund indicator that really matters concerns clinical outcomes, some of which he referred to in his statement, and on that the news is not good? Will he do everything he can to make sure that the increased funding he has announced today is absolutely dedicated to improving outcomes for stroke, cancer and heart attack, on all of which we still lag well behind countries with which we can reasonably be compared?

Mr Hunt: I absolutely agree 100% with my hon. Friend, and we really must look at outcomes. The Commonwealth Fund was kind enough to say that that was actually one of the areas in which we are one of the fastest improving Commonwealth Fund countries. However, it has to be said that that was from a very low base, and we need to sort that out.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): Can we get the facts straight? The Welsh NHS is spending 8% more per head on NHS and social care combined than in England—per head—so let us not have any more stories about the Welsh NHS.

It is absolutely clear that there is no Brexit dividend. The Institute for Fiscal Studies says it, the *Financial Times* says it and the Government's own analysis from the Treasury shows it. What is more, Brexit is already having a cost. The Home Office has had to have an extra almost £500 million in the past two years to pay for Brexit preparations, such as registering EU nationals, which would pay the salaries of 20,000 nurses. Will the Secretary of State admit that that is what is really going on—a Brexit deficit, not a dividend?

Mr Hunt: We do need to get the facts straight about what is happening in Wales. A&E performance is over 8% lower in Wales, according to the latest figures, which means that Welsh NHS patients are 70% more likely to wait too long in their A&Es than patients in England. The Welsh Government have taken a series of decisions not to invest every penny available in the Welsh NHS, which is why spending has risen at a slower rate. Had they not done so, hundreds of millions more could have gone into the Welsh NHS.

Victoria Prentis (Banbury) (Con): On Friday, I was lucky enough to visit the award-winning neck of femur service at the great Horton General Hospital. The length of time that patients stay is very dependent on great links between the hospital and social care. Does my right hon. Friend agree that spending to save is possible, so that even more of this great funding can be spent on patient returns?

Mr Hunt: Absolutely. The most important way of spending to save is to invest in prevention, and a lot of that work comes from strong local hospitals. Before my hon. Friend finally leaves this place, I have no doubt at all that her local hospital will be called not the Horton General Hospital, but the Great Horton General Hospital.

Karen Lee (Lincoln) (Lab): Does the Secretary of State agree with me that without the reinstatement of the nursing bursary, we cannot even hope to train enough nurses. The figures show that the numbers training have fallen—this is a serious inquiry—and until we can train enough nurses, we can talk about extra nurses, but we will always need agency nurses. Does he agree that we need to reinstate the nursing bursary so that people can afford to train?

Mr Hunt: The reason why we took what I fully accept was a very difficult decision was that we wanted to fund the training of an additional 5,000 nurses every year. When there is a reform of higher education funding, there is always an initial dip in applications. In this case, record numbers of 18 to 19-year-olds applied, but there was a dip among mature students. That is why we have introduced the apprenticeship route. We need to make sure that that works if that dip is to be reversed.

Richard Drax (South Dorset) (Con): I welcome my right hon. Friend's statement. Like all colleagues in the House, I am a great supporter of community hospitals. Under the latest Dorset clinical commissioning group review, Portland Community Hospital is to be replaced with a medical hub on the island. Will the extra money allow the CCG to review the review, and perhaps save hospitals such as Portland Community Hospital?

Mr Hunt: Obviously, that would be for the CCG to look at; it will focus on anything that allows it to focus on prevention and not cure. I do not know the specifics of that case, but in general there is a strong and important role for community hospitals, although not always doing exactly the same things they have done in the past. Often, they can become local NHS hubs, offering a wide range of services. That tends to be the best way to preserve their future.

Wes Streeting (Ilford North) (Lab): Standing at that Dispatch Box, the Secretary of State made the astonishing claim that when it comes to NHS funding, the Conservatives write the cheques and Labour writes the speeches. Let me tell him about increases in health spending under every Government in my lifetime: a measly 1.4% increase under David Cameron; 2.7% under Mrs Thatcher; even John Major managed a better 4.7%. It was only under the Labour Governments of Gordon Brown and Tony Blair that we saw increases in NHS spending of 5.4%, under Gordon Brown, and 6.1%, under Tony Blair. Does that not demonstrate that we cannot trust the Conservatives

on the Brexit dividend and we cannot trust their claims on NHS spending? Until the Conservatives sort out social care and public health spending, the Labour Governments will have a record that this Government cannot even begin to touch.

Mr Hunt: The hon. Gentleman has just proved my point about Labour making speeches about the NHS. He talked about a “measly” increase under David Cameron; what he forgot to tell the House was that his own party’s plans that year were to cut the NHS budget because of the train crash of an economy that they left the country with.

Mr Marcus Jones (Nuneaton) (Con): This is a massive and welcome boost for our NHS, and I very much welcome it. Will my right hon. Friend say more about the importance of public health and social care in the context of his announcement today and what his plans are? The issue is not just about getting people to live longer, but getting them to live well for longer.

Mr Hunt: My hon. Friend asks a very smart question. The truth is that no healthcare system anywhere in the world, faced with our demographic challenge, would ever feel it had enough money unless it transformed its model of care to one based on prevention rather than cure. That is why public health and the social care system are absolutely critical. One of the big lessons that we need to learn with this new funding is to spend it in a way that brings down the long-term rate of growth in demand for hospital services. That is the only way in which we can make it work.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): World-leading childhood cancer research and treatment take place in Newcastle, but those leading that research are clear that there is no sight of a Brexit dividend, given the loss of EU staff and the uncertainty hanging over intra-EU collaboration and EU funding. Rather than peddling Brexit mythology, will the Secretary of State take on board those very genuine and very serious concerns?

Mr Hunt: We have taken on the concerns of everyone in the NHS. Whether someone agrees with Brexit or the Brexit dividend, the Government are making a commitment for a £20 billion annual increase in the NHS budget in five years’ time. I hope that will help people in Newcastle and everywhere else in the country.

Chris Davies (Brecon and Radnorshire) (Con): As the Labour Welsh Government are the only Government in recent times to reduce funding for the NHS, will my right hon. Friend do all he can to ensure that the very welcome £1.2 billion that will come to Wales under the Barnett formula will not be spent on another Welsh Labour Government pet project, but will be spent on the health of the people of Wales?

Mr Hunt: My hon. Friend speaks on behalf of not just his constituents but all NHS users in the whole of Wales who are asking themselves why it is that their Government have chosen not to invest in the NHS in the way that has happened in England, as a result of which they have much longer waits in their A&Es.

Jim Shannon (Strangford) (DUP): I very much welcome the Secretary of State’s statement. I congratulate him on staying the course, and on his perseverance and dedication. I say very well done. It has been indicated that the Northern Ireland Department of Health will also benefit over the next few years. What discussions have taken place with the Northern Ireland Department of Health to ascertain the monies to be allocated, and the focus and priorities?

Mr Hunt: This is, as the hon. Gentleman knows, a devolved matter, but I would say that England, Scotland, Wales and Northern Ireland are all on the same journey when it comes to the NHS. We are all moving to integrated out-of-hospital care built around the person and focused on prevention. In one respect, Northern Ireland has gone further faster than anywhere in the UK: I refer to the integration of the health and social care systems. There is plenty we can learn from them and they from us.

Jeremy Lefroy (Stafford) (Con): I congratulate the Secretary of State on this very welcome announcement and reiterate what others have said about the importance of prevention and public health. Since this is a long-term settlement, may I ask him to ensure that the disparities between various parts of England are narrowed over the coming years? They are too great, with some getting £300 or £400 a year per person less than other areas. That is just too much of a difference.

Mr Hunt: I totally take on board what my hon. Friend says. I am happy to engage with him and with NHS England. As he knows, we have taken the politics out of that particular process by giving it to NHS England, which I think is the right thing to do. I know NHS England would be happy to engage with him on that.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): I welcome long-term planning in funding for the NHS, which is needed. However, as chair of the all-party group for disability, I know there are concerns that the learning disability workforce has fallen by a third, learning disability training is not yet compulsory and there are 1,200 avoidable deaths in the learning disability population annually. In Learning Disability Week, people are asking to be treated well. Will the Secretary of State prioritise this area and make sure our most vulnerable people with learning disabilities are no longer left behind?

Mr Hunt: I thank the hon. Lady for asking that important question. We have introduced a £10,000 golden hello for postgraduates who go into the learning disability field. She is right that we have had particular pressure on the learning disability workforce. In the aftermath of Mid Staffs, there has been a whole range of measures to improve hospital ward staffing ratios for nurses and that has had an impact on learning disability nurses. That is absolutely something we hope to address with this new funding.

Simon Hoare (North Dorset) (Con): I echo the thoughts of my hon. Friend the Member for South Dorset (Richard Drax) on the role of community hospitals as the segue between the acute sector and patients going home. Will my right hon. Friend confirm that, with this very welcome

[Simon Hoare]

new money coming into the health service, the drive for efficiencies and increases in productivity will continue and indeed be increased to ensure that the biggest bung—the biggest bang is felt for those bucks?

Mr Hunt: My hon. Friend is absolutely right not to use the word “bung” in his question and to correct that very quickly indeed. He is also right to talk about productivity. The last Labour Government made important progress in bringing down waiting times. That required significant extra resources. When Alan Milburn had a 10-year plan, there was not a big productivity element to it. This time, when resources are much tighter, we have to make sure that productivity and efficiency gains are at the heart of the progress we make.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): The Secretary of State is right that more funding is urgently needed, because he knows better than anyone that the percentage of NHS trusts in deficit rose from 5% in 2010 to 44% last year. Today, he has talked repeatedly about prevention, but he has failed to say directly what will happen to public health. Will he therefore clarify whether any of the settlement he has announced today will go towards public health services, vital for prevention and tackling health inequalities, which are being cut by £800 million over five years?

Mr Hunt: Today’s settlement covers NHS frontline services. As I explained in the statement, it does not cover public health, but we fully recognise its importance. The hon. Lady talks about the increase in trust deficits. It is true that the number of hospitals in deficit has gone up, but that is because we deliberately decided to be very careful in the way that we performance-managed trusts with deficits. In Mid Staffs, getting rid of the deficit was one of the reasons why the number of nurses in wards was stripped down to totally inappropriate levels. We have to make sure that we handle this in an appropriate way.

Rebecca Pow (Taunton Deane) (Con): This announcement is really welcome and the Secretary of State’s commitment shines forth. The financial commitment is much needed, but, as two GPs said to me on the platform as I left Taunton this morning, waste in the NHS must be tackled, as well as funding. On top of that, best practice systems must be introduced, particularly in the cancer pathway.

Mr Hunt: My hon. Friend knows about that from her own family experience and I thank her for telling me about some of the challenges she has had in the interests of improving them for all NHS patients. She is right that one of the biggest opportunities the NHS has is to standardise best practice across the whole health economy. We collect, share and publish more data than any other healthcare system anywhere in the world, so we have the chance to get this right in a way that is not possible in other countries. I know we are absolutely determined to do so.

Judith Cummins (Bradford South) (Lab): Given the crisis in access to NHS dentistry, in particular for our children, will the Secretary of State confirm that dentistry will get its fair share of this funding in line with demand?

Mr Hunt: The hon. Lady campaigns hard on this issue and I believe she is meeting the Minister with responsibility for dentistry tomorrow to talk about it further.

Alex Chalk (Cheltenham) (Con): I warmly welcome this enormous funding boost, which is far in excess of that proposed by any Opposition party. Does my right hon. Friend agree that local trusts should consider using these further resources to help to attract and retain additional doctors in tough-to-recruit fields such as emergency medicine, to support and extend A&E in hospitals such as Cheltenham General Hospital?

Mr Hunt: Of course I agree with that. My hon. Friend campaigns extremely vigorously on behalf of his own hospital in Cheltenham. Recruitment will be one of our top priorities. One way we want to tackle that is very simply by giving hope to people in the NHS and to people thinking of going into medicine that there is a long-term plan that has the support of the NHS, and which is at one remove from the party politics that we always get around the NHS. I think that is something doctors and nurses overwhelmingly want.

Mike Gapes (Ilford South) (Lab/Co-op): How much of this welcome additional money will be used simply to pay off accumulated debt and current deficits, and how much will be a real increase?

Mr Hunt: The think-tanks who pore over the numbers disagree on that. Some say that it is about enough to stabilise the current situation—that is what Paul Johnson of the IFS says—and others say there is enough room to transform. Who is proved right will depend on how much we do on productivity and efficiency to create the headroom for the real changes we all want to see. That is why we have to get that bit of the equation right.

Mr Philip Hollobone (Kettering) (Con): An extra £20 billion a year in real terms in five years’ time is a massive financial boost for the NHS. The Secretary of State knows Kettering General Hospital well because he has been there twice. Would he ensure that just £20 million to £30 million of that goes on funding the new urgent care hub at Kettering General Hospital, which everyone says is what the hospital desperately needs?

Mr Hunt: I am feeling extremely generous this afternoon, and it is incredibly tempting just to say yes, but I think I had better not and say that my hon. Friend should follow the right processes. However, Kettering could not have a stronger advocate than him.

Ben Lake (Ceredigion) (PC): Given that the Secretary of State has confirmed this afternoon that increased NHS funding will not be wholly accounted for by any fantastical Brexit dividend, could he clarify whether the Welsh Government will be expected to increase the Welsh rates of income tax if the UK Government’s promise of an additional £1.2 billion for Wales is to be realised?

Mr Hunt: Any funding commitment made by the UK Government will be appropriated to Wales in accordance with the Barnett formula. That is the procedure that we

have followed. The choice for the Welsh Government is whether they put all that money into the NHS or, as they have done in the past, choose to prioritise it elsewhere.

Henry Smith (Crawley) (Con): I very much welcome my right hon. Friend's announcement that some of the subscriptions that we will no longer be paying to the European Union will be redeployed for the national health service. Under the last Labour Government, Crawley Hospital lost its A&E department and its maternity department. Over the last eight years, services have been returning. Can I have an assurance that this additional spending on the NHS will follow through with the return of further local services?

Mr Hunt: It absolutely needs to boost local services. If there is one lesson that we have learnt from the last few years, it is that we will not, in the long run, crack the funding pressures in our health system unless we find a way of properly investing in local services, which I know my hon. Friend has campaigned for so hard.

Mr Adrian Bailey (West Bromwich West) (Lab/Co-op): An omission from this otherwise welcome statement was any mention of capital spending. It is vital for future health outcomes in the Black country and west Birmingham that the midland metro hospital, currently half built and suspended following Carillion's collapse, is completed. Will the Secretary of State tell me where in this package the funding will be found for that, and when?

Mr Hunt: The hon. Gentleman is right to raise that issue, which is of great concern to us, as I know it is to him. The Minister of State responsible for hospitals, my hon. Friend the Member for North East Cambridgeshire (Stephen Barclay), visited the trust last Thursday and I know is working incredibly hard to try to resolve that situation as soon as possible.

Alberto Costa (South Leicestershire) (Con): I congratulate the Secretary of State on his very welcome intervention in ensuring the longevity of our NHS with these wonderful proposals. Will he give some consideration to the way in which doctors are trained? At present, it is a costly and time-consuming affair. Only around 10 UK medical schools have a graduate entry system. In his long-term plan, looking at recruitment, will he consider how the skillset that we see among our population—for example, medical scientists and other related professionals—can best be harvested in training future medics?

Mr Hunt: My hon. Friend asks a profoundly important question. The medical school students who are going to medical school this year will become consultants in 2031 at the earliest, so we have to make sure that we update the way people are trained for the totally different world that they will be facing in terms of technology, medical innovation and the demarcations and roles inside hospitals and community care. This is very much part of the long-term workforce plan that will be announced alongside the NHS long-term plan later this year—it is what that will be about.

Stella Creasy (Walthamstow) (Lab/Co-op): I can understand why some in Government think that there is a Brexit dividend. After all, we know that the Health Secretary's colleagues in the Home Office have been given enough money from Brexit to cover the cost of

20,000 nurses. His colleagues in the Department for Environment, Food and Rural Affairs have been given 14,000 nurses' worth of money and even his colleagues in the taxman's office have been given 11,000 nurses' worth of money. I am sure that the Secretary of State would not want to betray the good will of a single doctor, nurse, cancer patient or future patient by making promises that he cannot keep, so can he tell us, once and for all, whether he personally believes that there is a Brexit dividend—yes or no?

Mr Hunt: I have answered this many times, and I am very happy to answer it again. Yes, we will be able to access extra funding by not paying subscriptions to Brussels once the divorce bill has been settled, and that will mean many thousands of extra nurses.

Nigel Huddleston (Mid Worcestershire) (Con): I and my constituents warmly welcome this extra money for the NHS. Does the Secretary of State agree that the British public are not stupid? They, unlike some of the Opposition, are well aware that any and all Government expenditure always comes from taxation, either now or in future. We have listened. We have had a conversation. They have told us that they want more spending on the NHS. We have said, "But that may mean you paying more taxes," and they have said, "Fine, it's that important." Is that not a good and honest agreement between the public and the Government?

Mr Hunt: My hon. Friend could not have put it better. The only surprise here is that having spent years and years saying that we should invest more in the NHS through the tax system, when the Government actually stand here and say that is what they are doing, the Opposition tell us that they are against it.

Peter Kyle (Hove) (Lab): Whether it is mentioned by the Prime Minister, the Leader of the Opposition or anyone else, there is only one fact about the Brexit dividend, and that is that it does not exist. Will the Secretary of State tell all the staff in the NHS how much of the money announced today is contingent on the Brexit dividend, so that they can bank for the future based on how much will actually materialise come autumn?

Mr Hunt: I am very happy to tell the hon. Gentleman that all this money will materialise, because this is a Government that keep their promises. If he is so worried about the Brexit dividend, he should be speaking not to me but to his own leader, who said that he wants to "use funds returned from Brussels after Brexit to invest in our public services".
Have a word with him!

Stephen Kerr (Stirling) (Con): I also welcome the statement from the Secretary of State, but I note that it relates to health spending in England only. Will my right hon. Friend spell out what this means for Scotland in particular, thanks to the Barnett consequentials, and how can we ensure that the additional funds provided to the Scottish Government are spent on the NHS in Scotland, which has not always happened in the past?

Mr Hunt: My hon. Friend is right to raise that question, because under the Barnett consequentials, for every £1 per head additional for the NHS in England,

[Mr Hunt]

there will be £1 per head available for the NHS in Scotland. The Scottish National party has chosen to invest only 84p of every £1, which is why people in Scotland are 30% more likely to wait too long for their elective care in Scotland. That is a choice made by the SNP in Scotland and I hope that it will do it differently this time.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): I welcome any additional funding because, let us face it, it is not just the NHS that is in deep crisis, but social care, too. However, as others have said, it is still not enough—3.5% was the minimum that was needed to see actual improvements. What assessment has the Secretary of State done to gauge what the improvements will be in the next 12 months? What financial scenarios is the Chancellor considering, and will the Secretary of State commit to stop tendering health services to the private sector, which is a waste of money for the public?

Mr Hunt: It is really extraordinary that on a day that we have announced a £20 billion annual rise in the NHS budget—you could not get a bigger commitment from a Government to state-funded healthcare—Labour is still running off down the rabbit hole of privatisation. If it is any reassurance to the hon. Lady, last year the proportion of NHS services contracted to the private sector went up by the enormous amount of zero.

Derek Thomas (St Ives) (Con): This statement is very welcome, but I have raised in this place before how the money is distributed around the UK; it is well known that the south-west gets about 2% less a year of increased NHS funding. When the Secretary of State has a moment, will he look again at how funding is distributed, and ensure that as it increases, it is increased fairly?

Mr Hunt: I am happy to do that. My hon. Friend asks the same question as my hon. Friend the Member for Stafford (Jeremy Lefroy). These matters are now decided at arm's length by NHS England because we think that the fairest way is to take the politics out of it, but I am happy to work with him to engage with NHS England on the Cornish questions.

Diana Johnson (Kingston upon Hull North) (Lab): I listened to what the Secretary of State said earlier about how there can be no transformation of the NHS without a proper emphasis on public health. How will the planned £800 million of cuts to public health help with that transformation, particularly when it comes to tackling the child obesity crisis, the growing sexual health services crisis and the cuts to addiction services, which are causing enormous problems for individuals and the communities now having to deal with them?

Mr Hunt: I fully recognise the pressures the hon. Lady is talking about. I said what I said about public health because I do not believe there is a sustainable long-term solution to NHS funding pressures unless we have an equally sustainable solution for public health, and indeed for social care, which she also talks about. She will have to wait for us to negotiate our next spending review settlement to understand how we intend to address those.

Martin Vickers (Cleethorpes) (Con): I welcome the Secretary of State's statement and congratulate him on securing cross-Government support for his proposals. He rightly said that every pound must be spent wisely, and he will know that there is great variation in procurement across the NHS. What will he do to ensure better procurement?

Mr Hunt: We will set up a single, central procurement system so that every hospital in the NHS can benefit from the efficiencies gained from bulk buying, but we have to do that in a way that does not shut out smaller companies from bidding for NHS contracts.

Marsha De Cordova (Battersea) (Lab): The Government's new NHS funding includes no additional funding for social care. The Secretary of State has said that the Government will publish a social care Green Paper in the autumn. Will he confirm—yes or no—whether the Green Paper will include social care funding for working-age disabled adults?

Mr Hunt: We will consider the provision for working-age disabled adults as part of our review of the whole social care system, because that is extremely important.

Marsha De Cordova: Will it be in the Green Paper?

Mr Hunt: We are doing that work in parallel to the Green Paper, but the hon. Lady is absolutely right to highlight it.

Matt Warman (Boston and Skegness) (Con) *rose—*

Afzal Khan (Manchester, Gorton) (Lab) *rose—*

Mr Speaker: I call Mr Afzal Khan.

Afzal Khan: Will the Secretary of State clarify how this money will be divided between the regions? Children growing up in the north, in constituencies such as mine, have vastly different life chances from their counterparts in the south. We do not want this funding to reinforce the north-south divide.

Mr Hunt: As the hon. Gentleman knows, we take deprivation into account very seriously when we allocate NHS funding, because it has a direct impact on people's demand for NHS services, but other things also have an impact on people's health, such as housing and employment prospects. The bigger lesson is that we need to integrate all our services for our most disadvantaged citizens.

Matt Warman *rose—*

Mr Speaker: I apologise to the hon. Member for Boston and Skegness (Matt Warman), who was missed out just now, but he has the compensation of knowing that he has an adoring audience who now await his important question.

Matt Warman: I would never accuse you of misleading the House, Mr Speaker.

I welcome this bold, ambitious and sufficient funding settlement. Does the Secretary of State agree that over this period we will be able to eliminate not just the funding inequalities but the workforce inequalities so that units such as paediatrics at Pilgrim Hospital no longer face the kind of challenges we have historically?

Mr Hunt: My hon. Friend is absolutely right, and that is a big priority for us, which is why this year we will publish a final 10-year NHS workforce plan, at the same time as the NHS plan that Simon Stevens is putting together. Together they are designed precisely to avoid shortages in particular and very important specialties.

Nic Dakin (Scunthorpe) (Lab): Community pharmacies feel stretched at the moment, yet they are well placed, at the heart of the community, to have a real impact by taking pressure off GPs. Will the Secretary of State give a commitment that some of this money will go to reinforce the strength of community pharmacies so that they can play their part in prevention as well as cure?

Mr Hunt: The hon. Gentleman is right that community pharmacies have a vital role to play. I do not think we use them enough. We need to find better ways for them to help us in the prevention agenda, and one way we are doing that is by integrating medical records so that they can be accessed by pharmacies, which will help them to give good advice to patients.

Karin Smyth (Bristol South) (Lab): May I press the Secretary of State on the issue of transformation and his hint—I think—at ring-fencing? If the people of Bristol South are to be asked to spend more money on the NHS, how will they know that it is being used to improve health outcomes and not simply to bail out local hospital deficits?

Mr Hunt: The hon. Lady is right to ask that question, and I encourage her to hold her local NHS to account on that. There are some simple metrics, which we can share with her, that can tell us whether the NHS is using the money wisely, and one of them is whether her local hospitals are managing to reduce their emergency admissions by providing better care in the community.

She is right that it is the litmus test of whether the money is being spent wisely.

Kate Green (Stretford and Urmston) (Lab): May I press the Secretary of State on his answer to my hon. Friend the Member for Battersea (Marsha De Cordova), particularly in relation to profoundly disabled adults, who need not just excellent healthcare, not even just excellent physical and social care, but access to services that maximise their social participation? Will he say a little more about the work being done in parallel with the social care Green Paper?

Mr Hunt: I want to reassure the hon. Lady that, in all our discussions about core social care funding and the funding accessed by local councils, we discuss working-age disabled adults every bit as much as the frail elderly. They are central. Many councils actually spend more on that group than on older people. We will not crack the social care problem unless we take that group of people extremely seriously.

Paul Blomfield (Sheffield Central) (Lab): The Secretary of State talked about mental health funding without mentioning the crisis facing our young people. He knows that across the country there are appalling waiting times to access child and adolescent mental health services. How significant is today's announcement to tackling that issue?

Mr Hunt: It is very significant, first, because we have been clear that a transformation in mental health is central to our ambition for the new 10-year plan, and secondly, because, as the hon. Gentleman knows, the Green Paper will over that period see the number of people employed in looking after young people with mental health problems increase from 9,000 by an additional 8,000—a near doubling in the size of the workforce. This financial plan gives us the confidence to say we can deliver that.

Points of Order

6.18 pm

Stephen Kerr (Stirling) (Con): On a point of order, Mr Speaker. I rise to draw your attention to the events surrounding the walk-out of Scottish National party Members during Prime Minister's Question Time last Wednesday and to ask for your help. As they left the chamber, walking near to the Government Benches, several of their number behaved in a threatening and overly aggressive manner, shouting and gesturing in the direction of me and other Scottish Conservative colleagues. Mr Speaker, we fully expect and anticipate debates in Parliament to be robust, and we ourselves, as I am sure you have noticed, engage in proceedings robustly, but I believe that this behaviour went well over the register of what might be reasonably considered as acceptable.

Mr Speaker, as I have previously reported to you, since our election last year, Scottish Conservative Members have been targeted by online trolls and subjected to a constant stream of threats and abuse, including death threats. Several instances have been reported to the police and there have been court appearances. Our constituency offices have been targeted for aggressive nationalist demonstrations and our staff subjected to vile threats and intimidation. The sad reality is that the ramped-up rhetoric of last Wednesday inevitably triggers a renewed stream of such abuse.

My constituency office in Borestone Crescent, Stirling, which has been vandalised several times in my first year as a Member, was again attacked overnight on Wednesday. An unknown person or persons spray painted the words "traitor" and "lies" on the exterior walls. This latest incident has also been reported to Police Scotland. Bearing this mind, Mr Speaker, what can you and the House authorities do to advise SNP Members to practise a modicum of self-restraint in their language and behaviour?

Mr Speaker: I thank the hon. Gentleman for giving me notice that he wished to raise his point of order.

I agree that Members on both sides of the House should practise self-restraint in the Chamber, and should recognise the impact of their actions. We should all recognise the impact of our actions on those outside this place. I appreciate that passions were high on Wednesday, and indeed they may still be high, but it is precisely when passions run high that we, across the House, should remember the importance of treating each other with courtesy and respect.

I would also say to the hon. Gentleman that—as I said the other day—each day is a new opportunity for the House. That is true today, as it is true on every other occasion.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): On a point of order, Mr Speaker. I raise it reluctantly, but I feel that I must do so, because it concerns an attack on my personal honour by another Member of Parliament, outside the House.

Last Wednesday, Mr Speaker, I was invited, on the "PM" programme, to defend your speakership. The hon. Member for North West Leicestershire (Andrew Bridgen) was asked to speak on the same programme, because he dissents from the view that I was expressing. It was a good, robust exchange, as you would expect from the hon. Gentleman and me. At the very end of the programme, however, the hon. Gentleman said:

"Barry's defence of the speaker is relentless. Barry has been in politics a long time. So he has probably been on the Speaker's Panel, which is quite a lot of extra money and that's at the Speaker's discretion. So he is not impartial."

I found that extremely disturbing and damaging. It was the last item on the programme. The BBC cut me off so I could not respond, and I have found the programme's editor, Victoria Wakely, to be totally unhelpful in terms of securing any redress.

Two million people listened to the programme and heard that false assertion, Mr Speaker. I have never been on the Speaker's Panel, and I support you as Mr Speaker because in my 39 years in the House, I have not seen anyone in the Chair who was as good as you at bringing this Parliament to life. I am in a very difficult position. This canard is out there, and I have no other way of raising it than with my colleagues. I appeal to you to give me some guidance in respect of that behaviour.

Mr Speaker: I think it important for us to try as far as possible—all of us—to disagree agreeably. It is not necessary to disagree while impugning the motives of opponents in the process. I did not witness that exchange, but I have since been told of it. What I can do from the Chair is confirm that the hon. Gentleman is not a member of the Speaker's Panel of Chairs, and that, in my nearly nine years as Speaker, he has, to my knowledge, never asked to be. Moreover, he has just made the point that he has never been a member of the Speaker's Panel of Chairs.

The hon. Gentleman expresses the views that he expresses whether people agree with him or not—or sometimes agree with him and sometimes do not—because those are the views that he holds. It is quite wrong for Members, without any evidence, to accuse other Members of what is, in effect, dishonourable behaviour. The hon. Gentleman and I have been in the House together for the last 21 years, and I simply want to say that in my experience he is a person of absolute integrity. He is an extremely long-serving and very respected Member of the House. I appeal to colleagues who want to conduct arguments, whether on policy matters, personalities or office holders, to do so on the basis that it is possible for Members to hold different opinions without having some ulterior motive for holding or expressing those opinions.

I hope that that is helpful to the hon. Gentleman, and I hope it will not be necessary for him to raise this matter with me again. I hope it will be accepted that what he has said is factually true and incontrovertible.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): On a point of order, Mr Speaker. It will have come to your attention, and to the attention of many Members, that a massive cultural disaster occurred in Glasgow over the weekend when a conflagration consumed Charles Rennie Mackintosh's Glasgow School of Art.

This was clearly a disaster of not just national but international significance, and, as shadow Under-Secretary of State for Scotland, I feel that it is incumbent on me to raise the issue with the Chair. The country faces the massive and urgent issue of a huge cultural loss, Mr Speaker, and I ask for your advice on how the House can both express its sentiments and call on the Government to recover that huge cultural asset for our country. How can we hold the Government to account, and ensure

that they raise their game and deliver the restoration of a wonderful asset to the people of Scotland and the wider world?

Mr Speaker: I am grateful to the hon. Gentleman for his point of order. I share the real misery that he and hundreds of thousands, if not millions, of other people will feel about what is a terrible tragedy, and a terrible tragedy that is the worse for the fact that it was the second in four years to engulf and threaten the future of an iconic building, as well as damaging a great many other buildings in the vicinity.

The hon. Gentleman very properly—if I heard him correctly—did not refer to an urgent question application, because Members are not supposed to refer to unsuccessful urgent question applications; but I will simply say that, as colleagues will understand, I must take account of the range of business before the House. Two urgent questions were granted because I felt that they warranted being aired on the Floor of the House, but a number of other urgent questions that might have been selected on a different day were not chosen for today.

What I will say to the hon. Gentleman, and to all other Members who are similarly interested in this matter—Members with Scottish constituencies but also, potentially, those from other parts of the country—*[Interruption.]* Indeed, that includes the constituency of the hon. Member for Glasgow North West (Carol Monaghan). I beg the hon. Lady's pardon. What I would say to Members is that it is open to a Minister to offer an oral statement to the House on the matter, but if they want a failsafe that will guarantee that the matter will be aired, they know what options are open to them.

I do apologise to the hon. Member for Glasgow North West. I did not intend her any discourtesy at all. I did not have it in my mind, because I was responding to the hon. Member for Glasgow North East (Mr Sweeney), but in so far as she is making the point that she has a very, very direct interest in the matter, I completely respect that.

What I am trying to signal to colleagues is that they should have an opportunity to air this matter by one means or another in the course of the next day or two. I hope that that is helpful.

Paul Blomfield (Sheffield Central) (Lab): On a point of order, Mr Speaker. I would appreciate your advice on what I think is a serious issue in relation to the provision of information to Members by the Home Office. In January I tabled a written parliamentary question seeking

information on how many scientists and engineers had been refused a Tier 2 (General) certificate of sponsorship since November 2017 due to the annual cap having been reached. Despite the Home Office acknowledging that it held this information and not indicating that it would require disproportionate cost to compile it, it declined to provide it to me. However, the information was later released in response to a freedom of information request by the Campaign for Science and Engineering, with which I had been working on the issue. When I tabled a subsequent question asking for updated figures, given that this information was now in the public arena I assumed that the Home Office would provide it to me, but it refused again.

I am sure you will agree, Mr Speaker, that it is unacceptable that the Home Office will not provide Members of this House with information that it holds but which it is prepared to release in response to an FOI request. It makes FOIs a more effective way of obtaining information than a parliamentary question.

I have raised my concerns with the Chair of the Procedure Committee, who shares them, and I would appreciate your advice, Mr Speaker, on what else I should do to ensure that the work of Members is not undermined in this way.

Mr Speaker: I thank the hon. Gentleman for giving me notice that he wished to raise this matter. It certainly does seem that the Home Office has been quite unhelpful in responding to his questions on this matter and it is certainly unsatisfactory if a Department provides less information in a response to a parliamentary question from an elected Member of this House than it provides in response to a freedom of information request from an external body. There is a basic issue here of parliamentary self-respect, so we have all got a dog in this race, if I can put it that way.

I understand that the hon. Gentleman has written on this matter to the Procedure Committee, which is exactly the course I would recommend in these circumstances. That Committee plays an important role in monitoring both the quality and timeliness of parliamentary answers. *[Interruption.]* I am glad to see that that proposition is assented to by the hon. Member for Scunthorpe (Nic Dakin), who has himself been a distinguished ornament of that Committee and may be willing to make representations to the Home Secretary on behalf of the hon. Member for Sheffield Central (Paul Blomfield). Meanwhile the hon. Gentleman has put his concern on the record and I hope it has been noted on the Treasury Bench and will be conveyed to Home Office Ministers. I hope that is helpful to the hon. Gentleman.

Sewel Convention

Emergency debate (Standing Order No. 24)

Mr Speaker: We now come to the emergency debate, and before the three hours allocated starts I state that, subject only to the constraints of time and the willingness of colleagues to help each other, my main ambition is to try to maximise participation.

6.32 pm

Ian Blackford (Ross, Skye and Lochaber) (SNP): I beg to move,

That this House has considered the Sewel Convention.

First, if I may, I want to commend all those involved in trying to save the iconic Mac building in the early hours of Saturday morning, and my hon. Friend the Member for Glasgow Central (Alison Thewliss) who attended to make sure that her constituents were safe. I also offer grateful thanks both to the fire service and for the fact that they are all safe from this great tragedy for all of us.

I would like to start by thanking you, Mr Speaker, for granting time for this important debate on the issue of the European Union (Withdrawal) Bill, devolution and the Sewel convention. I should also mention that some members of the Select Committee on Scottish Affairs cannot be here today as they are hearing evidence elsewhere; I know that many of them would have wanted to contribute to the debate if they had been here.

I am grateful to you for granting this debate, Mr Speaker, but it is not a substitute for the absolute failure of the UK Government to allow appropriate time for debate on the withdrawal Bill and the failure of the UK Government to protect devolution. Make no mistake: the events of last week demonstrated utter arrogance and the contempt that the UK Government have for the devolved nations. Scotland's voices were silenced while the Secretary of State for Scotland stood by and did nothing as the UK Government enacted a grab on the powers of the Scottish Parliament.

It is notable that the Secretary of State for Scotland is apparently not leading for the UK Government in this debate. Can the Minister responding to the debate please tell us why the Secretary of State for the Scotland Office is not leading on it when we are discussing Scotland's devolved institutions? He is the Secretary of State for Scotland: he should face up to the debate on the power grab; he cannot hide from what has been a failure to protect Scotland and to protect devolution. Where is the leadership? He should have insisted on speaking in this debate, which is, after all, a debate about his ability—or, more importantly, lack of ability—to defend the powers of the Scottish Parliament.

Is the Secretary of State for Scotland yellow? Will he stand up and defend the interests of Scotland? Perhaps the Secretary of State has not got the gall to do so, particularly when we know that he came to this House and said from the Dispatch Box that amendments would be put and that Members of Parliament in this Chamber would have the ability to discuss what was happening—but none of that ever happened. Why did the Secretary of State promise that we would have that engagement with Members of Parliament and yet fail—fail miserably—to make sure that Scotland's MPs had the ability to debate this important issue?

When the Secretary of State did bother to show up last week, we saw him come to this Chamber seeking to justify the attack on the Scottish Parliament, claiming that these are not normal times. Of course these are not normal times, because this Government are acting against the interests of the people right across the UK, rather than acting in their best interests.

Simon Hoare (North Dorset) (Con): It is a bit rich for the right hon. Gentleman to say that he was gagged when he put the gag on himself by stomping out of the Chamber.

I wonder what the right hon. Gentleman has to say, however, because we are debating an important point. The architect of the convention, Lord Sewel, has said he does not think this can

“fairly be described as a power grab”,

because the legislation establishing the Scottish Parliament says

“quite explicitly that it doesn't affect the power of the UK parliament to make laws for Scotland.”

It is absolutely clear that sovereignty rests with the Parliament of the United Kingdom—

Mr Speaker: Order. May I just gently say that interventions should be brief?

Ian Blackford: What the hon. Gentleman has identified is that there is no defence of the rights and powers of the Scottish Parliament. What has been proven by the events of the last week is that the Sewel convention is, sadly, unworkable. We have the ridiculous situation that the Conservative Government—in the teeth of opposition from the Scottish National party, the Labour party, the Liberal Democrats and the Greens, who have said they do not support handing powers over to the Government here in London—have used the majority that they have from England to take powers back from the Scottish Parliament and from the people of Scotland. That is the reality.

The people of these islands have been dragged into the political chaos of Brexit; that is what is not normal. But that is no justification for breaking the convention that states very clearly that the UK Government should not normally legislate on devolved matters without the consent of the Scottish Parliament. What clearly is not normal is the attack on devolution by the Conservative Government; that is what is not normal. The Scottish Parliament that many fought so long and hard to establish is being emasculated by an anti-Scottish Tory Government here in London.

We used to talk of the settled will of the Scottish people, not the will of the UK Parliament to grab powers from the Scottish Parliament against the will of the Scottish Parliament. The events of last week have shaken the very stability of our devolved settlement, and then the Secretary of State informs us that in his opinion Scotland is not a partner in the UK, but is part of the UK, despite the fact that the Prime Minister had claimed that she wanted:

“a future in which Scotland, Wales, Northern Ireland and England continue to flourish side-by-side as equal partners.”—

as equal partners. In one sentence, in the mind of the Secretary of State, we have been downgraded from a nation to a region. That is not the equal partnership that the Prime Minister talked about, but a subordinate

relationship that the Secretary of State for Scotland has acquiesced in. He is not so much standing up for Scotland as trampling over our parliamentary settlement.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): As Members know, I am one of five former MSPs in this place. The other four are on the Conservative Benches. I served in Holyrood for 12 years, and I am very proud of that. Does the right hon. Gentleman agree that one way out of this impasse, from which we could learn for the future, would be to put in place some kind of cross-Parliament arbitration system involving Members of this place and MSPs? We have Mr Alex Neil in the Gallery today, joining us from Holyrood. Such a system would be a way of achieving harmony and working together for the good of the people of Scotland, and we should learn from it.

Ian Blackford: I thank the hon. Gentleman for that useful contribution. We have the Joint Ministerial Committee, but let us not forget that it did not meet for six months last year because the Westminster Government would not engage with it. He is quite correct to say that there must be respect for the Parliament, and I would argue that there has to be respect for all the political parties that represent our Parliament and our country.

Mr Alistair Carmichael (Orkney and Shetland) (LD): The right hon. Gentleman refers to the Joint Ministerial Committee, but that is a mechanism for communication between Governments. Surely what is required here is something that I identified 15 years ago—namely, a formal mechanism for communication between the Parliaments. If the Governments cannot be relied on to treat this matter seriously, it is down to the Parliaments to fill that gap.

Ian Blackford: I want to give credit to the other parties in the Scottish Parliament, where there has been a strong level of engagement. We need to improve on that and enhance it. In principle, I am very happy with what the right hon. Gentleman has just said.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): I congratulate the right hon. Gentleman on his passionate speech. Does he agree that, when the British Government deal with Wales and Scotland in these very sensitive discussions, they would do well to reflect on the wise words of the great French philosopher, Voltaire, who said:

“Injustice in the end produces independence”?

Ian Blackford: I am grateful to be reminded of that quote.

I would say to hon. Members on the Government Benches: be careful. This is not about the offence that has been taken by the Scottish National party. Conservative Members need to take on board the fact that they have offended the Scottish Parliament and all the parties in it that I have talked about. All of us on these Benches were back home in Scotland over the weekend, and I can tell the House that Scotland has changed. The strong message that is coming across is that the people who voted for devolution in 1997 can see clearly what is going on. However the Government want to try to define it or spin it, this is an attack on the powers of the Scottish Parliament in the teeth of the opposition of the Scottish Parliament and the Scottish people. The

Conservatives will pay a heavy price, as they have done in the past, if they do not listen to the voices of the Scottish people.

Patricia Gibson (North Ayrshire and Arran) (SNP): My right hon. Friend will recall that the Conservative party fought tooth and nail against the re-establishment of a Scottish Parliament. What we are seeing on the Conservative Benches are apologists—[*Interruption.*]

Mr Speaker: Order. The House must calm down. There is too much noise. Mr Bill Grant, you are a most amiable fellow, and it is unusual to see you so animated. It is true that you are beaming, but you and Mr Luke Graham are also in the process of making a considerable cacophony. I think it would be better if you were to calm yourselves for now.

Patricia Gibson: The Conservatives opposed the re-establishment of a Scottish Parliament, and we now see the apologists defending the undermining of devolution itself. Does my right hon. Friend agree that they were hostile to the very concept of devolution in the first place?

Ian Blackford: My hon. Friend is quite correct. They have form, and it goes back over a century.

Several hon. Members *rose*—

Ian Blackford: If I may, I would like to make some progress. I will allow interventions again later.

If the UK Government have a free hand to bend the rules, and to state when a situation is normal and when it is not, in order to undermine the Sewel convention, we can never, ever protect the powers of our Parliament. Westminster can do as it pleases, and we have to take it. Our Parliament in Scotland, which is supposed to be permanent, can see its powers being changed on a whim by Westminster, which defines these times as not normal. Can the Secretary of State for Scotland not see what is wrong with that? He is here to defend Scotland’s interests, yet he is able to put his hands up and state that the times are not normal, at which point powers over fishing, agriculture, the environment and many other areas defined in the Scotland Act 1998 as being devolved are taken back by Westminster.

The UK Government have got this wrong. Last week, Scotland recognised that a power grab was taking place against our Parliament, at a time when Scottish Members of the UK Parliament were not even allowed to debate the matter here. The devolution settlement was being ripped up with no debate. Where is the democracy in Scotland’s Parliament having its powers stripped and Scotland’s MPs not being given the chance to speak?

Douglas Ross (Moray) (Con): The right hon. Gentleman says that Conservative Members opposed devolution in 1997, but will he take this opportunity to confirm that his own party also opposed it at the time, because its only aim was the separation of Scotland from the rest of the United Kingdom? Also, he speaks about a power grab, but can he tell me how many powers the Scottish Parliament currently has, and how many it will have after this Government have enacted the legislation? He knows that it will be considerably more—[*Interruption.*]

Hon. Members: No answer!

Ian Blackford: No answer? To use a football term, that was miles offside. If the hon. Gentleman looks on Google, he will be able to see what my party did in the 1997 devolution campaign, when we worked collectively with everyone else. I can tell him that I was tramping the streets of Scotland, together with all my colleagues, to ensure that Scotland could get its Parliament—*[Interruption.]*

Mr Speaker: Order.

Ian Blackford: The Scottish people voted overwhelmingly for that Parliament, and one of the reasons for that was that we had suffered so badly during the years of the Thatcher and Major Governments, who destroyed communities up and down the land. It is little wonder that the Tories then paid the price and were wiped off the political landscape in Scotland. Today, we see the Scottish Conservatives behaving exactly as they did in the past, and I make this prediction: they will pay the price again, because they have stabbed the Scottish Parliament and the people of Scotland in the back by taking these powers back.

Scotland is watching, and it is not just the supporters of the SNP who are alarmed. Those who cherish our Parliament are outraged by the attacks on Scotland's Parliament—*[Interruption.]* I have to say that the behaviour we are seeing here is illuminating. We should be having a respectful debate, as others have called for—*[Interruption.]* I am generous in allowing interventions from both sides of the House, but this braying and shouting does nobody any favours. Members on the Government Benches really ought to think about their behaviour and about how it comes across to the people of Scotland. The mood in Scotland has changed. There is a widespread recognition that the Conservatives have reverted to type and that they are attacking devolution—nay, attacking the interests of the people of Scotland.

Stephen Kerr (Stirling) (Con): Last week, when we divided on the Lords amendments, we on this side of the House voted for more powers for the Scottish Parliament. The SNP voted against additional powers for the Scottish Parliament.

Ian Blackford: Dear, oh dear, oh dear. The hon. Gentleman should listen to and watch the reaction in Scotland, because everybody knows that he and his colleagues last week went through the Lobby to vote to strip powers from the Scottish Parliament without a debate in this place. He really ought to be ashamed of himself.

Since the Tories like to talk about referendums, let me remind the House that 74% of those who voted in our referendum in 1997 voted for a Scottish Parliament—our Parliament—and it belongs to all of us. We should not forget that the Tories opposed devolution from the introduction of the home rule Bill in this Parliament in 1913 right up to 1997 and that the Tories have form in standing up against the Scottish Parliament. The remark from the Secretary of State for Scotland that we are not a partner within the UK is simply confirmation of how he sees Scotland's place. It is little wonder that he fails to stand up for Scotland as a country and for our Parliament. He sees us as subservient. That is the nub of the problem and that is why the Secretary of State for Scotland needs to go. The Secretary of State is simply

unfit for the office that he holds. He cannot fight Scotland's corner because he will not fight Scotland's corner.

By ignoring the Scottish Parliament during the passage of the European Union (Withdrawal) Bill, the UK Government have risked the security of the devolution settlement. This is an extremely serious development. Section 28(7) of the Scotland Act 1998 confirms that Westminster retains its unlimited sovereignty. The devolution settlement provides through the Sewel convention that the legislative power will not be used if there is disagreement and the devolved legislatures do not give consent. There has been no agreement. The Scottish Parliament voted by 93 votes to 30 not to consent to the EU withdrawal Bill. Why did the Secretary of State for Scotland not stand up for the Scottish Parliament? Why does he not get up now and tell us that he will stand up for the rights of the Scottish Parliament? Grow some backbone and stand up for Scotland.

The UK Government's website states:

"The main role of the Scottish Secretary is to promote and protect the devolution settlement."

My goodness, he has been found wanting on that one. While the Secretary of State has not done very well at defending devolution, he is the one who wants to kick the legs away from the agreed settlement. What a disgrace. He has been a dismal failure on living up to the definition, which the Government have stated, to protect devolution. The Secretary of State has ambushed devolution. At every turn, he has failed to defend the devolution settlement. Where are the amendments to protect our interests that he promised? He should have told the UK Government that there must be protected time to debate the effect of the withdrawal Bill on Scotland's position, but he failed again. The Secretary of State for Scotland has no credibility. There is no coming back from this. He must resign or the Prime Minister must sack him.

The EU withdrawal Bill is the biggest attack on devolution that we have ever witnessed. The UK Government's power grab aims to keep Scotland's powers in London, not in Scotland. As currently drafted, the legislation would keep devolved powers coming back from Brussels here in London—*[Interruption.]* It is shocking—24 powers in devolved areas, such as fishing, agriculture, the environment and food labelling. That is an absolute scandal.

Colin Clark (Gordon) (Con): Will the right hon. Gentleman comment on the remarks of his party colleague, Jim Sillars, who lays the blame at Nicola Sturgeon's feet for "displays of foolish hostility"? Is that not exactly what the right hon. Gentleman is doing? Does he not respect the fact that there are two Governments in Scotland and that the Scottish people elected two Governments? He must show that some respect.

Ian Blackford: I think some of the hon. Gentlemen on the Government Benches should be auditioning for comedy hour. Let me remind the hon. Gentleman that the Conservatives have lost every single election in Scotland since 1955, but they want to put a veto on the Scottish Parliament and the people of our country. That is the reality.

Powers must be in Scotland's hands, and it is not just the SNP saying it. Every party except for the Conservatives has stood up to defend Scotland's Parliament. A recent

survey by 38 Degrees showed that—[*Interruption.*] My goodness, the contempt. 38 Degrees does a valuable job of ensuring that our constituents keep us informed of what is important to them, but we get mocking contempt from the Conservatives. They should keep it going, because people in Scotland are watching their behaviour. A recent survey by 38 Degrees showed that 62% of Scots agree and want to see responsibilities over devolved areas currently held by Europe transferred straight to the Scottish Parliament.

Legal experts such as Professor Rick Rawlings have also criticised the EU withdrawal legislation for riding roughshod over the devolution settlement. He said:

“The sooner clause 11 of the Withdrawal Bill is cast aside, the better. Constitutionally maladroit, it warps the dialogue about the role and place of the domestic market concept post-Brexit.”

John Downie at the Scottish Council for Voluntary Organisations has also advocated for powers to return to Scotland, not London. He said:

“We have consistently pushed to enhance the powers of devolved parliaments—where it makes sense to do so—and believe more devolved powers would better enable Scottish and Welsh Ministers to react to unique regional challenges and shape tailored solutions... We feel the transfer of powers to the devolved administrations would make it easier for the sector to influence their use in a positive way.”

The Scottish Trades Union Congress leader Grahame Smith also warned:

“The UK Government must accept the legitimacy of devolved institutions and realise that proposals which create a situation where the UK could legislate on any area of devolved competence without the agreement of the Scottish Parliament would be an erosion of devolution and would not be acceptable.”

John Mc Nally (Falkirk) (SNP): Does my right hon. Friend agree that the Tory Government’s re-reservation of powers and the rest of their preferred post-Brexit constitutional arrangements effectively strip decisions about fracking from the Scottish Government? If decisions about the future of fracking in Scotland are to be made in Whitehall, does he agree that the Secretary of State for Scotland’s office has been permanently undermined, no matter who occupies it?

Ian Blackford: My hon. Friend is absolutely correct and makes a valuable point. We must be careful about the threats to Scotland from fracking. Scotland is an energy-rich country, with a wide range of energy sources, and we lead the world in renewables. However, we have a Government in London who want to bash ahead and risk ruining Scotland’s environment. We cannot stand aside and allow that to happen.

Paul Masterton (East Renfrewshire) (Con): The right hon. Gentleman correctly points to 24 powers, but will he explain which of those creates a constitutional outrage? Assuming that the answer is “some”, why then did his colleagues in the Scottish Government agree back in December that each and every one of those 24 should be subject to a UK-wide framework?

Stewart Malcolm McDonald (Glasgow South) (SNP): You’re supposed to be good!

Ian Blackford: “You’re supposed to be good”? You have got to be kidding. May I respectfully suggest that the hon. Member for East Renfrewshire (Paul Masterton) reads the Scotland Act 1998 because—[*Interruption.*] I can see Conservative Members shaking their heads, but

this is the nub of the problem. Devolution and the Scottish Parliament are defined by that legislation, and that legislation defines what is devolved and what is reserved. The simple fact is that each of those 24 areas is devolved, and the powers belong in the Scottish Parliament. The Scottish Government have said repeatedly that they want to reach agreement with the UK Government, but that agreement must be based on mutual respect. We will not unreasonably withhold consent on setting up framework agreements, but it has to be done on the basis of the consent of the Scottish Government and the consent of the Scottish Parliament. I cannot, for the life of me, understand why this is such a difficult concept to grab. I am somewhat surprised and disappointed in the hon. Gentleman.

Last week, Scotland’s voices were silenced and ignored.

Simon Hoare: Because you walked out.

Ian Blackford: Is that a fact? What happened on Tuesday night, and it is a matter of record—it can be looked up in *Hansard*—is that the hon. Gentleman went through the Lobby to strip the Scottish Parliament of powers, and not a single Scottish MP was allowed to debate the issue. That is the fundamental point.

The behaviour of the UK Government is disgraceful. The Conservatives really think they can do whatever they want with Scotland and get away with it—it is back to the days of the poll tax under Thatcher. The very fact they railroaded this legislation through with no time for speeches from anyone other than the UK Government Minister shows utter contempt for Scottish democracy.

I regret that the Secretary of State for Scotland is not down to speak tonight, and I will give him another opportunity. Stand up and defend the indefensible. He cannot. He is sitting there and playing with his iPhone. Playing with his iPhone and stabbing the Scottish Parliament in the back—that is the reality. Come on, up you get. Come on, speak up.

Mr Speaker: Order. That is a sort of rhetorical device, but it is up to the Secretary of State if he wishes to intervene. One cannot have people intervening against their will.

The Secretary of State for Scotland (David Mundell): The tone of this speech—I suppose it can be called that—by the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) is not worthy of a response. He calls for respect but focuses entirely on the personal in his comments. This may be a performance for his colleagues, it may be a performance for his core voters, but it does not impress Scotland.

Ian Blackford: I will tell the right hon. Gentleman what does not impress Scotland: a Secretary of State for Scotland who does not defend our Parliament. He should do the decent thing, the honourable thing, and resign, and he should do it now.

SNP Minister Mike Russell said last week that it had been a “dark day for devolution.” Despite countless representations from the Scottish Government seeking to work with the UK Government to protect our interests, the intransigence of the Tory party has seen our concerns, our mitigations and our solutions blatantly disregarded and disrespected—that is the reality.

[*Ian Blackford*]

Although the UK Government accept that clause 15 of the EU (Withdrawal) Bill requires the legislative consent of the Scottish Parliament, they decided to ignore Scotland's democratic wishes when consent was not given. Last week we saw the Secretary of State for Scotland come crawling to the Chamber to explain the UK Government's position after the SNP had exposed the Tory power grab but, rather than reassure the people of Scotland that the UK Government—

Colin Clark: Painful.

Ian Blackford: Absolutely, it is painful. It is painful that the people of Scotland are seeing their powers taken back from them.

Rather than reassure the people of Scotland that the UK Government are committed to protecting our devolution settlement, the Scottish Secretary's statement effectively turned Sewel on its head by saying that if there is disagreement, such as no consent on a legislative consent motion, the UK Government can proceed to legislate. That is cause for huge concern, and it is a pity he is clearly not that concerned, or he would have made sure to respond to this important debate.

Under the constitutional rules, this Government should not proceed without the Scottish Parliament's consent. By constitutional convention and invariable practice since 1999, the Bill should not complete its Westminster stages in its current form without that consent. Despite the murmurings of the current Secretary of State, the Scotland Office stated back in 2005 that the UK Government

"considers that the continuation of the Convention is vital to the success of devolution."

What has changed? The only thing that has changed is that the Scottish Parliament has not given its consent and the UK Government, showing utter disrespect, have decided to proceed.

Ian Murray (Edinburgh South) (Lab): We all heard the Secretary of State's statement to the House on Thursday morning. Can the right hon. Member for Ross, Skye and Lochaber (*Ian Blackford*) give a commitment on behalf of the Scottish Government, and indeed on behalf of his party, that, if the Secretary of State were to convene cross-party talks, his party would take part?

Ian Blackford: Yes. I thank the hon. Gentleman for his intervention. One of the things I would say to him, and to the Government, is that I do not believe it is in anybody's interest not to have an agreement on this. We all have a responsibility to defend the powers and interests of the Scottish Parliament. I implore the Secretary of State to get back round the table. Let us resolve this issue. I do not want us to be in a situation where the Government in London take back responsibility for our powers, and they really must listen to the voices coming from around this Chamber and, indeed, from around Scotland.

Martyn Day (Linlithgow and East Falkirk) (SNP): My right hon. Friend is making a powerful speech, with which I am happy to associate myself. I also know from speaking to constituents at the weekend that many of them will associate themselves with these points. The last

time I saw such outrage from my constituents was during the opposition to the Iraq war and to the poll tax. Does he agree that Scotland has now reached a tipping point as a result of the actions of this Government?

Ian Blackford: My hon. Friend is correct, and that is borne out by my own experiences over the past few days. We have only to look at the increased membership of the Scottish National party. There are people coming to the SNP who have not supported the SNP previously, and who have not supported Scottish independence, but who are simply appalled that there is an attack on the Scottish Parliament and on devolution.

I simply say to the Secretary of State: by all means, carry on down this road, because the people of Scotland will ultimately have to decide where their future lies. What he is doing, as he continues down this road, is helping to strengthen the case for Scottish independence. I suppose we should be grateful for that.

Last week the UK Government had a duty to amend the EU (Withdrawal) Bill to respect the will of the Scottish Parliament, and they failed to do so. Although SNP MPs sought to be constructive with our amendments, we were shut out of the debate while the Tories ploughed ahead without any consideration of our proposed solution. The complete contempt for the people of Scotland shown by the Tory Government is sickening. Not only were our amendments ignored, the entire debate on devolution was allocated less than 20 minutes of discussion, with no Scottish MP allowed to speak up for their constituents. Instead, the UK Government Minister ate up all the time for himself.

The Scottish Tories said that they would come here to stand up for Scotland. Well, what did they do? They trooped through the Lobby to take away Scotland's powers—Theresa May's poodles, whipped to vote against Scotland's interests. Scotland was aghast. The actions of the UK Government have been an affront to democracy.

Neil Gray (Airdrie and Shotts) (SNP): I congratulate my right hon. Friend on securing this debate and on his fantastic speech. In the Scottish Parliament, the Labour party in Scotland, the Liberal Democrats in Scotland, the SNP and the Scottish Greens are on one side and the Tories are on the other. On this issue, it has become Scotland versus the Tories.

Ian Blackford: That reminds me of the line said to the woman watching her son on parade: "They're all out of step, apart from your Johnny." In this case, Johnny is the Scottish Tories.

When I confronted the Prime Minister on the shambolic handling of the EU (Withdrawal) Bill by her Government, we were given more bluff and bluster. It is not good enough. Over the past few days, my party colleagues and I have been criticised in this place for standing up to the Prime Minister, for making our voices heard and for standing up for the people of Scotland. I put the Prime Minister on notice that SNP MPs will not stand by while her Government seek to rip up the rulebook. This Government have an opportunity to do the right thing. With the clock ticking, we have only days left in which to save Scotland's devolved settlement. The solution I put to the Prime Minister last week is still on the table, which is that she should act immediately to bring forward emergency legislation to remove clause 15 and schedule 3, in line with the Scottish Parliament vote. That is the

only way that this Government can undo the damage they have caused and the only way the Tories can show the people of Scotland that their Scottish Parliament's rights are recognised and respected. That is the only way we can save devolution in Scotland.

The Scottish Parliament has passed a continuity Bill to protect its powers. Unbelievably, the Scottish Parliament is being taken to the Supreme Court by the UK Government over the matter. They should immediately withdraw this threat over the Scottish Parliament—stop attacking our Parliament and start to show the Scottish Parliament some respect. The days of a UK Tory Government threatening Scotland must end. It is little wonder that the Tories once again are seen as anti-Scottish.

Let me put all of this in an historical context. The campaign to establish the Scottish Parliament has been a long one. The Scottish Home Rule Association was established way back in 1894. There was a Scottish Government Bill that passed its Second Reading in 1913 and would have established a Scottish Parliament with greater powers than the one we have today. Scotland voted in a referendum for a Scottish Parliament in 1979, but the incoming Tory Government refused to deliver the Scottish Parliament that Scotland had voted for. Right through the 1980s and 1990s the demands for a Scottish Parliament grew. These growing calls were ignored by the Conservatives until they were swept out of office. In 1998, the Scotland Act establishing a Scottish Parliament was passed, in the teeth of opposition from the Conservatives. Majority Scottish opinion demanded a Parliament; it was, as was stated, the settled will of the Scottish people. When Winnie Ewing rose to address the opening of the Scottish Parliament in 1999 she said:

“the Scottish Parliament, which adjourned on March 25, 1707, is hereby reconvened.”—[*Scottish Parliament Official Report*, 12 May 1999.]

That Parliament, which we all on these Benches take pride in, had its powers defined in the Scotland Act. Schedule 5 of the Act defines what areas are reserved. The UK Government also accept:

“The act does not specify which matters are devolved to the Scottish Parliament, rather it specifies those matters that are reserved to the UK Parliament. Those matters not reserved by the Scotland Act are devolved to the Scottish Parliament. The Scottish Parliament has primary legislative powers, ie the power to pass acts.”

That is clear cut and it is why we cannot allow the Conservative Government to take back responsibility over 24 matters which, by the Scotland Act, are devolved. It is wrong and we will do everything in our power to stop it.

Hannah Bardell (Livingston) (SNP): I congratulate my right hon. Friend on a stunning speech. Does he agree that, as the suffragettes said, we shall be judged on our deeds not our words, and that this Government will be judged and shown up for the farce that they are? The Secretary of State will be the first Secretary of State for Scotland in history to have seen a reduction in powers to the Scottish Parliament. This Government will be judged and the Scottish people will neither forgive, nor forget.

Ian Blackford: I thank my hon. Friend for that intervention, and she is absolutely correct in what she says. There is a wonderful book called “The Scottish Secretaries”, which talks about some of the great and

not so great Scottish Secretaries. Let us reflect on people such as Tom Johnston, who did so much to transform Scottish society, and then look at the current Secretary of State, who fails to stand up for Scotland and sees our powers taken back. [*Interruption.*] Someone may want to stand up to tell me what is personal in that. I am focusing on the fundamentals: his party is working against the interests of the Scottish people and the Scottish Parliament, and is “taking back control”.

It is therefore simple: Westminster, without consent, is changing the devolution settlement and is prepared to undermine the Scotland Act. None of us can stand back and allow this to happen—it is a point of principle. Westminster should not have a veto on the Scottish Parliament. It is pretty rich that last week we heard accusations that Scotland was seeking a veto over Westminster—the Secretary of State has said that repeatedly. Let me be clear: that is not the case. All we are seeking to do is to ensure that the powers in the Scotland Act are defended, not dismantled.

We have our own constitutional history in the case of *MacCormick v. the Lord Advocate* in 1953. When Lord Cooper gave his decision, he said:

“The principle of unlimited sovereignty of Parliament is a distinctly English principle which has no counterpart in Scottish constitutional law.”

That is to say: in Scotland, the people are sovereign. Westminster must respect the will of the Scottish Parliament, through its Members having been elected by the people of Scotland.

I should remind the UK Government that they have lost every single election in Scotland since 1955, and it is hardly surprising. The Conservatives are isolated in the Scottish Parliament in not standing up to defend our devolved rights. This is not about the SNP; it is about the settled will of the Scottish people and of the Scottish Parliament. History will judge all of us on our actions at this critical and challenging time. Therefore I say to every Scottish MP in this place: do not fall on the wrong side. I say to the Secretary of State: stop hiding out, and instead stand with us, stand up for Scotland's Parliament and stop the power grab, or go down as the Secretary of State who allowed our Scotland's Parliament to have its powers reduced. History will remember this defining moment when this Parliament chose to reject devolution—when the Tories chose to end almost 10 years of constitutional convention, only to tell the people of Scotland that their voices will be silenced. But I say again that there is a choice before the UK Government: act now to bring in emergency legislation to recognise the Scottish Parliament and to protect our devolved settlement. Anything less risks constitutional crisis. We are days away, the clock is ticking and the Government must act. I urge them to choose to be on the right side of history, do the right thing by the people of Scotland, and bring forward emergency legislation immediately to delete clause 15 and schedule 3, in order to protect Scottish devolution and our Scottish Parliament.

In closing, I recall the powerful and pertinent words of Charles Stewart Parnell:

“No man has a right to fix the boundary of the march of a nation; no man has a right to say to his country, ‘Thus far shalt thou go and no further.’”

7.17 pm

Mr Alister Jack (Dumfries and Galloway) (Con): I share the disappointment that has been expressed in the

[Mr Alister Jack]

Chamber today that we were not given the opportunity to discuss these very important issues during last week's debate. However, that is where my agreement with the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) ends. It is worthwhile highlighting why we did not have the time to debate these matters last week: 11 times last Tuesday the Labour party caused this House to divide. Labour Members knew exactly what the consequences would be in terms of timings, but they persisted and sacrificed the time available for Members to contribute to the debate. So I am delighted that we have the opportunity to discuss the ramifications of clause 15 today.

Once we leave the European Union, the Scottish Parliament will be even more powerful than it is just now—that is a fact. Every one of the powers being repatriated from Brussels after Brexit is already with Holyrood at implementation level, no power that currently resides there is being removed. We could be having a debate about how those powers could be used to improve the lives of our fellow Scots, but instead, unsurprisingly, we are doing what the SNP loves best and talking about process. Like my right hon. Friend the Secretary of State for Scotland, I regret that the Scottish Government were not able to agree a deal with the UK Government on the transfer of powers, but I have to be honest and say that I was not surprised. It really is questionable whether Nicola Sturgeon was ever going to do a deal in the first place. Let us not forget that within hours of the EU referendum result being declared two years ago, she summoned the media to Bute House and instructed her officials to start drawing up the necessary legislation for a second independence referendum. She knew fine well that a deal with the UK Government would have been detrimental to her plans for a re-run of 2014.

Stephen Kerr: Does my hon. Friend agree with Jim Sillars, the former deputy leader of the Scottish National party, who said:

“Let me be blunt: the stand-off between Holyrood and Westminster is primarily the fault of Nicola Sturgeon”?

Mr Jack: Obviously, I do agree with that, and I also agree with Jim Sillars—[*Interruption.*]

Mr Speaker: Order. People were talking about mutual respect, so may I explain to the House that it is discourteous for side conversations between Members to take place when another Member has the floor? The hon. Member for Stirling (Stephen Kerr) has just intervened, and he should then alert himself to the response to his intervention, rather than engaging in a squabble with the hon. Member for Dundee West (Chris Law).

Mr Jack: I also agree with Jim Sillars that it is ironic that Nicola Sturgeon wants to take powers from the Prime Minister and return them to Mr Juncker, but there we are.

Let me go back to the point I was making about a deal with the UK Government being detrimental to the planned re-run of a divisive referendum. Despite the best intentions of her Brexit Minister, who I believe wanted to do a deal, the First Minister would never have agreed to anything that he went back with. For the SNP, it is all about grievance and division with Westminster. The people of Scotland are rightly sick of it.

Once we leave the European Union, it is vital that the integrity of the unified internal market of the United Kingdom is upheld. It is of benefit to everyone, not least Scotland, where our trade with the rest of the UK is worth four times more than our trade with the EU. To maintain that internal market, we need to agree common frameworks—something on which even the SNP agrees. Such frameworks will provide certainty to businesses in our home nations that there will be no barriers to doing trade within the UK.

Whether they are in areas such as agricultural support, animal welfare, environmental standards, food labelling, or public procurement, common frameworks are required to ensure fairness throughout the UK, to maintain standards, and to ensure co-operation between the four home nations. As we leave the EU and become a global free-trading nation again, common frameworks will ensure that the whole UK is able to benefit from the trade deals that will be signed with countries around the globe. Without those frameworks, we could end up with different regulatory systems throughout the UK, which could potentially make it harder for us to sign comprehensive free trade deals.

One would think that all that makes complete sense, but it was not enough for the Scottish Government. In effect, they wanted a veto over the powers in the frameworks, which would, it is important to bear in mind, also affect the people of England, Wales and Northern Ireland. To my mind, the UK Government were right not to give in to that demand. Is it not just a bit suspicious that a Unionist Government in Wales were able to sign up to the final deal, but a nationalist Government in Scotland were not? I do not think it will have escaped the people of Scotland's notice that Nicola Sturgeon and the SNP have used this process to further their desire to take Scotland back down the road of a divisive second independence referendum that the people of Scotland do not want.

If it could, the SNP would take us straight back into the European Union, sign us back up to the hated common fisheries policy and, ironically, hand the powers that are so contentious to them straight back to Brussels. However, we will not let that happen, which is why the Government are respecting the democratic will of the British people to leave the European Union.

7.23 pm

Ian Murray (Edinburgh South) (Lab): It is a great pleasure to be involved in this important debate and to follow the hon. Member for Dumfries and Galloway (Mr Jack), although I take umbrage at his claiming in opening his speech that this debacle, which has actually been made by his own Government, is somehow the fault of democratically elected politicians going through the Lobby to vote for Lords amendments to a major piece of legislation. That is our democratic right. I am sure that many of the hon. Gentleman's constituents wrote to him last week to ask him to support the 15 amendments that came back from the other place, in the same way that many of my constituents wrote to me. That is what we committed to do and it is certainly what we did last week.

The blame for the House having only 19 minutes to deal with the devolution issues lies squarely with the Government's programme managers—the Leader of

the House and the usual channels—who decided to make it a six-hour debate, with a knife at three hours, so that the second three hours was eaten into by votes. They could have taken a completely different approach to the programme motion and allowed the votes to happen and then another three-hour debate after that. This travesty and devastation, and the grievance that has been given to certain parties in the House, is of the Government's own making.

Mr Carmichael: The hon. Gentleman is absolutely right: the answer did lie in the timetable. The Government could have protected the time for debating that string of amendments but they chose not to. Does he agree that, especially considering the nature of the European Union (Withdrawal) Bill, to suggest that this House should somehow have to choose between debating the amendments from the other place and voting on them is quite ridiculous?

Ian Murray: It is quite ridiculous, and I cannot help but feel that the programme motion was put in place for that very purpose. The Government would have known that the House would divide on the vast majority of those amendments, such that that three-hour knife would, by the nature of the process of amendments coming back from the other place in ping-pong, reduce the time available for debate.

I shall come to why it affects the Sewel convention, but the reason why everyone is so frustrated and angry about the process is that the Secretary of State—I will not get into the personal politics; I disagree with his politics fundamentally, but he is an honourable man and has always dealt with me fairly, and I think he will perhaps look back and regret some of the Government's actions in this process—promised at the Dispatch Box, on several occasions, that this elected House would get to debate the amendments on devolution that were being put to the other place. He promised that the amendments would come in Committee, and they did not, and that they would come on Report, and they did not. His own Back Bencher, the hon. Member for East Renfrewshire (Paul Masterton), who is in his place, said that he would reluctantly back the Government's position on the Opposition amendments, after he was given assurances by his own Front Benchers that the amendments would come on Report.

The very fact that the amendments have been tabled in the other place, meaning that the elected House has been unable to debate them or, indeed, have any kind of say in them, has left us with a grievance to exploit, because we have not even debated on the Floor of this Chamber the fundamental issues relating to the Sewel convention, the individual parts of the amendments, the impact on the Scottish Government, the impact on the Scottish Parliament, the impact on the UK Government or the impact on UK-wide frameworks that are being put in place as part of the process.

Alan Brown (Kilmarnock and Loudoun) (SNP): I agree wholeheartedly with the hon. Gentleman's comments on the programme motion, but on the vote itself, he tried last week to justify Labour's abstention by saying that had we defeated the Government on the amendment, it would have reverted the devolution clause back to an even less satisfactory position. Is it not the case that had we defeated the Government, the Bill would have gone back to the Lords for further amendment, so we could have made the amendments that we were looking for?

Ian Murray: The hon. Gentleman misinterprets the Labour party position; in fact, misinformation is the SNP's role in this debate. I am clear about our position. The amendment tabled in the House of Lords would get us to around 80% of where we would like to be. The old clause 11 was deficient, as everyone in this House—including the Secretary of State himself and the Minister for the Cabinet Office—has said. There has been a process of negotiation, and in such a process one cannot always get what one wants. I would have liked the Government to go much further, but on the basis that the amendment was in my view 80% acceptable, it did not seem right to vote for it or to vote against it. That is a principled position to take. I say to the hon. Gentleman that it is completely and utterly fundamentally disingenuous to claim that powers are being taken back from the Scottish Parliament. It is equally fundamentally disingenuous to say that Brexit will be a powers bonanza. Both positions are wrong. The powers of the Scottish Parliament will not increase by one iota as a result of this process, and the number of powers that will be taken from the Scottish Parliament as part of this process is zero. Because the Conservatives and the SNP have it in themselves to continue to fight with each other because it is politically expedient for them to do so, all these kinds of arguments and the pragmatic approach to this process are lost.

Joanna Cherry (Edinburgh South West) (SNP) *rose*—

Ian Murray: I will give way to the hon. and learned Lady, my constituency neighbour, if she wants to dispel the myth and agree that the Scottish Parliament will receive no fewer powers than it has and will have no powers taken from it as part of this process.

Joanna Cherry: Is the hon. Gentleman seriously disputing the fact that, as a result of the amendments passed last week, 24 powers will be taken back to this Parliament for up to seven years and that, at any time during that seven years, the UK Government can alter them as they see fit? Has he read the amendment and is he seriously disputing that?

Ian Murray: The hon. and learned Lady's question touches on the bit of the amendment from the House of Lords that we disputed. In fact, if she looks at our Front-Bench amendment in this place—*[Interruption.]* I do not understand why the behaviour of the Scottish National party has to be so hostile when I am actually on its side for the vast majority of this issue. There is no respect in this Chamber for people who want to make their points.

I agree 80% with the amendment that came back from the House of Lords. This is the bit that I do not agree with. In fact, the shadow Secretary of State put forward an amendment in lieu of the Lords amendments that stated the very fact that this was where the contention lay with the sunset clauses. I have the 24 areas of legislation in front of me, and I would like to say to the people of Scotland who are perhaps watching this debate that we do need UK-wide legislative frameworks on some of these matters, because it is important for the operation of Scotland, the UK Government and the UK economy. For example, let us look at environmental quality and standards in chemicals. Nobody could possibly suggest that, in the pragmatic world in which we live, we

[*Ian Murray*]

do not need both Governments to come together and propose a proper UK framework for that kind of issue. That is just one of the 24 issues—there are 153 issues—that has come up in this particular process.

Joanna Cherry: Will the hon. Gentleman give way?

Ian Murray: I will not give way again to the hon. and learned Lady, because others wish to speak. She will get her opportunity to speak in this debate.

We must take the politics and the heat out of this debate. During the statement last Thursday, I asked the Secretary of State whether there was any possibility of people continuing to talk on this matter. He said that he was willing to talk, but that the Scottish Government will not move from their position. In reply to my intervention a few moments ago, the leader of the SNP said that the Scottish Government, in his view, would be willing to talk. When can we possibly get both Governments around the table to try to flesh some of this out? The nub of the problem—one of a number—is that the Joint Ministerial Committee does not meet regularly enough. As was said by Lord McConnell, who set up this particular process, it should have been scrapped a long time ago. During the passage of the Scotland Bill in 2015 in this Chamber—all the SNP Members were here—I put forward amendments from that Dispatch Box to put the JMC on a statutory footing to allow minutes and agendas to be published publicly, so we did not get into this situation of “he said, she said” and the whole matter becomes a political football.

When the Minister gets to the Dispatch Box, I urge him to give a clear commitment that every single piece of communication that has happened in the JMC with regards to the devolution amendments is published. I shall tell him why he should do that. While this whole process is secret and while people are kept in the dark about who said what and who agreed to what, all we get is: this is a power grab, or this is a powers bonanza. The people of Scotland then have to decide which one is the most appropriate. As the compromise was made, I want to know, and the people of Scotland want to know, how far apart the two sides are. Is it the case that it is two minor things on which the Scottish Government are deliberately withholding consent, because it is not in their interest to give consent? I agree with the hon. Member for Dumfries and Galloway (Mr Jack) that the Scottish Government never intended to give consent, even if they got 100% of what they wanted. It is not in their political interest to do so. Let us have a little bit of transparency about this process, so that we can see, in black and white, where the gap is and how we are able to bridge that gap.

Jamie Stone: Further to my earlier intervention on the right hon. Member for Ross, Skye and Lochaber (Ian Blackford), may I ask the hon. Gentleman whether he agrees with my suggestion that many of us will not be on Joint Ministerial Committees, but that some sort of Back-Bench liaison, cross-party body of MPs and MSPs would be constructive for the future operation of both Parliaments?

Ian Murray: I think that it would be constructive. If this process has shown anything, it is that the inter-governmental relationship between two Governments

when they are of different colours does not work. The consequences of it not working is not that the Secretary of State cannot get what he wants, or that the First Minister cannot get what she wants, but that it is bad for the people of Scotland. We cannot have an orderly withdrawal from the EU—if that is what happens and let us not get into the issues of whether or not we will leave the EU; I have my own views—unless we have a proper structure in place where both Governments can be confident, and the people of Scotland can be confident, that both Governments can work together. It is in both Governments’ interests to fight over these particular issues, because they cannot resolve some of the major problems with regards to leaving the European Union. Therefore, a fight between flags, between the Conservatives and the Scottish National party, suits both political agendas down to the ground while every other issue ends up being on the agenda.

Peter Grant (Glenrothes) (SNP) *rose*—

Ian Murray: I will not give way, because we will run out of time. I would hate it if the hon. Gentleman had to walk out because he was not able to get his say in this particular debate.

I will make two other brief points. I think that we are all in the same place in this Chamber in terms of what we want to try to achieve. If we leave the European Union, we want to be able to have a legislative framework in front of us that works for the things that we need it to work for. It is quite clear from the people who speak to me that we cannot have different frameworks with regards to the movement of animals across the UK, because we need the UK internal market to work. We cannot have different food labelling or we will have a situation like I have in my constituency where we have a wonderful Mexican deli which imports all this stuff from Mexico but has to relabel it with all the different labels. We could not possibly have that situation, so we do need some UK-wide frameworks that work and operate for the UK internal market. It is not in the SNP’s interests to make that work, because it wants out of the UK internal market. That is part of the problem that we have here with the politics. It comes down to the nub of the issue, which is: are the UK Government right on this particular issue? I do not think they are. They could have gone much further and they have made a hash of it and they are architects of their own misfortune. But are the SNP Scottish Government willing to move to be able to get an agreement on this? I think the answer to that is no. In the absence of two parties that are willing to talk to each other or willing to compromise, where does it leave us in terms of the overall devolution settlement?

I will finish on this. When he set up the Sewel convention, Lord Sewel said quite clearly that it should not be used for major policy issues on which there is a major political disagreement, and we are seeing that play out now. I do not know how we can get to a place whereby the Scottish Government can give this a legislative consent motion. I suspect that if clause 15 and schedule 3 were deleted from the amended Bill, they would still not give the legislative consent motion because it is not in their interests to do so. In the absence of two Governments willing to work together, how do we get to a position where this Bill can be passed and the Scottish Government can say that they will give it legislative consent? This is

no power grab and it is no powers bonanza. Both Governments should tone down the rhetoric, get back round the table and think seriously about making sure that the JMC operates properly in the future and that it is transparent about its minutes and agendas.

Several hon. Members *rose*—

Mr Speaker: Order. With immediate effect, a five-minute limit on Back-Bench speeches now applies because I am keen to accommodate the maximum number of colleagues.

7.38 pm

Colin Clark (Gordon) (Con): It is an honour to follow the hon. Member for Edinburgh South (Ian Murray) who said so many things with which I agreed and so many things that made great sense.

We are here discussing the Sewel convention because of Brexit and because of the SNP's aim of separation. In 2016, the EU referendum was not a Scottish vote any more than it was a Yorkshire vote or a London vote; it was a UK vote. To respect the UK result, we must deliver the will of the people. The 2014 independence referendum makes Scotland democratically, beyond doubt, a vital part of the UK. We hear cries of "Scotland's watching". Yes, the people are watching. They are watching the SNP not respecting the independence referendum. They are watching the SNP not respecting the fact that it lost 21 seats in the 2017 general election, against the Conservative and Labour parties which were both running on Brexit manifestos. The SNP is ignoring the democratic will of the Scottish people. The Sewel convention, as the Supreme Court made clear, is a political doctrine recognised by the court. The SNP shouts, "Scotland's voice was silenced." It claims that amendments curtail the authority of the Scottish Government and that the nature of devolution has been changed forever. After months of ministerial negotiation and painstaking discussions by civil servants, the claim of a power grab is simply a grievance.

Which powers is Holyrood losing? Which powers will Holyrood not implement? Twenty-four powers previously governed by the EU will be reserved temporarily to address trade issues and open borders. Common frameworks are essential to business and jobs in our constituencies, as my hon. Friend the Member for East Renfrewshire (Paul Masterton) said. Eighty powers are immediately handed over, so where is the power grab? The Conservatives wanted amendments made in this House. That they were not is regrettable, but the Lords moved a long way. Did the Secretary of State and the Cabinet Office work with the Scottish Government in good faith? Yes they did—in good faith.

The SNP is acting as a fifth column. Industry can now see that Holyrood cannot be trusted to represent it and that jobs will be undermined. In my constituency in Aberdeenshire—the most prosperous and effective part of the economy in Scotland—people are asking why we are still squabbling over this and why it is not being implemented. The EU referendum was about the UK, which Scotland chose conclusively to be part of in the 2014 referendum. Nicola Sturgeon has seen the EU withdrawal Bill as a saviour to precipitate independence referendum 2. It is the last-chance saloon. The SNP has

planned all along to try to wreck the Bill. If hon. Members fundamentally believe that the UK should remain borderless, retaining some powers in Westminster was a sensible stop-gap. How else could we negotiate an all-UK trade area? Mike Russell thought he had a deal. SNP MPs thought they had a deal. Frameworks are a no-brainer. Unfortunately, as the Lib Dems and Labour have just realised, this is simply a false flag. It has always been, and always will be, about independence ref 2 in Scotland.

As I said earlier, Jim Sillars lays the blame at Nicola Sturgeon's feet. What happened the other week undermines the institutions of this democracy and damages Scotland's position in Brexit negotiations. Nicola Sturgeon is clearly not acting as an honest broker.

Stephen Gethins (North East Fife) (SNP): The hon. Gentleman talks about this democracy and compares the EU with the UK, which I find peculiar. Can he tell me of any other EU member state that is a democracy, where a party has lost an election 21 times in a row, but finds itself in power?

Colin Clark: I remind the hon. Gentleman that this is the United Kingdom. We had an independence referendum. He and I are part of the United Kingdom. I want to protect the Union; he wants separation from it.

Jim Sillars also said:

"I cannot remember one hostile speech that could be construed as an outright attempt to trash Scotland's constitutional position." That is interesting, given that he is from the SNP. So this is not an attack on devolution and it is not a power grab.

What I really wanted to come on to is that language such as "Martini strategy" and "hit and run" radicalises those supporters to ignite the democratic process, undermines the rule of law and weakens Holyrood's role. Frankly, it can endanger politicians, as my hon. Friend the Member for Stirling (Stephen Kerr) mentioned earlier.

Douglas Chapman (Dunfermline and West Fife) (SNP): On the hon. Gentleman's comment about undermining democracy, the point has been made many times in this House that the parties in the Scottish Parliament have voted time and again to ensure that our powers were retained. Four out of five parties supported that, voting no to a power grab. What part of no does the hon. Gentleman not understand?

Colin Clark: In the 2014 independence referendum, Scotland clearly said no. My predecessor, Alex Salmond, said that the referendum was a "once in a generation" event, and here we are. Which part of no do we not understand? I think that the problem clearly lies with the SNP.

Are we defending the integrity of the UK and protecting the devolution settlement? Yes we are, because the Scots want their two Governments to work together. Using guerrilla tactics to undermine this place, the democratic norms and the very basis of our liberal democracy, is deeply disappointing. Taking the advice of my predecessor in Gordon, Alex Salmond, this may rally the SNP hardcore, but it will alienate the law-abiding, taxpaying Scots who play by the rules. We are here as democrats. We should not let our constituents down.

7.44 pm

Brendan O'Hara (Argyll and Bute) (SNP): I rise as one of those law-abiding, taxpaying Scots that the hon. Member for Gordon (Colin Clark) so clearly has such disdain for.

Regardless of what Government Members would have us believe, it is now clear to everyone that, following last week's unprecedented power grab on the Scottish Parliament and its powers, the Conservative party and this Government have finally abandoned any pretence of having even the remotest commitment to devolution. That a power grab of this scale can be enacted by one Parliament over another demonstrates once and for all that the Tories have not the slightest interest in respecting the fundamental principles of devolution.

The contemptuous way in which Scottish democracy was dismissed by this place last week, with a 15-minute lecture from the Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office, the right hon. Member for Aylesbury (Mr Lidington), was simply further proof that Scotland has no future in this United Kingdom and that the sooner we are free from it, the better. The Tories' disgraceful disdain for the will of the Scottish people as expressed by the democratically elected Members of the Scottish Parliament shows the Tories in their true colours—anti-democratic, narrow-minded, backward-looking and insular. Let us never forget that these are people who, as devout British nationalists, were vehemently opposed to the creation of a Scottish Parliament from the outset.

For a century or more, the official Conservative party position was to oppose even the slightest devolution of political power from London to Scotland. Only when confronted with the inevitable, and in the face of overwhelming public opinion, did the Conservatives—publicly, at least—embrace the idea of a devolved Parliament in Edinburgh. They may have changed their tune but, like the leopard, they have not changed their spots, so it should not come as a surprise to anyone that, at the first opportunity, they are using Brexit as an excuse to roll back on the devolution settlement—a settlement that they never believed in—to try to claw back to London as many of the powers and competencies of the Scottish Parliament as possible.

Last week, the Secretary of State made the excuse of these not being “normal times”, as if these circumstances somehow justified him carrying out this power grab. What he of course failed to mention was that the UK Government's own lawyers, when they recently went to the Supreme Court, said:

“Whether circumstances are ‘normal’ is a quintessential matter of political judgment for the Westminster Parliament.”

There we have it. The UK Government will decide what is and is not normal. They alone will decide what powers the Scottish Parliament has and what powers will be restricted for up to seven years, without that Parliament's consent. Is there anyone so naive that they really believe that, having grabbed those powers for themselves, the UK Government will return them to Scotland after seven years? Not a chance.

No one should be in any doubt what is at stake here. Once the precedent is established that Westminster can overrule a majority vote in the Scottish Parliament whenever there is disagreement, a standard will have been set and the ground rules will have been established. It is my genuine fear that if we allow this to happen, it

will be used by the Tories as a pretext to seize powers again and again and again, whenever it suits them. As my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford) said, this is not about the SNP versus the Tory Government, because the SNP, the Labour party, the Greens and the Liberal Democrats in the Scottish Parliament all recognised that what the Tories were planning was nothing less than a power grab—an outrageous attack on the democratically elected Parliament of Scotland. Let me be clear: this is Scotland against the Tories. If that does nothing else, it should send a message to Downing Street and Dover House that their Tory power grab on our Parliament will not be tolerated by the people of Scotland.

Let no one in in this House be in any doubt that the people of Scotland are furious at what is taking place. We have heard much about how these 87 powers are to be returned directly to Holyrood, and only 24 are to be appropriated by Westminster. To me, that is akin to a burglar being caught breaking into someone's house and defending himself by saying, “You should be grateful that I only nicked your telly.” It is an absolute nonsense of an argument. A power grab is a power grab is a power grab, whether it is one power, 24 or 111. The precedent will have been set, and that is why it has to be opposed. The theft of just one of Scotland's powers is one too many.

7.49 pm

Ross Thomson (Aberdeen South) (Con): Before I get on to my speech, I want to say that the language used in this debate about Scotland versus the Tories and our being anti-Scottish does not help to heal the divisions that we have in Scotland. It is because of that kind of rhetoric that my office regularly gets targeted by vandals. Only a couple of weeks ago, someone who is not a constituent of mine was arrested for intimidating my staff. I would really urge Opposition Members to mind their language.

The SNP's fundamental argument is based on an untruth that there is a power grab. Let us be absolutely clear that none of these powers is currently exercised by the Scottish Parliament or by the UK Parliament. These powers are exercised by the European Union since we ceded that sovereignty to it. The only reason the Scottish Parliament will be receiving any additional powers is that we are leaving the European Union, and that is something that the SNP has vehemently opposed to the point that it is threatening another referendum in order to send those powers back. The SNP does not want these powers—not a single one of them—and it is doing everything imaginable to keep them in Brussels.

Let us look at the reality of what we are actually dealing with, which is a massive SNP power giveaway to Brussels. SNP Members argue that these new Brexit powers constitute a power grab, but we know that they will not let facts get in the way of great political rhetoric, or of Twitter. I was amazed that the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) was able to tweet while speaking—a great gift that I wish I could also adopt. There is no power grab, and that is why the SNP cannot answer the simplest of questions: which power that the Scottish Parliament currently exercises will it have taken away? The answer is none. In fact, as clause 15 of the withdrawal Bill makes clear, these powers are returning from Brussels and will pass by default to Holyrood, as they will to Cardiff Bay and

Stormont. In a number of areas, with the agreement of the Scottish Government, there may—“may” is the operative word—temporarily be freezes of existing frameworks as they are handed down from Brussels, so that both Governments work together on common wide frameworks to ensure short-term stability. The UK Government agreed to the SNP Government’s request for a sunset clause, meaning that any of those freezes will be strictly temporary and last for five years maximum before the area is devolved. This will not be a permanent part of the devolution settlement.

To be crystal clear, over 80 new powers will go immediately to Holyrood, while in 24 areas the UK Government will maintain the existing EU arrangement protecting the integrity of the UK internal market. It is due to the UK Government flipping clause 11 into clause 15 and making significant concessions that the Welsh Labour Government were able to sign up to the deal offered as being fair, respecting devolution, and protecting the UK internal market. The deal was reasonable and met the SNP’s own test. We understand that Mike Russell was ready to sign up but was overruled by Nicola Sturgeon, because she wants to put the interests of the nationalists ahead of the interests of the nation.

The SNP has seized on the failure to reach agreement and called on the Secretary of State to resign, following one of the most incredibly personal speeches I have ever heard. This is not new. On 20 May, an SNP press release went out saying, “Mundell must go”. On 21 May, its press release said, “Mundell must go”. On 6 June, it said, “Mundell must step aside”. On 13 June, it said, “Time for shambolic Mundell to go”. On 14 June, it said, “Mundell must go”. This is an SNP broken record. It is a childish contribution. There are two Governments involved. Two people worked on this, and the person who could not reach an agreement is Mike Russell. Perhaps he should consider his position.

The people of Scotland are watching and they see through the SNP’s stunts. They simply see the SNP as standing in the way of the national interest as part of its desire and so-called reason for a second independence referendum.

7.54 pm

Mr Alistair Carmichael (Orkney and Shetland) (LD): I am grateful to you, Mr Speaker, for the opportunity to contribute to this debate and, indeed, for allowing the debate to happen at all.

There are a number of issues of some significance relating to our constitution that stand to be examined here. Regrettably, we have managed to avoid most of them thus far in the course of the debate, but I hope to be allowed a few minutes to touch on them. This is not just a debate about the constitution in the abstract. I represent two island communities whose economy overwhelmingly depends on fishing, farming and crofting. These communities will absolutely need to know what the future holds post Brexit. They will need to know what is going to come in place of the common agricultural policy—for agricultural support, in particular. When I met representatives of the National Farmers Union Scotland in Orkney on Friday, these were the questions that they were asking me, and time after time I had to say, “I’m sorry—I do not know because nobody knows.” This is not just about the

constitution; it is about something that is going to have a very serious and profound effect on the livelihoods of my constituents.

I want to say a word or two about how we got here. The Government have mishandled this whole aspect of Brexit just about as badly as it is possible to imagine. They have certainly managed it as badly as they have managed the whole of the Brexit process. Amendments were promised at the Dispatch Box and we were told that this House would have the opportunity to debate them. Those amendments did not appear. We were then told that they would come in the House of Lords, and indeed they did eventually come, at a late stage, in the House of Lords. In the meantime, the Scottish Parliament, for a variety of different reasons, voted against legislative consent. There was no single reason why the different parties in the Scottish Parliament voted in the way that they did but, notwithstanding that, they all decided that they would withhold legislative consent when the question was put to them.

The timetable that we were given last week should have protected the time available to debate the amendments from the other place. It did not—and that was not an accident. The Government used the procedures of this House to avoid a debate rather than to engage it. For that they are culpable and with that we are now all having to deal. Moreover, the consideration of Lords amendments should not have been presented to us as an either/or. This is the most significant piece of constitutional legislation that we will debate in my lifetime, and we should not at this stage, when it comes to voting on Lords amendments to it, be given a choice of either voting or debating.

The context for this debate is the abject failure of the Scottish Government and the United Kingdom Government to reach agreement. It is apparent to all who look on from the outside that there has been a lack of good faith in the negotiations between our two Governments. Let me say quite candidly that it is apparent to me that, if it is left to the Scottish and the United Kingdom Governments, then they will never reach agreement because they have no interest in doing so. They are both approaching the Brexit issue through the prism of their own party interest rather than the national interest.

Christine Jardine (Edinburgh West) (LD): Does my right hon. Friend share my frustration at the impasse that the two parties have reached—the two parties that initially, and for a considerable period, did not back devolution but now claim to defend it? Both the SNP and the Tories failed to engage in the first stage of the debate.

Mr Carmichael: Of course, we all know that the Conservatives opposed devolution, as did the Scottish National party. I remember the days of the campaign for a Scottish Assembly and of the constitutional convention. I remember a whole series of SNP walkouts. What we saw on Wednesday was just the latest in a long line of these things. When it mattered, the SNP were never to be found, because they are not interested in devolution; devolution is not what they want.

I come back to the frameworks that will be so necessary to my constituents post Brexit. *[Interruption.]* I do not know if anyone from the SNP Benches wants to intervene.

Peter Grant: I hear the right hon. Gentleman's disgust at the idea that someone could walk out of the House of Commons in protest at a decision they feel strongly about. Can he tell us how many times he has been part of walkouts in the House of Commons?

Mr Carmichael: I have indeed been part of walkouts. I am grateful to the hon. Gentleman for giving me this extra minute, because it will not take the full minute to explain it. It was not perhaps the finest example of my parliamentary career, and if the SNP had been wise, they would have learned from my mistakes. They will now have to learn from their own.

The question of the frameworks is at the centre of this. The time we have left is ticking down quickly, and there is still no mechanism by which these frameworks will be agreed. My suspicion is that the Whitehall default is that it will have the final word. Clearly, that will not be good enough. If our Governments cannot decide on a mechanism between them, my suggestion to the House tonight is that it is for us as parliamentarians to come up with that. I do not have all the answers to this, but we already have mechanisms in our Standing Orders through which these things can be discussed. God forbid I would ever want to go back to us hosting the Scottish Grand Committee, but that is one forum in which we might reasonably expect to debate these things, on amendable motions, to reach a common position on which we can all ultimately agree.

As I said earlier, it is apparent that one weakness of our constitutional settlement is that we have no mechanism for Parliament to speak to Parliament. All the mechanisms are about Government speaking to Government. The other weakness of our constitutional settlement is that there is no mechanism for an honest broker in the middle of disputes between the Governments. That is where we now need to focus our attention. We need to move away from this mix of black letter law and constitutional convention, and ultimately, everything should be written down in a constitution.

8.2 pm

Kirstene Hair (Angus) (Con): Over recent months we have heard increasingly bizarre claims from SNP politicians in both this place and the Scottish Parliament. They have repeatedly said, without a single shred of evidence and not one example to back up their claims, that a power grab is under way. That is simply a fantasy. When questioned in the Scottish Parliament or asked for further detail in this place, no SNP representative can name a single power that is currently devolved that would be taken back to Westminster. That is because, as Conservative Members know and welcome, Holyrood is on the verge of receiving a vast array of powers that it would never have had if we had remained in the EU.

While I welcome that enhanced devolution, I do so with a certain caution about how the SNP will use those powers—not because of any objection to the powers being devolved, but because when the SNP are set to receive more powers, there inevitably emerges a nervous press release from Bute House saying that actually, it is quite complicated, and they need more time to decide before taking the powers on.

Leaving aside Nicola Sturgeon's inability to grow the economy, take over welfare powers that the SNP have been demanding for years, deliver farmers' payments,

boost education standards, roll out broadband beyond the central belt or ensure that those living outside cities have access to health services, I have full confidence in the SNP's ability to manage this massive influx of new powers to what we must never forget is one of the most powerful devolved Parliaments in the world.

In fact, I know why the SNP are reluctant to talk about specific powers in the context of this debate. It is because they want nothing to do with these powers and have zero interest in taking them on. In fact, I would go so far as to say that the only thing they want is for someone else to have these powers. They do not want these powers because all the SNP want to do is to give every single one of them back to Brussels. Do they want to manage agriculture to diversify and grow our rural economy? No—far better to leave the European Commission to tell them how to do it. Are they interested in revitalising our coastal communities by leaving, in the words of their idol, Alex Salmond, the “dead hand” of the common fisheries policy? No. They would see our fishing industry tied to the disastrous CFP indefinitely—a stance that was reinforced by their MEPs only a couple of weeks ago. Will they ever take responsibility and get on with governing? No, because they would rather campaign for an unwanted referendum than get on with the day job.

I know full well that the SNP are not interested in being constructive because, at the end of the day, they are not interested in governing. They have a single objective, which overshadows every policy, every press release and every negotiation, and that is to break up our Union—the Union that Scotland voted to remain part of in 2014. Scotland's opinions have not changed. In fact, the last election allowed voters the chance to voice to the SNP their concerns and outrage at them riding roughshod over the referendum result, and half a million people voiced their concerns loudly and clearly.

Nicola Sturgeon's Government are not an honest broker looking to get the best outcome for Scotland. Her Government are a wrecking ball designed to tear our nation apart. It is incredibly disappointing, but not at all surprising, to see that mentality in SNP Members, who take their instructions from the party machine with no regard for representing their constituents. If they did, they would listen to their constituents' views and reach agreement. However, we can only reach agreement with those who have the desire to come to an agreement.

8.6 pm

Patrick Grady (Glasgow North) (SNP): I want to start on a consensual note by echoing the tributes that have been paid to the heroic work of the Scottish Fire and Rescue Service and Police Scotland in responding to the tragedy at the Glasgow School of Art. I send my sympathies and condolences to Professor Tom Inns and the whole community. I had the privilege of seeing some of the restoration work last year. I share the sense of devastation and hope that some legacy and restoration can be achieved.

There are two aspects to the power grab. The first was explained by my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford). Schedule 5 to the Scotland Act is very clear: if it ain't reserved, it's devolved. What is happening now is that powers that are not reserved to this Parliament are being stopped in their tracks from Brussels and reserved to the House of

Commons, rather than being devolved to the Scottish Parliament. That is the first aspect of the grab of the 24 powers that have been spoken about so many times.

The second and more important aspect of the power grab is the contempt with which the refusal to grant a legislative consent motion is being treated. The decision of the House of Commons last Tuesday to vote through amendments to the European Union (Withdrawal) Bill that the Scottish Parliament had expressly refused its consent to is a fundamental change to the nature of the devolution settlement. It fundamentally undermines 20 years of devolution. That is the real power grab: this Parliament expressing its sovereignty in the face of the sovereignty that the people of Scotland expressed in their legitimately elected Parliament.

Luke Graham (Ochil and South Perthshire) (Con): I thank the hon. Gentleman for giving way. He says that these powers being reserved is a fundamental challenge to devolution. Can he tell me how agricultural fertiliser regulations pose a fundamental challenge to devolution? How do powers relating to elements of reciprocal healthcare pose a fundamental challenge to devolution? Those are two of the 24 powers being reserved. This is not a challenge to devolution; it is just common sense.

Patrick Grady: The hon. Gentleman has a far more rural constituency than I do. Perhaps the farmers in his constituency are happy with the idea that this Parliament will simply legislate on those issues and ride roughshod, without the elected Members of the Scottish Parliament having a say, but I am not sure that the farmers in my constituency of Glasgow North would share that view.

The saddest thing is that it did not really have to come to any of this. This simply has not been on the Government's radar. Whether that is because of a failure by the Secretary of State for Scotland to make Scotland's voice heard in Cabinet or because Scotland is simply not important to the Tories does not really matter. The reality is that on Tuesday and Wednesday last week, we saw Government Whips running around the Benches negotiating with their rebels and Ministers at the Dispatch Box negotiating amendments to the withdrawal Bill in real time. Months of meetings in the Joint Ministerial Committee and of messages, statements, questions and debates led by Members from all the different parties in Scotland in this House seem to have had absolutely no effect on the UK Government. That is a demonstration of the contempt, of the power grab and of them riding roughshod over the views of Scotland expressed in the Scottish Parliament.

Ironically, and I have raised this before, there are still ways out for the Government, but they have so far refused to take them. On Thursday, I raised the issue of Royal Assent. It is up to the Government when the final version of the EU withdrawal Bill is put forward for Royal Assent. The Minister could stand up now and commit that they will not do so until agreement has been reached with the Scottish Government. Otherwise, presenting a Bill for Royal Assent while consent has been withheld is in blatant breach of the Sewel convention, which was put on a statutory basis in the Scotland Act after 2015—the greatest, most devolved Parliament in the entire history of the known universe snapped out and snuffed out just like that by this House of Commons after a paltry 19 minutes of debate, or one minute of debate for every year of devolution.

Let me say this on devolution and the Scottish National party—I say it with the greatest of respect to the right hon. Member for Orkney and Shetland (Mr Carmichael). In 1997, when I was 17 years old, I was out on the streets of Inverness knocking on doors for the yes, yes campaign. I do not remember that many Liberal Democrat activists joining us, and that was a Liberal Democrat seat at the time. The reality is that the Scottish National party helped, on a cross-party basis, to deliver devolution and it has consistently delivered success in devolution, and the only people isolated throughout that period have been the Scottish Conservatives.

Mr Carmichael: Will the hon. Gentleman remind us of the role in the constitutional convention, building the blueprint that created the Scottish Parliament, of the SNP?

Patrick Grady: Of course, in the early days the Scottish National party had an interest in the process of the constitutional convention, but the constitutional convention decided that it would not consider independence. There was a founding document of the constitutional convention—I am very happy to discuss it, because this is of fundamental importance to the Conservatives. I defy any of the Scottish Conservatives to get up now and say that they will endorse the claim of right for Scotland; it is one of the founding documents. The claim of right for Scotland says that it is the fundamental sovereignty of the people of Scotland to determine their own constitutional future. The only party that has never signed the claim of right for Scotland—it refused to sign it in 1989 and it refused to endorse it when it was put to the Scottish Parliament in 2012—is the Scottish Conservatives. If one of the Scottish Conservatives wants to get up now and say that they endorse the claim of right for Scotland, I will be very glad to hear it. No? And a silence fell upon the assembly.

Of course, the great irony in all of this—this is the question which the Minister for the Cabinet Office must answer—is the fundamental damage that is being done to the UK constitution as a whole. We regularly have the farce of the English votes for English laws procedure in the House of Commons, when the English Grand Committee—the English Parliament—is asked to grant a legislative consent motion to whatever it has already debated and already consented to. What is the point of that EVEL procedure now if legislative consent motions from the Scottish Parliament—and potentially from the Welsh Assembly and, indeed, the Northern Ireland Assembly—are not even going to be paid attention to?

The reality is that the Government have completely failed to respect the outcomes of both the independence and the Brexit referendums. They have refused to respect the differential result in Scotland, Northern Ireland, London and Gibraltar. This goes beyond the simple question of the Sewel convention as it applies to Scotland; it is about how it applies across the whole of the United Kingdom. The Government are so determined simply to cling on to office that they do not seem interested in the consequences of the decisions they are making and the constitutional havoc they are wreaking.

Whether by accident or design, things have changed. The 20th anniversary of the Scotland Act heralds a new era of devolution and it is not the era that was promised by the no campaign in 2014. I am very fond of Alasdair Gray's saying that we should

[Patrick Grady]

“Work as if you live in the early days of a better nation”.

There is another saying that the darkest hour comes just before the dawn. This is a very dark hour for devolution, but perhaps that means the new dawn of an independent Scotland, where full powers are in our own control, is on the way and those really will be the early days of a better nation.

8.13 pm

Douglas Ross (Moray) (Con): Thank you, Mr Speaker.

“All this crowd are interested in doing is performing stunts and disrupting Parliament.”

Those are not my words, but the words of the SNP’s Deputy First Minister in Scotland, John Swinney, when an Opposition party in Holyrood performed the same theatrics that we saw from SNP Members last week. Their own Deputy First Minister thinks that they should be in Parliament standing up for their constituents and listening to the debate, rather than walking out. I agree with John Swinney, and I hope, in the cold light of day, that SNP Members will reflect on what they did last week and also agree with their Deputy First Minister.

I want to move on to the points I put to the right hon. Member for Ross, Skye and Lochaber (Ian Blackford). In my intervention, I made two specific points, neither of which were answered. I asked, first, how many powers the Scottish Parliament currently has and how many it will have after the implementation of the legislation in this Parliament, because if it is a power grab, there must be fewer powers afterwards. I am giving an open invitation to all SNP MPs in the Chamber to stand up and intervene on me to tell me how many powers the Scottish Parliament currently has and how many it will have after the legislation has gone through the Westminster Parliament. How many fewer powers will there be? Come on! Nobody? Nobody, because they cannot answer. They cannot defend their claim of a power grab because it does not exist. Their leader could not answer the question in my intervention, and now the entire parliamentary party cannot intervene to tell me the answer, because it is not happening and will not happen. They are not losing any powers; they are gaining powers as a result of this Government.

The second question I put to the right hon. Gentleman was: what was his party’s position in the 1997 general election? He stood up and said that the Conservatives opposed devolution in 1997, but the SNP opposed devolution in the 1997 general election. I have read its manifesto for the 1997 election, because the hon. Member for Central Ayrshire (Dr Whitford) was so perplexed at my point, and it said:

“The SNP are proposing a fully-costed manifesto for an independent Scotland”.

Devolution was never mentioned: in those 37 pages, it was never once mentioned. Why? Because it is all about separation for the SNP. Every year, every month, every day, every hour—it is about separation for the SNP. It opposed devolution in the 1997 general election, and they are working against it now because it is not in the interests of separation.

Jonathan Edwards: Several of the hon. Gentleman’s colleagues have referred to the deal struck by the Government of my country with the UK Government.

However, during a session of the External Affairs and Additional Legislation Committee of the National Assembly, Professor Tim Lang was asked what he thought the consequences would be for Welsh agricultural interests, and he said that Welsh interests would now be “steamrollable” following the Welsh Government’s capitulation. Is that what the hon. Gentleman wants for Scotland?

Douglas Ross: I am grateful to the hon. Gentleman for his intervention because I am about to speak about Wales and about other people.

The right hon. Member for Ross, Skye and Lochaber said that the people of Scotland are watching. They are watching, but does the SNP know what they are saying? They can see the grievance politics of the SNP. They will come to their own conclusions about why the SNP Scottish Government have ignored the Scottish Parliament’s Presiding Officer, who has said that its continuity Bill was outwith the remit of the Scottish Parliament. The Scottish public will have to wonder why the SNP does not accept the concessions from the UK Government that have met with the approval of the Welsh Assembly and of Welsh Labour. The SNP told us that it was hand in glove with the Welsh Government in these negotiations, but all of a sudden, with concessions from the UK Government, we have agreement in unionist Wales, but not in separatist Scotland.

The people of Scotland have to ask why Labour and Liberal Democrat peers are wrong when they say that the devolution settlement will be respected. Many of those peers are the architects of devolution itself, yet they can agree with what the UK Government are putting forward. The public in Scotland will also have to ask why the SNP thinks that Lord Sewel is wrong. The man who gave his name to the convention we are discussing today says that he backs the UK Government position. Lord Sewel has said today that he backs what the UK Government are doing, which is respecting the devolution settlement of our country.

Yes, the people of Scotland are watching, and they see the SNP working in the nationalist interest rather than in the national interest. I want more for Scotland: I want Scotland to get more powers from this UK Government, and that is what is happening. People will have to ask: why does the SNP not want these powers, and why does it want to give these powers straight back to Europe? As my hon. Friend the Member for Angus (Kirstene Hair) said, it wants to do so for fishing. That is hugely important in my constituency of Moray, yet the SNP does not want fisheries powers to come from Westminster to Holyrood; it wants them to go back to Europe.

My final message to SNP Members today is: if they do not want these powers, Scottish Conservatives do, and after the next election in Scotland, Ruth Davidson will use these powers as First Minister of Scotland. The public can see that those who do not want and cannot use these powers need to be replaced, and the Scottish Conservatives are ready to do so.

8.19 pm

Gavin Newlands (Paisley and Renfrewshire North) (SNP): I have news for the hon. Member for Moray (Douglas Ross): the SNP supports independence.

When the story of independence is told, as it surely will be, some key events will be highlighted as critically important: the election of Winnie Ewing to this place in 1967; Margaret Thatcher's tenure as Prime Minister and her imposition of the poll tax; the fall of new Labour and the illegal invasion of Iraq; the creation of the Scottish Parliament and subsequent election of Alex Salmond as First Minister; and the election of an SNP Government in 2007 and every election since.

However, I suspect that last Tuesday's disgraceful events, when the devolution settlement was ripped up in 15 minutes with no Scottish speaker, will, in due course, go down as perhaps the key moment when Scotland's fate as an independent country was sealed. Since the 2015 election, the SNP group has worked hard to represent our constituents and hold the Government to account. As this Parliament's third party, we have, in large part, played the Westminster system. While the Labour Party has been in disarray, we have acted as the main Opposition. We have remained consistent and principled on so many issues, such as Brexit.

The Westminster system does not come naturally to the SNP; I am sure that viewers watching in Scotland, where a modern efficient Scottish Parliament has such witchcraft and wizardry as electronic voting, will also find the archaic system here strange and unusual. We have tried our best to highlight these strange procedures, but also worked with them as best we can, so that we can stand up for our constituents and for Scotland. But last week's events said it all: no matter how hard Scottish MPs of any party work in this place, no matter how much patience we show, the Sewel convention and Westminster itself do not work for Scotland.

As we have heard already, the Tories are no friends of the Scottish Parliament; they campaigned against its very creation. Their Brexit power grab shows that they want powers that should rightly be transferred directly to Edinburgh, as per the Scotland Act 2016, kept in this place—the Palace of Westminster.

The issue now extends beyond Brexit. It is not about whether someone voted for Brexit or to remain, but about whether Westminster can serve Scotland. The Tories' behaviour over the past week has brought people of all political persuasions and none together in believing that Scotland's time at Westminster may be coming to an end. Murray Foote, former editor of the *Daily Record* and the architect of "the vow", is one of those who now support independence, calling Westminster's behaviour last week a "democratic abomination". [Interruption.] I am not entirely sure what the hon. Member for Stirling (Stephen Kerr) finds so funny: the former editor of the *Daily Record*, who campaigned against independence, now supports it. Perhaps the hon. Gentleman should listen.

We have heard about the surge of people who have joined the SNP following last week's events. This past weekend, I was at street stalls in Renfrew and Erskine and spoke to some of the new local members who had joined the SNP over the past few days. Many of our new members have long been sympathetic to Scottish independence. Some have historically been uncertain, and some even voted no in 2014. However, Westminster's behaviour last week pushed them to join the SNP. The Government should listen to the message that they are sending in doing so. The people of Scotland are starting to come to the conclusion that Westminster does not represent the interests of Scotland.

The Tories hoped that no one in Scotland would notice or care about Westminster's power grab and the lack of time afforded to the debate itself. How wrong they were. I actually disagreed with my hon. Friend the Member for Argyll and Bute (Brendan O'Hara) when he said that it was Scotland versus the Tories; it is the Tories versus Scotland. Let me assure the people of Scotland, including my constituents in Paisley and Renfrewshire North, that the SNP will continue to stand up for them and their Parliament. We will campaign to bring forward emergency legislation to end the power grab, protect the powers of the Scottish Parliament and ensure that Brexit does not harm jobs and living standards in Scotland. I lay that same challenge down to the Scottish Tories: will they stand up for Scotland, or will they continue to treat voters in Scotland with utter contempt?

8.24 pm

Luke Graham (Ochil and South Perthshire) (Con): This issue is relatively simple. The EU referendum was a UK-wide vote, and more than 1 million people in Scotland voted to leave the EU. In 2014, a referendum decided that Scotland should remain a part of the UK; the separatist argument lost by 10 percentage points—a significantly greater margin than in the EU referendum whose business currently preoccupies the House.

Respecting the will of the people of Scotland, which is constantly brought up by SNP Members, is exactly what the Government side of the House is doing. People in Scotland voted to remain Scottish and British—to have a devolved Parliament in Edinburgh, but also have their Parliament here in Westminster. It was a constitutional decision that reinforces our current structure of government and made sure that we still keep this Parliament of Scotland, England, Wales and Northern Ireland here in Westminster and sovereign, with directly elected representatives.

Section 2 of the Scotland Act 2016, which was shaped by the cross-party Smith commission, is unambiguous in asserting the UK Parliament's power to make laws for Scotland and that devolution does not diminish that power. The Act also recognises the Sewel convention, which states:

"it is recognised that the Parliament of the United Kingdom will not normally legislate with regard to devolved matters without the consent of the Scottish Parliament."

But these are not devolved matters and these are clearly not "normal times", as Mike Russell MSP recently acknowledged.

The convention also does not apply to reserved matters. Schedule 5, part 1 of the 2016 Act defines, among others, the constitution and foreign affairs as explicitly reserved powers for MPs in this House to discuss and decide. The European Union could not legitimately be defined as that

"which is normally dealt with by the Scottish Parliament",

but very clearly comes under the powers reserved to this place. It is for those very reasons that the Presiding Officer of the Scottish Parliament deemed the SNP Administration's EU continuity Bill—rushed through, by the way, as emergency legislation, with just 25 hours of debate—to be outwith the competence of the Scottish Parliament. Indeed, far from protecting, or even respecting, the devolution settlement, the SNP is showing complete contempt for it and for our constituents.

[*Luke Graham*]

The European Union (Withdrawal) Bill and this whole debate is concerned with where powers that previously sat in Brussels will now sit in the UK. It is ironic that the SNP is fine with having unelected Brussels bureaucrats set laws for Scotland, but finds it an outrage when this Parliament, which is also Scotland's Parliament and has its own directly elected MPs, makes laws. It cannot be a power grab if Holyrood never had those powers to begin with. Finally, even today, Lord Sewel, who I imagine has some insight into these matters, stated clearly that Westminster needs the power to move ahead and that there is no constitutional crisis.

To recap, that is the Scotland Act 2016, the Smith commission, the SNP MSP responsible for the constitution, the former SNP deputy leader and Lord Sewel himself all clearly acknowledging the validity of the Sewel convention and reinforcing the sovereignty of this House. We should take a moment to remember what devolution was truly meant to be about—not erecting a wall between Scotland and the rest of the United Kingdom, but bringing power closer to communities throughout the UK.

Furthermore, the Smith commission went one further by saying that powers should come from Holyrood to individual local authorities. Has that happened in Scotland? No—there has been a clear centralisation of power in Edinburgh. Powers are being taken from Westminster and centralised in Edinburgh with no respect. This is not good devolution or bad devolution—it is deliberately dysfunctional devolution, stoked by an SNP that is so obsessed by separation from the United Kingdom that it cannot countenance even making an agreement with it.

As I outlined earlier, it is really clear that this is not about the 24 powers in relation to the UK common framework; this is about fertiliser, food labelling and standards. When I was looking, there was no one in my constituency saying, “We want them to be so drastically different from the rest of the UK, it is an assault on devolution.” That is what the 24 powers are about. If we want to get into the detail, we should engage with it.

We have been threatened tonight with disruption, with another referendum, with “paying a price” as the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) said. Well, you carry on with the threats. We will focus on delivering for our constituencies. What we have seen in the last week is very, very simple: the mask has slipped and the façade has fallen. What is revealed is naked nationalism. While SNP Members fight to separate the United Kingdom, we will be fighting to unite it.

8.29 pm

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): Diolch yn fawr, Llefarydd. It is an honour to be the first to speak for Wales in the debate this evening. I welcome the Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office, the right hon. Member for Aylesbury (Mr Lidington), back to his seat, from which he has been absent for much of the debate.

It is impossible to overstate the seismic implications of Brexit for Wales. At the heart of this debate is how the British state will function post Brexit and what the British state considers to be normal. We can no longer assume that the rightful trajectory of power coming closer to the people will continue in the way it has done

since 1997. What we are facing is a shock tactic, a vortex of centralisation, a self-affirmation of self-interest in sovereignty by and for Westminster.

What will this mean in practice? We have been talking about 24 powers, haven't we? Well, in Wales there has been some mission creep, with two more—state aid and food geographical indications—to make it 26 powers. That means something in practice for Wales. It will mean the denial of state aid for threatened industries, such as steel, by a Government who believe in an unfettered free market. It will mean an agricultural policy no longer designed to protect farming and the rural economy, and all that means for Wales in terms of the environment, our language and our culture. It will mean slash and burn procurement policies hardwired to ignore social and community benefits of public expenditure. It will mean enabling once again the selling-off of Wales's fish stocks to the highest bidder, something our Government should have been able to prevent and will now not be able to do.

Developing common frameworks for the UK as a whole should require mature co-operation between the national Governments of the UK, and should not be a case of one country asset-stripping powers from the others to impose a once-size-fits-all England-first framework across all the UK's countries. Yet at the very same time, Westminster will only be bound by political promises while the devolved Governments face legal constraints—Westminster acting again as judge and jury.

The disregard for Welsh democracy is endemic. Despite Labour's half-baked attempt at improving the power grab clause, the people of Wales would be forgiven for thinking the Opposition and the Tory Government were colluding to deny Wales its voice. To rub salt into an already aggravated wound, the Labour party needlessly pressed ahead with 11 consecutive votes, some of which were duplicates that it knew full well would lose, all the while eating into time for the devolution debate. Not only did the Labour party facilitate the farce of a debate that took place last Tuesday, with the exception of one hon. Gentleman it abstained. I note the presence of just one Labour Member from Wales this evening. Labour abstained on amendments that took powers away from our National Assembly for Wales.

It speaks volumes for the lack of respect on the part of the British Government that they are ploughing ahead with the Bill before the Supreme Court reaches a verdict on the Scottish continuity Bill. As we know, as part of the deal between the Unionist parties, the Labour Welsh Government agreed to withdraw the Welsh continuity Bill and its referral to court. In what can only be described as a convoluted turn of events, I understand that the Labour Welsh Government have requested to re-participate in the Scottish continuity Bill Supreme Court case, but this time, as obedient good Unionists, in defence of the UK Government's position.

When my party argued in favour of remain in 2016, we did so because we believed—and believe—that small nations like Wales are served better sitting alongside the other successful small nations of Europe as equals. We argued that the inbuilt inequality of the UK would make Wales expendable political collateral to the overriding interests of England. And we were right. While Tory and Labour Unionists—40 MPs, remember, out of 650;

look at the maths for how the inequality is written in—work hand in glove, I am confident that Brexit will be a landmark in the journey Wales takes to our own conclusion. Only our own, radical solutions will prove the answer to our needs. Westminster and its parties will always treat Wales like an adjunct, an afterthought, an inconvenience. All that does is make the case for Welsh political independence.

8.34 pm

Andrew Bowie (West Aberdeenshire and Kincardine) (Con): I am grateful for the chance to speak tonight, because I, too, was frustrated by the Labour party's determination to silence the voice of Scotland last week by dividing 11 times on the European Union (Withdrawal) Bill. I am grateful for the opportunity to give up my evening to talk about important issues.

Section 28(7) of the Scotland Act 1998 reads as follows: this Act

“does not affect the power of the Parliament of the United Kingdom to make laws for Scotland.”

The White Paper, “Scotland's Parliament”, published in July 1997, states that

“there may be instances (eg international obligations which touch on devolved as well as reserved matters) where it will be more convenient for legislation to be passed by the UK Parliament”.

The Scotland Act and the White Paper that preceded it are very clear: this sovereign Parliament of the United Kingdom can legally legislate for the entire United Kingdom. However, as is normally the case, we desire consent from the Scottish Parliament, and that is exactly what this Government have sought to achieve through months of dialogue and talks with the Administrations in Edinburgh, and of course in Cardiff, with regards to the European Union (Withdrawal) Bill. But as Mike Russell has said, these are “not normal times”.

It is simply wrong to suggest, as the SNP has tonight and prior to this, that Her Majesty's Government are trying to ram through legislation that somehow threatens the devolution settlement. They have not and it does not. In fact, the only conclusion one can really come to as to why the Welsh Government appear content with new clause 15 and the Scottish nationalists do not is that the Scottish Parliament has never wanted to come to an agreement. The destruction of our United Kingdom is the *raison d'être* of the SNP, and nothing else—not the economy, the internal market of the UK, or the common frameworks for agriculture or fisheries—no, nothing matters but the break-up of our United Kingdom, hence their manufactured constitutional crisis and their temper tantrum last week during Prime Minister's questions when, in the words of a constituent of mine on Friday afternoon,

“yon loons fairly embarrassed themsels.”

The SNP leadership claims that the people of Scotland are not being listened to. Like my hon. Friend the Member for Paisley and Renfrewshire North (Gavin Newlands), I spent the weekend—[*Interruption.*] I regard him as a friend, actually—I do not know how that will go down in Paisley, but I will leave that to him. I was out this weekend talking to my constituents in Echt, Tough, Sauchen, Monymusk and Drumoak, and I was listening to what the people there were saying. I tell you what, if Brexit and the constitution came up at all—which, I have to admit, it rarely did—the people said that they were sick to death of the childish games being played by

the nationalists. They told me that what we should be doing is respecting the result and working together to guarantee a fruitful future for our farmers, our fishermen, our businesses and our people. That should be what we are doing now—not fostering gripe and grievance or manufacturing a constitutional crisis, for that is what they are doing. Even Lord Sewel, my constituent and the author of the Sewel convention, agrees that there is no crisis and that the Government are absolutely right to move ahead without consent due to Brexit being a major adjustment.

This Government have been open, honest and willing to make changes, and in new clause 15, there have been changes. For the avoidance of doubt, although it does not bear being repeated again, let us be absolutely clear: there is no power grab. Not one single power is being stripped from the Scottish Parliament. In fact, 80 new powers are returning from Brussels straight back to Holyrood, where the SNP would have them remain, and another 24—all of them agreed with the Administration in Edinburgh—will be temporarily held at Westminster, subject to a sunset clause, which, again, the Scottish Government asked for.

This Conservative Government are legislating for the entire United Kingdom and all its people. We have made concessions on the European Union (Withdrawal) Bill to make it work and for it to be acceptable to the people of all of our country. We are the party that is committed to building a Britain fit for the future, making a success of Brexit and enhancing devolution. In fact, we are the only party of devolution, governing in the national interest—a one-nation party for one nation, for every part of the UK. The Conservatives are getting on with governing, while the SNP is just getting on with girning.

8.38 pm

Joanna Cherry (Edinburgh South West) (SNP): I got the impression over the weekend that Government Members and the metropolitan commentariat were rather surprised at the strength of feeling displayed by SNP MPs last week at the pitiful amount of time that was allowed for debate of these matters, but they should be in no doubt that that strength of feeling is felt across Scotland. On the flight home and in my constituency at the weekend, I was inundated by members of the public congratulating us on taking the stance that we did. In *douce*, undemonstrative Edinburgh, I was unable to get my messages done in Marks & Spencer at Slateford for people coming up to me wanting to shake my hand and tooting their car horns, shouting out that we had done the right thing.

Lest it be thought, then, that this is only about what we individual SNP Members think, I want to devote what little time I have to some of the views held by members of the Scottish commentariat, Scottish civic society and a prominent Scottish constitutional lawyer. The position was neatly summed up at the weekend by the distinguished journalist and commentator Kevin McKenna, who is not afraid to criticise my party when he does not agree with it, when he wrote in *The Observer* at the weekend:

“The UK government has sought to portray the SNP's anger over the power grab as illusory to the point of non-existent. ‘The 24 powers will eventually make their way to Holyrood, so what's the problem?’ they ask. The problem is threefold.”

[Joanna Cherry]

First:

“It could take up to seven years for these powers to return, a period that would outlast a term of government on either side of the border.”

Secondly:

“At any time, during this period the UK government could alter them as they see fit.”

Thirdly and perhaps most importantly:

“A precedent has also been set allowing any UK government to override the Sewel convention by which Westminster won’t legislate on devolved competencies without Holyrood’s permission.”

That is not my view but the view of Mr McKenna.

The Sewel convention provides that Westminster will “not normally” legislate on a devolved matter without devolved consent. I am afraid that an awful lot of nonsense has been talked about what the word “normally” means. Fortunately, the House need not take my word for it; Aileen McHarg, professor of public law at the University of Strathclyde, very helpfully set out at the weekend some of her views on what “not normally” meant. She says it does not mean:

“Goodness me, this situation is a bit unusual; we can therefore ignore the usual constitutional rules.”

It does not mean, she says: “I say”,

“it’s jolly difficult if we have to agree stuff with”

the Scots and

“the devolved institutions; let’s just ignore them.”

Nor does “not normally” mean, she says:

“So long as we make some kind of effort to reach agreement (even if it’s a bit late and we have to be forced into it), it doesn’t matter if we can’t actually reach agreement.”

What “not normally” means is as follows. The Sewel convention is a rule, not merely a description of practice, so the word “normally” has to be understood as an exception to the rule. According to the principles of legal interpretation, we make exceptions to a rule either where the underlying rationale for the rule does not apply or where there is some overriding competing principle.

The rationale for the Sewel convention is protection of devolved autonomy. It is not clear to me or Professor McHarg why the protection of devolution should be suspended by the Brexit vote, particularly when Scots did not vote for Brexit by a majority of two to one. Professor McHarg concludes, on the basis of what few precedents there are, and of the discussions at the time of the enactment of the Scotland Act and in relation to the old Stormont convention, that devolved consent can be overridden only in cases of necessity or where the devolved legislature is abusing its power. There is no evidence that the devolved legislature is abusing its power, and, in order to have frameworks, there is no necessity for those frameworks to be imposed from above.

Stewart Malcolm McDonald: Given what my hon. and learned Friend has just informed the Chamber of, could not the Executive in London be accused of abusing their power?

Joanna Cherry: Indeed. It is the Executive in London who are abusing their power. In the words of the BBC’s “Reality Check” website, the Sewel convention was “ripped up” and thrown away by last week’s amendments.

I will conclude with a word of warning for the Tories from another commentator, Dani Garavelli, who wrote in *The Guardian*:

“As for ordinary voters, they may not be greatly exercised about the finer points of the constitution... But they can hear the mood music; they know when their parliament is being slighted. Already frustrated over the democratic deficit that allows Scotland to be taken out of the EU when every part of the country voted remain, many of them will look askance at the dismissive way Conservative politicians behaved in the chamber on Wednesday.”

In relation to displays of anger from me and others last week, she says that such anger

“will be echoed around much of the country. Anyone who doesn’t understand the potential impact of such condescension on the psyche of Scottish voters wasn’t paying enough attention last time around.”

I look forward to putting pictures of their jeering faces on the leaflets at the next independence referendum.

8.44 pm

Paul Masterton (East Renfrewshire) (Con): Aviation—compensating public service obligation air routes; carbon capture and storage; control of major accident hazards; electronic road toll systems; elements of EU social security co-ordination; marine environment issues; the energy performance of buildings directive; the environmental impact assessment directive; environmental law concerning energy industries; flood risk management; water quality; water resources; domestic forestry; genetically modified micro-organisms contained use; heat metering and billing information; implementation of cross-border healthcare rights to treatment and reimbursement; land use; maritime—public service contracts; ports services; onshore hydrocarbons licensing; the renewable energy directive; road infrastructure safety management; charging of heavy goods vehicles; voting rights and candidacy rules for EU citizens in local government elections; blood safety and quality; applicable law in contracts and non-contractual obligations; cross-border mediation; jurisdiction and recognition and enforcement of judgments in civil and commercial matters; enforcement of judgments: instruments in family law; legal aid in cross-border cases; service of documents and taking of evidence; uniform fast-track procedures for certain civil and commercial claims; efficiency in energy use; elements of the regulation of tobacco and related products; air quality; biodiversity; marine environment; natural environment and biodiversity; spatial data infrastructure standards; waste management; equal treatment legislation; good laboratory practice; high-efficiency cogeneration; late payment for commercial transactions—the list goes on and on.

There is no power grab. More than 80 powers that the Scottish Parliament does not currently have, and would not have if we were not leaving the European Union, will go to it on the day we leave the European Union, and 24 other areas—each and every one agreed with the Scottish Government—will remain temporarily with the United Kingdom under common frameworks.

There is no power grab. What we are seeing is the honouring of a commitment given by this Conservative UK Government to respect and strengthen the devolution settlement, and to protect the integrity of our United Kingdom.

Several hon. Members *rose*—

Mr Speaker: Order. The Front-Bench spokesmen will now speak. I know that they will try to stick to 10 minutes each, because I am keen to accommodate remaining speakers, but we will see how things go.

8.47 pm

Lesley Laird (Kirkcaldy and Cowdenbeath) (Lab): Let me begin by echoing some of the sentiments that have been expressed tonight about the fire at the Glasgow School of Art. Let me also thank my colleague the junior shadow Minister for the efforts that he has made to raise the profile of this issue, appearing on Canadian television tonight. That demonstrates that it really is a global issue.

I remind the people in this Chamber, and the people we represent, that the debate is of the utmost importance. I also acknowledge that several Scottish Members are unable to attend today, as they are otherwise engaged with the Scottish Affairs Committee.

At the heart of the debate are concerns about the future of the Scottish devolution settlement, and about the future of the United Kingdom itself. In that context, it is unbelievable that the Minister responsible for these matters has chosen to absent himself. Let us be clear: responsibility for the position in which we find ourselves today sits squarely in the lap of the Conservative party. This Tory shambles is epitomised by the Secretary of State, the invisible man in the Cabinet, who is now missing in action rather than being at the Dispatch Box. This is not a personal attack, but it is a critique of a performance. The Secretary of State has been AWOL on many fronts. He is not at the Brexit negotiating table; he is not able to keep his commitments to the House; he is not able to deliver for the Scottish Parliament; and he is not able to deliver on the commitments that he made to his colleagues on clause 11.

Today's debate, and the Tory shambles, were totally avoidable. The Tories' approach involves playing fast and loose with devolution, and with the future of the United Kingdom. The current approach of a party that claims to want to protect the Union serves only one purpose, and that is to play into the hands of the Scottish National party, which—let us all be clear about this—does not want to protect devolution, and which never wanted it in the first place.

In contrast, let me set out the grown-up approach taken by the Scottish Labour party. As the party of devolution, we want to protect devolution and protect the future of the UK at the same time. That is why Labour in the Scottish Parliament voted along with the SNP, the Liberal Democrats and the Greens to withhold consent for the EU withdrawal Bill, particularly due to the provisions in clause 11. At that point the Tory Government must surely have understood the depth of concern about the way they were proposing to utilise the new powers, but, alas, they did not. Instead, they carried on regardless, ignoring the Scottish Parliament and playing into the hands of the SNP. In acting in this way, it has become abundantly clear that the Tories are as much a threat to the UK as the nationalists.

Let me outline how and why this shambles came about. We are here because the Secretary of State for Scotland and his UK Government decided when they drafted the EU withdrawal Bill that all powers coming back from the EU would come to Westminster and be devolved to the devolved Administrations at a time of

their choosing, something that is entirely incompatible with the devolution settlement, a fact that their own Scottish MPs acknowledge.

The Secretary of State for Scotland then promised on four different occasions that he would fix this flawed course, but he did not. Last Tuesday he managed to do something that I do not think anyone in this House could have envisaged: be complicit in a situation where no Scottish MPs or the Secretary of State for Scotland were able to speak about devolution, truly taking this process to a new level of farce.

A number of hon. Members have suggested that it was Labour that somehow disrupted this debate—that Labour somehow stopped democracy happening—but it was the Conservatives who set the timetable. In fact, they wished to set the debate for only one day, and only on our pressing did they set it for two. But that was still not enough to debate what are some of the biggest constitutional issues this country is facing.

Labour throughout this process has tried to play a constructive role. We have tabled amendments and made suggestions to both Governments. These could have helped break the deadlock; but instead what we have seen is two competing nationalisms entrenched and intent on cancelling each other out.

Throughout this process only Labour has genuinely sought an agreement that protects devolution and breaks the impasse. The leader of Scottish Labour and I wrote to the First Secretary of State asking for cross-party talks; so far he has refused.

Jonathan Edwards: Will the hon. Lady give way?

Lesley Laird: I will not give way; the opposition has had ample time to state its case.

I have spoken to the Secretary of State for Scotland urging him to facilitate these talks; so far he has refused. On each occasion the mantra has been, "Unless there is something new to discuss we will not meet." If that is the Government's approach, it is a defeatist one. That is why it is time to freshen up the Treasury Bench. As other Members have said, it is time to take a fresh approach and bring new thinking to the table: to bring experts on law and the constitution to the table, and to bring in people from industry and business who ultimately will have to make sense of it all. As the right hon. Member for Orkney and Shetland (Mr Carmichael) pointed out, the NFU and others are waiting to see what that will look like. The Government have clearly run out of ideas, but openness to new ideas is of course predicated on having a genuine desire to resolve the issue, and so far their reluctance to do that may suggest that they are indeed content with the way things are.

Once again it will be Labour that brings forward proposals to break the deadlock. I will again be writing to the First Secretary of State and also Mike Russell with a further proposal that, at the very least, should compel all parties and experts to get around the negotiating table and find a way to resolve this issue, because while we may have the luxury of standing here debating the constitutional implications of the Sewel convention, we must remember that behind all of this constitutional wrangling, people and businesses require certainty, and require both of Scotland's Governments to work constructively together to reach a solution. We understand

[Lesley Laird]

the need to negotiate on the common UK frameworks, but we do not understand why the industries and sectors that will be impacted have not been actively involved in the negotiations.

Let us be in no doubt that we are in this mess because of the UK Government. There has been no Joint Ministerial Committee meeting for eight months. That is eight months of time wasted that could have been used to sort this out. It is also my understanding that two JMC meetings have been cancelled in recent weeks. It is abundantly clear that deeds are not matching words. The Secretary of State for Scotland has stated:

“Scotland is not a partner of the United Kingdom; Scotland is part of the United Kingdom.”—[*Official Report*, 14 June 2018; Vol. 642, c. 1129.]

That really tells us all we need to know.

Since Brexit, it has become clear that the intergovernmental and constitutional mechanisms in the UK are inadequate, and the debate that we are having about the Sewel convention serves only to reaffirm that case. The Secretary of State for Scotland cannot even be compelled to come to the Dispatch Box to answer for his decisions and his quite obvious failings on this matter. We also have a situation in which the UK Government can ride roughshod over the wishes of a democratically elected Parliament in Scotland, and there is no recourse. [*Interruption.*] That is why it is called democracy; that is why it is called devolution. People in Scotland will be looking on at this and wondering whether the UK Government have any real intention of trying to fix it. They will be wondering whether not getting a deal and causing a constitutional crisis are actually politically beneficial to those who are nationalists on both sides of the argument. Constitutional debates only fuel the politics of grievance; they do not fuel economic stability, equality or social justice. They just divert us from addressing those real issues in our society.

In closing, I ask the First Secretary of State to be bold and to demonstrate the courage this situation requires by committing to four simple things. First, will he show political leadership by getting back to the negotiating table and convening a cross-party meeting—which the Leader of the SNP in this House has indicated he would be willing to attend—including legal and constitutional experts, to resolve the issues on the devolution settlement and to use the new offer that I will send him to resolve the impasse?

Secondly, clause 22 of the European Union (Withdrawal) Bill allows for consequential amendments to be made to the Bill where that is appropriate. Has the right hon. Gentleman explored this avenue, and will he be open to consequential amendments to the clause? Thirdly, the Secretary of State for Scotland has so far refused to publish the minutes of all meetings of the Joint Ministerial Committee. Will the Minister for the Cabinet Office agree to do so now and also set a date for a JMC meeting before the recess? Finally, if there is no agreement between the UK and Scottish Governments, will he ask the Prime Minister to sack the Secretary of State for Scotland? By virtue of his standing here today, it is clear that the Minister for the Cabinet Office does not have confidence in his colleague to deliver for the people of Scotland.

8.58 pm

The Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office (Mr David Lidington): I should like to start on what I hope will be a note of consensus by expressing on behalf of the Government and personally my deep sorrow at the appalling news from the Glasgow School of Art over the weekend. I reiterate what my right hon. Friend the Secretary of State for Scotland said at the weekend—namely, that the United Kingdom Government stand ready to help, just as we did when we came forward with assistance after the last such tragedy a few years ago.

I will try to respond to the various points that have been raised during the debate, and I will try to keep to time in doing so. For that reason, I intend to be perhaps less generous than I would normally be in admitting interventions, in order to allow other hon. Members to take part after I have sat down.

It might help us to get a bit of perspective about the subject we are discussing to take note of what none other than Lord Sewel himself said today. He observed that there has been no power grab and that there is no constitutional crisis. The UK Government’s two objectives in the negotiations and the various debates on what is now clause 15 of the European Union (Withdrawal) Bill have been consistent and clear.

The first is to provide greater reassurance to the devolved Governments and parliamentarians on how returning EU powers will be managed where they intersect with devolved competences. The second is to maximise legal certainty right across the United Kingdom, particularly for the sake of the businesses not only in Scotland, but in Wales, Northern Ireland and England that have been making it clear that they want clarity and certainty about the regulatory framework within which they will have to operate in the United Kingdom after we leave the European Union.

If we look back at October 2017, a meeting of the Joint Ministerial Committee on EU Negotiations, which included Ministers from the Scottish and Welsh Governments, agreed

“to work together to establish common approaches in some areas that are currently governed by EU law, but that are otherwise within areas of competence of the devolved administrations or legislatures.”

The same meeting secured agreement on a set of criteria to establish the need for a UK-wide framework, including to enable the functioning of the UK internal market, to ensure compliance with international obligations and to ensure that the UK can negotiate, enter into and implement new international trade agreements and treaties. To respond briefly to what the hon. Member for Edinburgh South (Ian Murray) said, the communiqué from that meeting, like other communiqués from the Joint Ministerial Committee, was published and is on the gov.uk website to this day. That meeting also agreed that some frameworks, although not all of them, would need legislation.

The original clause dealing with devolution—what was then clause 11—was strongly criticised in this House, in the Scottish Parliament, in the Welsh Assembly and by both devolved Governments. In the months since the debate here, there have been frequent, detailed discussions at both ministerial and official levels to try to meet those concerns. Contrary to what the hon. Member for Glasgow North (Patrick Grady) asserted, we have

responded to those criticisms. First, we heard that it was wrong to require, as clause 11 did, that all powers returning from Brussels should be held at Westminster until a decision to transfer them to devolved competence had been made. That point was made by the Scottish Parliament's Finance and Constitution Committee and by the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) during the debate on 4 December 2017. Having listened to those criticisms, we reversed that approach. The Bill now provides for every power to be transferred straight to devolved level unless a specific order is made to stay it at Westminster.

Secondly, it was said that too many areas of policy were covered by the freezing power. Intensive discussions between officials and experts of both the United Kingdom and devolved Governments led to the list of now only 24 out of 153 areas of competence where a legislative framework might be required. As my hon. Friend the Member for East Renfrewshire (Paul Masterton) pointed out, the long list of new powers going straight to the Scottish Parliament and the Welsh Assembly is extensive indeed.

Thirdly, there were calls for a sunset clause from, again, the Scottish Parliament's Finance and Constitution Committee and from the hon. Members for Perth and North Perthshire (Pete Wishart) and for Edinburgh North and Leith (Deidre Brock), so we have included one. The power to make a freezing regulation will lapse automatically two years after the Bill receives Royal Assent, and any regulation made under that power will have a maximum term—I stress “maximum”—of five years. Our intention is that they should not last as long as that.

Fourthly, the Scottish Parliament asked for the Scotland Act 1998 and the Government of Wales Act 1998 to be protected, as the Northern Ireland Act 1998 is, from being modified under the deficiencies procedure in the Bill and, again, that is what we have done.

We now have a strictly time-limited power that applies only to a small number of policy areas returning from EU level. Where a framework freezes current powers for a short time, the situation will be exactly the same as it is now. We are not seeking, contrary to some suggestions in this debate, a power to change current EU rules; we seek a power to continue them for a maximum of five years while we sit down together and try to agree a long-term UK framework. As it is the Scottish National party's declared objective either to stay in or to rejoin the European Union, it is hard to see why SNP Members should object to the continuation of EU rules, with which they are currently content.

In addition to far-reaching changes to the Bill itself, made in response to the right hon. Member for Ross, Skye and Lochaber and others, we have given a binding political commitment, embodied in a formal intergovernmental agreement, to continue to apply the Sewel convention. Again that is something the Welsh and Scottish Governments specifically asked for in the negotiations, and we agreed to make the changes.

The IGA states the commitment of both the UK Government and the Welsh Government to proceed by agreement. It makes it clear that the Sewel convention will be fully respected, and we have made it clear that, despite the fact the Scottish Government and the Scottish Parliament have so far rejected a legislative consent motion, we will act in our future dealings with the Scottish authorities in the same way as we propose to

act in relation to Wales, by observing in full the political commitments into which we have entered under the intergovernmental agreement.

I regret very much that the Scottish Government and the Scottish Parliament did not agree to the package, in the way the Welsh Government and the Welsh Assembly did. It is pretty fairly summed up by Mark Drakeford, the Welsh Minister who led the negotiations for the Welsh Government, when he said

“the amended Bill, and the inter-governmental agreement that goes with it, does both things we set out to do. It safeguards devolution and it safeguards the future of a successful United Kingdom”.

Lord Griffiths of Burry Port, the Labour party's Front-Bench spokesman in the other place, said

“everything that could have been done in areas where we have no precedent to appeal to has been done.”—[*Official Report, House of Lords*, 14 June 2018; Vol. 791, c. 1818.]

In answer to the right hon. Member for Orkney and Shetland (Mr Carmichael), work is already under way on the detailed frameworks. My officials and the officials of the territorial Departments are working with devolved Government officials on that task, and of course he is right that we will have to take account of the views of industry, of farmers and of other interests.

I believe we have a good, balanced compromise package available, and what the people in all parts of the UK now expect is that their different Governments and different legislatures will work together constructively to represent them. That is what people expect, and that is what this Government want to deliver.

Several hon. Members rose—

Mr Speaker: There are fewer than 24 minutes left and 10 speakers want to contribute. You can do the arithmetic for yourselves—a formal limit of three minutes, but if you speak for two and a bit, everybody should get in. Otherwise, people will not get in.

9.8 pm

Tommy Sheppard (Edinburgh East) (SNP): It is important in this debate that we distinguish between competences, which are a list of nominal responsibilities, and power, which is the ability to exercise change in those particular areas. I have no doubt in my mind that we are in the middle of a process that is seeing a major transfer of power from the devolved authorities of the United Kingdom to the centre. I caution the hon. Member for Edinburgh South (Ian Murray) to look at the detail of what is happening, and not to be seduced by Conservative Members who say, “There is nothing to see here. Move on. Keep calm.”

The truth is that this is happening in two ways. First, a convention that has existed for 20 years is being torn up, which is extremely important because the genesis of the Sewel convention was to give assurance to those who wanted to believe that devolution actually meant something, that power would be exercised by the devolved authorities. The convention was there to say that it was not a matter of the Scottish Parliament making a decision that could be overridden. If we set the precedent where this is reversed, the situation is that it can be at any time in the future.

The second way in which power is being transferred is through the talk of joint arrangements. I am not against having joint arrangements—there are plenty of

[Tommy Sheppard]

opportunities where we should be co-ordinating things—but the devil is in the detail and the principles that the Government are putting forward are not fit for purpose. Let me illustrate that with an example. Imagine you have a committee that is to discuss farming policy. On that committee, Scottish farmers will be represented by the Scottish Government and Welsh farmers will be represented by the Welsh Government, but who will represent the interests of English farmers? It will be the United Kingdom Department. I think English farmers should have a say, but I do not think it is fair that the body that advocates for them should also sit as judge and jury if there is a difference of opinion in that committee. That is what is being proposed. That means that every time there is a difference of opinion the smaller party will lose out to the larger one. So if the Scottish Government want to take a policy on genetically modified crops, they could be overridden. If they want to take a policy on weighting subsidies for a cold climate, they could be overridden. On and on there is the opportunity to do that. That is what we mean by a power grab.

I believe in devolution. I tell the right hon. Member for Orkney and Shetland (Mr Carmichael) that I was a member of the Scottish constitutional convention.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): My hon. Friend rightly says that he believes in devolution. Are not the actions of the UK Government at the moment just the latest in a long pattern where the Conservatives have been against devolution? They have voted against it at every opportunity.

Tommy Sheppard: That is absolutely the case.

I say to the right hon. Gentleman that I do believe in devolution. I was a member of the Scottish constitutional convention that drew up the proposals, but I, like many people involved at that time, also respect the right of the Scottish people to become a self-governing nation if they so wish. It is disingenuous to say that, just because we support independence, that means that we are not genuine in our desire to protect devolution.

Mr Speaker, I will take your admonishment and I will finish there, even though I have so much more to say.

Mr Speaker: I am sure you do. It was not admonition; I just want to accommodate colleagues.

9.11 pm

Stephen Kerr (Stirling) (Con): Let us consider the following:

“Castigating the Tories for a ‘power grab’ of repatriated powers while acting like a fifth column for the EU in Scotland, has left the SNP in the ludicrous position of demanding powers from Theresa May that Nicola Sturgeon promises an independent Scotland will hand back to Jean-Claude Juncker.”

They are the words of Jim Sillars, the former deputy leader of the SNP, and as the current deputy leader is currently in the Chamber, it is appropriate to mention them. There is no such thing as a power grab here—it is a myth. The devolution settlement is not being undermined, overturned or dismantled. Devolution is not being destroyed by this process; it is being enhanced. Powers now held in Brussels are returning to Edinburgh and I, with the zeal

of a convert to the principle of devolution, would not countenance anything less. My party in power has a proud track record of delivering more powers to the Scottish Parliament and safeguards are in place to ensure that the powers we are repatriating as we leave the EU flow to Edinburgh, to make our powerful Parliament even more powerful. I voted last week for more powers for our Parliament—the SNP voted against those new powers.

It would be good if the SNP in Edinburgh could even begin to get their arms around the powers they are already have and use them for the benefit of Scotland. They promised an independent Scotland in 18 months, but they cannot get to grips with social security powers passed to Holyrood until 2021. They say that they can create an independent Scotland for £400 million but they have budgeted £200 million to set up the Scottish social security system. They had to spend £180 million on a computer system to manage farm payments and still they are failing. But we are told there is a power grab and that, frankly, is gobsmacking.

Time is very much against me, so I wish to say just that I truly believe that my right hon. Friend the Prime Minister has the good will of the vast majority of the people of our country—by that, I mean Scotland. She has a difficult and complex task in hand, but she is being principled and pragmatic. We are leaving the European Union, the customs union and the single market, and this House should, if I may paraphrase the common sentiment of the people of Stirling, “Just get on with it”.

9.14 pm

Kirsty Blackman (Aberdeen North) (SNP): I thank you, Mr Speaker, for granting this debate, and I thank the SNP group leader, my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford), for applying for it, but it comes too late, because Government MPs have already voted through clause 15 and it cannot now be amended, because of the way the procedures of this place work.

In Scotland, we believe that the people of Scotland are sovereign. In Westminster, this place, they believe that Parliament is sovereign, but that idea is currently being attacked. Only at the weekend, the Prime Minister said that Parliament cannot tie the hands of Government, but surely that is Parliament’s job. If Parliament cannot tie the hands of Government, it means that power is being so far removed from where it should be. It should be with the people. The fundamental difference between the two countries is that we in Scotland believe in democracy and that decisions should rest with the people, not in the power of the Executive.

It is impossible to overstate the fundamental shift in the relationship between the Westminster and Scottish Parliaments caused by the UK Government’s actions last week. The Government talk about the Scottish Parliament being the most powerful devolved Parliament in the world; if it is the most powerful devolved Parliament in the world, yet its powers can be removed at the whim of the UK Government, I dread to think what the other Parliaments’ powers are like if they are less powerful than ours in Scotland.

Since I came to the House, I have been shocked by Westminster’s attitude to Scotland. As a Scottish nationalist Member, I was under the impression that Westminster

did not care very much for Scotland and tended to overrule the will of the Scottish people; I then came here and discovered that the Government do not even think about Scotland. They put forward legislation like the European Union (Withdrawal) Bill, we say, “What about Scotland,” and they look at us like a rabbit in headlights—like they are thinking, “What are you talking about?” They do not even consider the people of Scotland and the fact that we are a separate country with different views. We did not support Brexit.

What do the UK Government imagine that people outside this place think of their behaviour? Are they proud of their legacy? Are they proud of the fact that in years to come people will look back at the behaviour of this UK Government last week—at the fact that they did not even allow a debate on this matter—and see that in the face of the Scottish Parliament refusing legislative consent, they have pounded on anyway and taken powers away from the Scottish Parliament? This will go down in history.

9.17 pm

Ronnie Cowan (Inverclyde) (SNP): Democratically elected Members of Parliament have the right to express their views on behalf of their constituents and to air their political views on a wide range of subjects—before they are voted on. The recording of dissent is important; otherwise, the record would show that everyone agrees, and apathy would prevail. That is why the suppression of the voices of the SNP MPs in the House of Commons last week was a travesty. The Conservative Government used the processes of the House to silence the dissenting voices. We were not allowed to voice our disapproval, and that is a dangerous path to go down.

When it came to a vote, Scottish Labour Members abstained on matters that have been fundamental to the devolution settlement since 1999; on the other hand, Scottish Conservative Members voted for the Westminster power grab. The great joy that they took in doing so had to be seen to be believed. By denying the Scottish Government the powers that are coming back from the EU, they limit Scotland’s ability to fulfil its potential

The Sewel convention—the unwritten rule that Westminster would not legislate on devolved matters in Scotland without the consent of the Scottish Parliament—is now worthless. Previously, it had been considered unthinkable that Sewel would ever be overturned. In the aftermath of Scotland’s 2014 referendum, the Smith commission was initiated to placate the Scottish voters who voted against independence but wanted more power for the Scottish Parliament. The commission achieved agreement from all five of the participating Scottish political parties, including the Tories, that the Sewel convention would be put on a statutory footing, yet here we are today reading the Sewel convention’s epitaph, because the UK Government could not care less about what the Scottish Parliament actually wants.

In the void of respect we have instead a constant demand for Scotland to trust the UK Government: “Trust us to deliver an untouchable Sewel convention enshrined in law. Trust us that voting no to independence is the best way for Scotland to stay in the EU. Trust us that we want Scotland to lead within the UK.” Let me be clear: the anger and frustration in Scotland is rising, and it would be naive to think only SNP voters or

independence supporters feel that way. As Brexit Britain staggers from one calamity to another, the electorate of Scotland are no longer prepared to accept the “Trust us, we know what is best for you” attitude that emanates from the halls of power in Westminster. Ultimately, this debate is about only one thing: control. The UK Government want the ability to act on the behalf of Scotland irrespective of whether or not the Scottish people have given their consent.

In the last few months there has been an unprecedented attack on Scotland’s distinct political identity. If the UK Government continue on their present course, they do so at their own peril. It will not be long before the Scottish people decide that independence may be the only way genuinely to protect our political institutions.

9.19 pm

Martin Whitfield (East Lothian) (Lab): My predecessor, J. P. Mackintosh, shared with his great friend Donald Dewar a passion—a passionate commitment for the cause of Scottish devolution, even before it had been articulated by many people.

As Donald Dewar said, articulating Mackintosh’s view, devolution is, at its core, about democratic control. It is about empowering people. It is not for the nationalistic glorification of the nation. He said:

“It was never Scotland right or wrong.”

It is about good government. It is about equitable democracy that borrows, elevates, and creates opportunity for the citizen.

Where are we today? I look to the Secretary of State sitting on the Benches opposite. When I asked him why he cannot have talks, he said that there had to be a precondition, which is that something was brought to the table. I say to him, in all honesty, that the people who look upon this House, from England, Scotland, Wales and Northern Ireland, want a little bit more. He should offer talks without any preconditions. We have heard today that they would be accepted by the Scottish Government, and I think that that is a way forward.

The Sewel convention speaks of respect, and respect that needs to be shown by all parties. We have more in common, so let us sit down and talk, without preconditions or planned stunts. The people of the United Kingdom demand that of this place. The people of the constituency whom I represent demand that. As is written on the threshold of the Donald Dewar room in Holyrood:

“It is not beyond the wit of man to devise institutions”

to make it so.

9.21 pm

Stewart Malcolm McDonald (Glasgow South) (SNP): I have to say that I am somewhat confused by Scottish Conservative Members. Indeed, the Secretary of State seems aghast at the idea that Scotland could be in a partnership in the United Kingdom. It could never be in a partnership, according to the Secretary of State. In doing some research, I found the Government’s White Paper from the previous majority Tory Government before devolution called “Scotland in the Union: a partnership for good.” Therefore, it used to be the case that the Tories believed that Scotland was in a partnership. In looking at that paper, presented by the then Secretary of State, Mr Lang, I found that it had a few interesting things to say. First, in its European section,

[Stewart Malcolm McDonald]

it said that Scotland was poised to benefit enormously from the single market. Apparently, that is now not to be the case. There is a really interesting part in it—rather dry to some, I admit—on parliamentary procedure. It says that it is often the case that there is insufficient time in its crowded schedule in Parliament for Scottish affairs. It also suggested that, from time to time, there are few opportunities for proper debate on Scottish issues.

Well, Mr Speaker, the more things change, the more they stay the same. The dogs in the street have even worked that one out. In reading *Hansard* at the time of the Secretary of State's statement to the House, the then Member for Aberdeen South, Mr Robertson, said that the "dynamism" in the change of the Union is the only reason it survives. Well, they were wrong then, and they are wrong now.

It is hard to believe that the Secretary of State has laboured away for two years and this is what he has come up with. He looks to me a haunted figure, and so he might be, although he does have a spring in his step. Is it not quite remarkable that 11 of his Scottish colleagues have all turned up this evening presumably to eye up the poisoned chalice that is the Office of the Secretary of State for Scotland, so he should feel like a haunted figure? He is a man whom I like and who has helped me on occasion. He has messed this up big time and I think that he knows that himself. Indeed, I also want to say to Scottish Conservative Members that they could learn something from the right hon. Member for Broxtowe (Anna Soubry) and her so-called Brexit rebel colleagues. When they are conned by the Government, what do they do? They show some muscle. They flex some muscle. In response to a con, what do we get from the Scottish Conservatives? Nothing but a supine approach to Parliament. On that basis, every one of them is qualified beyond belief to take up the position of the next Secretary of State for Scotland. This is a Government in search of an empire; Scotland will have no part in it.

9.24 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): The Secretary of State called for perspective. From my perspective, what happened last week was that the British constitution and the devolved settlement were unilaterally rewritten by the Government in the blink of an eye.

In Australia, a power grab like the one that we saw last Tuesday could not just be bulldozed through Parliament; it would require a double majority in a referendum of Australian citizens. If we were in Canada, such a power grab would need resolutions in both the Senate and the House of Commons, and then resolutions in the legislative assemblies of at least two thirds of the provinces—resolutions that could not then be ignored. In the United States, such a power grab would need a two thirds majority in both the Senate and the House of Representatives, or two thirds of the states would need to call a convention and three quarters of them agree to the proposals.

The contrast with the shoddy process followed by the UK Government last week could not be starker, with one Parliament unilaterally removing powers from another

against its express wishes in a way that should not be countenanced in any self-respecting constitutional democracy. The Sewel convention, as operated by the Government last week, is clearly not worth the paper that it was eventually put on. In short, the UK constitution is looking increasingly beyond repair.

9.25 pm

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): What happened last week was completely unacceptable, with deplorable antics from the Tories when it came to the time allowed for debate on one hand, and the counterproductive antics from the SNP, including walking out of this place in an orchestrated media stunt that further curtailed debate, on the other.

As the party that delivered devolution, Labour has been driving a sensible and constructive position throughout the process, exploring options to safeguard and improve the devolution settlement as we leave the EU. Only Labour has been working constructively to try to break the deadlock between the UK Government and the Scottish Government. We tabled amendments to clause 11 at every stage of the Bill, and the Tories voted them down every single time.

We started from a position where the UK Government wanted 111 powers to be reserved to Westminster following our withdrawal from the EU. We got this down to 24 powers, which was clearly a substantial improvement, but I also respect that this was not seen as good enough by the Scottish Parliament. The Scottish Parliament's position, however, does not justify the SNP's vote on Tuesday night. That was a vote for us to go back to the original position of 111 powers being reserved to Westminster. Can any SNP Members stand up in here today and defend that absurdity?

The blame for the mess we are in lies squarely at the door of the UK Government. They have taken us to the very brink of a constitutional crisis, despite repeated promises that clause 11 would be fixed in time for Members of this House to debate it. Both the UK Government and the SNP are perfectly intent on causing a constitutional crisis. It fits their narratives, with the Tories trying to sow division in order to secure the Unionist vote, and the SNP sowing division to appease its supporters and agitate for another independence referendum. The Tories have played directly into the SNP's hands on this. We all know that the SNP are only interested in sowing division and talking about the constitution. The Tories' complete inability to fix the mess that they created has allowed the SNP to claim that Scotland's voice is not being heard. It is an absurdity. I urge the parties to seek compromise as a matter of urgency.

9.27 pm

Christine Jardine (Edinburgh West) (LD): Given the time, I will be brief, which is not a phrase that my colleagues hear often.

Tonight's debate has been important for devolution, for the future of Scottish governance and for the future governance of us all. But it has also been profoundly disappointing because, rather than make progress, we have simply demonstrated the problems that got us here in the first place—intransigence on both sides, with Members dug into positions, both pro and anti-devolution and pro and anti-Conservative.

The red mists of nationalism descend on both sides whenever devolution is discussed.

I have to disagree with the hon. Member for Aberdeen North (Kirsty Blackman); it is not too late. We should perhaps listen to the shadow Secretary of State for Scotland and get back around the table. My party and I would like the opportunity to be taken to create an enduring dispute resolution procedure that would prevent us from coming to this stage again. We need a procedure to prevent us from getting to the point that my right hon. Friend the Member for Orkney and Shetland (Mr Carmichael) described and which I have experienced—as I am sure many others in this House have—whereby constituents and businesses across the country ask us, “What will happen next?” and we have to say, “We don’t know.” Can we please abandon the positions and get on with finding a solution?

9.29 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): My remarks have been very truncated, so I will simply say the following. What happened last week was a clear attempt to strangle Scotland’s voice: to put us back in our box; to silence Scotland’s Parliament; to ensure that we eat our cereal. We will not eat our cereal. We will stand up for Scotland. It is time that the Secretary of State for Scotland did the same, to be the voice of Scotland in the Cabinet, not a Tory apologist for Scotland. The Tories have precipitated this crisis, but they will learn one thing and they will learn it the hard way—in Scotland, Westminster does not carry the affection that the Scottish Parliament does. We will stand up for Scotland because the people of Scotland know that in Scotland they are sovereign.

Question put.

The House divided: Ayes 88, Noes 51.

Division No. 188]

[9.30 pm

AYES

Adams, Nigel	Hair, Kirstene
Aldous, Peter	Harris, Rebecca
Andrew, Stuart	Hayes, rh Mr John
Badenoch, Mrs Kemi	Heaton-Harris, Chris
Benyon, rh Richard	Hinds, rh Damian
Bowie, Andrew	Hollingbery, George
Brine, Steve	Hollinrake, Kevin
Bryant, Chris	Hollobone, Mr Philip
Burt, rh Alistair	Hughes, Eddie
Cairns, rh Alun	Hurd, rh Mr Nick
Cartlidge, James	Jack, Mr Alister
Chalk, Alex	Jayawardena, Mr Ranil
Churchill, Jo	Jenkin, Sir Bernard
Clark, Colin	Jones, Andrew
Collins, Damian	Kennedy, Seema
Costa, Alberto	Kerr, Stephen
Davies, Mims	Kwarteng, Kwasi
Dodds, rh Nigel	Latham, Mrs Pauline
Donelan, Michelle	Leadsom, rh Andrea
Doyle-Price, Jackie	Lewer, Andrew
Duncan Smith, rh Mr Iain	Lewis, rh Dr Julian
Elphicke, Charlie	Lidington, rh Mr David
Foster, Kevin	Loughton, Tim
Garnier, Mark	Mak, Alan
Graham, Luke	Masterton, Paul
Grant, Bill	Maynard, Paul
Grieve, rh Mr Dominic	Milling, Amanda
Griffiths, Andrew	Moore, Damien

Mordaunt, rh Penny
Morgan, rh Nicky
Morris, James
Mundell, rh David
Murrison, Dr Andrew
Newton, Sarah
Penrose, John
Pincher, Christopher
Prentis, Victoria
Pursglove, Tom
Quince, Will
Rosindell, Andrew
Ross, Douglas
Rudd, rh Amber
Shannon, Jim
Shelbrooke, Alec
Skidmore, Chris
Smith, rh Julian

Spencer, Mark
Stephenson, Andrew
Stewart, Iain
Swayne, rh Sir Desmond
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tolhurst, Kelly
Truss, rh Elizabeth
Vickers, Martin
Villiers, rh Theresa
Whittaker, Craig
Wiggin, Bill
Wood, Mike

Tellers for the Ayes:

**Wendy Morton and
Mike Freer**

NOES

Bardell, Hannah	Laird, Lesley
Black, Mhairi	Lake, Ben
Blackford, rh Ian	Law, Chris
Blackman, Kirsty	Lucas, Caroline
Brown, Alan	Mc Nally, John
Bryant, Chris	McDonald, Stewart Malcolm
Cameron, Dr Lisa	McDonald, Stuart C.
Carmichael, rh Mr Alistair	Monaghan, Carol
Chapman, Douglas	Morgan, Stephen
Cherry, Joanna	Murray, Iain
Cowan, Ronnie	Newlands, Gavin
Crawley, Angela	O’Hara, Brendan
Dakin, Nic	Onwurah, Chi
Day, Martyn	Robinson, Mr Geoffrey
Docherty-Hughes, Martin	Saville Roberts, Liz
Edwards, Jonathan	Sheppard, Tommy
Gardiner, Barry	Skinner, Mr Dennis
Gethins, Stephen	Stephens, Chris
Gibson, Patricia	Stone, Jamie
Grady, Patrick	Sweeney, Mr Paul
Grant, Peter	Thewliss, Alison
Gray, Neil	Whitfield, Martin
Hanson, rh David	Whitford, Dr Philippa
Harris, Carolyn	Williams, Hywel
Hendry, Drew	
Hodgson, Mrs Sharon	
Jardine, Christine	

Tellers for the Noes:

**Marion Fellows and
David Linden**

Question accordingly agreed to.

Resolved,

That this House has considered the Sewel Convention.

Ian Blackford: On a point of order, Mr Speaker. Thank you for the debate we have had this evening. This is an important juncture in Scotland’s constitutional history. In the debate, I asked whether the Government would bring forward emergency legislation in order to respect the wishes of the Scottish Parliament. Moreover, we have now had a Division in the House in which a majority of Scottish MPs have voted to show their lack of acceptance of what has happened by voting against the motion, and once again, Scotland has been outvoted because Conservative MPs who were not in the debate came into the House and outvoted those sent here to represent the interests of Scotland. May I ask for your advice about what I may do to take forward this matter so that we can ensure the UK Government listen to the legitimate demands, through the Scottish Government, of the people of Scotland?

Mr Speaker: Nothing disorderly has happened this evening. If the right hon. Gentleman is asking what he can do, the answer is: persist through interrogation and argument. Knowing the right hon. Gentleman as I do, I know that he will require no further encouragement from me.

Acquired Brain Injury

9.42 pm

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): I beg to move,

That this House has considered acquired brain injury.

After the last three hours, I think the expression is—and now for something completely different.

For the past hour and a half, some of us English Members have endured watching the match—Tunisia 1: Spurs 2; I mean, England 2. It is a pleasure to be in the House, and we are very grateful to SNP Members for enabling us to watch the match.

I rise to speak to the motion in the name of my right hon. Friend the Prime Minister. I pay tribute to the hon. Member for Rhondda (Chris Bryant) and my right hon. Friend the Member for South Holland and The Deepings (Mr Hayes) for their persistence at business questions and elsewhere, and for securing this debate in the House. Brain Injury Awareness Week took place last month, which makes today's debate especially timely.

Let me first recognise the important work of organisations such as Headway and the United Kingdom Acquired Brain Injury Forum in raising awareness and in providing information and support to those living with acquired brain injury and to their friends, families and carers. I know that some of them are with us this evening, and I thank them for their persistence during the family dispute we have had in the Chamber for the past three hours.

Acquired brain injury—ABI—is an injury that takes place after birth in an otherwise healthy brain. It includes traumatic brain injuries such as those caused by road traffic accidents, falls or assaults, and non-traumatic brain injuries related to illnesses or medical conditions, including meningitis, stroke or brain tumours. While prevalence estimates for ABI are quite hard to make, the number living with it is thought to be over 500,000 and could be as high as 1 million people. The total cost of brain injury in the UK has been estimated by our officials to be at least £1 billion per year.

Mrs Pauline Latham (Mid Derbyshire) (Con): My hon. Friend talks about the cost of brain injuries. My constituent Stuart Tranter asked me to lobby the Government to put more money into brain tumour research, which has been very much the poor relation, and I have been successful. I congratulate the Government on having doubled that money since Tessa Jowell, who used to serve on the Opposition Benches and then went to the House of Lords, died. I am very grateful to the Minister and the Department for putting so much money into that much needed research.

Steve Brine: I thank my hon. Friend. This is the first time I have been at the Dispatch Box since Baroness Jowell passed away. As I said during the debate when she was sitting in the Under Gallery with her lovely family, I did not know her well but the one time I met her I was left in no doubt about her determination on this subject. It is great that we are able to do so much. I pass on my condolences to Jess, her daughter, whom I have got to know a little, and her family. The trauma of the immediate is horrible and it goes on for a long time. Our thoughts are with them. I thank my hon. Friend for

what she has said. We will do well by Baroness Jowell, especially through the money that we will put into research to try to instigate new research projects, which have traditionally been thin on the ground in this area. We are hoping to stimulate the research market.

ABI can have a devastating impact on our constituents' lives; even minor head injuries can cause short-term impairment. Those surviving more severe injuries are likely to have complex long-term problems affecting their cognitive and functional ability, personality, close relationships and ability to return to any form of independent life.

Alex Chalk (Cheltenham) (Con) *rose*—

Caroline Lucas (Brighton, Pavilion) (Green) *rose*—

Steve Brine: Ladies first.

Caroline Lucas: Does the Minister share the concern raised with me by my Brighton constituents who travelled up to Westminster to share their stories, about the lack of funding for support for relatives and carers—in particular, the education that family members and carers need about how to look after someone with ABI? It can be incredibly stressful for the person themselves and for family members if people do not know how best to provide care. Funding can make a huge difference.

Steve Brine: I thank the hon. Lady for that point, which I shall come to. There are other Ministers on the Bench with me, including from the Department for Work and Pensions, because I wanted them to hear other parts of this debate. The hon. Lady's point is well made.

Alex Chalk: The Minister rightly listed a number of impacts from traumatic brain injury. Does he agree that one of those can be an increasing propensity to commit criminal offences? We are starting to wake up to the fact that a number of people in custody have sustained precisely that injury. That should be a focus for preventive work in future.

Steve Brine: I thank my hon. Friend, who has professional experience of the criminal justice system. I shall come to his point in a moment, but I thank him for putting it on the record. Sometimes it is a difficult subject to talk about, but it is very relevant.

Jim Shannon (Strangford) (DUP): This debate is important to me personally; many years ago my brother had a serious brain injury as a result of racing motorbikes. That made an independent, single-minded person into someone who depended very much on others; it took him from being a person with his own business and social connections to being someone who could not co-ordinate more than one thing at a time.

I look forward to some comfort in the Minister's response, which I know we will get. We need not only help for the person in an institution; they need to be taken home and given a semblance of order in their lives and what quality of life is possible. Does the Minister accept that families need help to take on that job for someone whom they love and want to help?

Madam Deputy Speaker (Dame Eleanor Laing): Order. Before the Minister responds, I should say that I appreciate that many want to make interventions because they do

not want to stay until the end of the debate. We have only an hour and 10 minutes. A lot of people wish to make speeches and there will have to be a time limit. Interventions must be short.

Steve Brine: I do not know what you mean, Madam Deputy Speaker, but I will certainly be here until 11 pm.

The hon. Member for Strangford (Jim Shannon) makes a good point, which follows on neatly from the point made by the hon. Member for Brighton, Pavilion (Caroline Lucas). It also leads me neatly on to the point I was about to make. The all-party group on ABI is currently conducting a very broad inquiry into the condition—its causes, treatments and societal impact—and I am sure it will consider the wider family. When I say family, I do not just mean the nuclear family but society's family and even the Church, which can embrace people suffering the life change the hon. Gentleman spoke about so well with regard to his brother. I want the all-party group to know that I will support its inquiry as best I can. They should know that that offer is there.

As a Health Minister, I will obviously focus on the health aspects of ABI, but I just want to highlight some of the other areas—this touches on one or two of the interventions—where its impact is felt and action is under way. On education, many children and young people with ABI are rightly in education and have special educational needs as a result of their injuries. The Government recently provided some £29 million to support local authorities with ongoing implementation of individual education, health and care plans to meet those needs. It is vital to us that health, social care and education services work jointly in developing these care plans. I know my colleagues in the Department for Education share that view.

On offending behaviour—ABI touches on a lot of different Government Departments—there is an increasing body of evidence suggesting that children and young people who survive traumatic brain injury are more likely to develop behavioural problems that can be linked to an increased vulnerability to offend. NHS England's liaison and diversion service has collaborated with the charity Headway, which I mentioned at the start of my speech, to improve awareness of ABI in vulnerable offenders and the support available—the point raised by my hon. Friend the Member for Cheltenham (Alex Chalk). Further, the Ministry of Justice is piloting approaches to improve screening and support for prisoners with ABI to prevent a cycle of re-offending once they enter the secure estate. The Minister for Disabled People, Health and Work, my hon. Friend the Member for Truro and Falmouth (Sarah Newton), is very kindly on the Government Front Bench to listen to the debate and I am grateful to her. The Minister of State, Ministry of Justice, my hon. Friend the Member for Penrith and The Border (Rory Stewart), who has responsibility for prisons, had hoped to be here but was pulled away. I know he will be taking a close interest in what is said tonight, because this issue will come up again.

Sport is another area for which there is a growing body of evidence and concern about the levels of risk and response to injury. This is why the Government commissioned an independent review of the duty of care that sport has to its participants, which published its findings in April 2017, and we are now working to

[Steve Brine]

implement its recommendations, including around awareness and prevention of head injury while playing sport.

On trauma centres, it is vital that those with the most serious brain injuries receive the best care that our NHS—our birthday NHS—can offer. In 2012, 22 regional trauma networks were developed across England. Within those networks, major trauma centres provide specialised care for patients with multiple, complex and serious major trauma injuries, including brain injury. Two years after their introduction, an independent audit of the network, commissioned by NHS England, showed patients had a 30% improved chance of surviving severe injuries and that the networks had saved some 600 lives. There is a positive story there.

A vital part of the treatment pathway for people who have suffered ABI is neuro-rehabilitation that is timely and appropriate to their needs. There is good evidence that access to high quality rehabilitation both improves outcomes for patients and can save money.

Nic Dakin (Scunthorpe) (Lab): The neuro-rehabilitation centre in Goole is an excellent example of such practice. It serves north Lincolnshire and the wider area. I commend that service, and others like it, to the Minister.

Steve Brine: I thank the hon. Gentleman for his intervention. I hope to get to his part of the world at some point while doing this job and it may be that I could visit it while I am up there.

The World Health Organisation states that rehabilitation intervention should be aimed at achieving the following five broad objectives: preventing the loss of function; slowing the rate of loss of function; improving or restoring function; compensating for lost function; and maintaining current function. NHS England's Improving Rehabilitation programme applies those principles, rightly, in a holistic way to encompass both mental and physical health. In 2015, the programme published the "Principles and expectations for good adult rehabilitation" to support commissioners on delivering rehabilitation care locally in our constituencies. This document describes what good rehabilitation looks like and offers a national consensus on the services that we think people should expect.

Eddie Hughes (Walsall North) (Con): It is important that we consider that it is not just trauma with regard to ABI. One of the other causes might be excessive exposure to carbon monoxide, so I was grateful to the support that Headway gave to my private Member's Bill, which seeks to introduce mandatory carbon monoxide detectors in new-build and social rented houses.

Steve Brine: My hon. Friend makes an excellent point. As I said at the start, obviously there are non-traumatic injuries—so, through conditions, and meningitis and stroke were two examples that I gave—but he is absolutely right to point out that issue. I congratulate him on his success with his Bill.

The rehabilitation programme includes 10 principles and expectations that were designed by people who use rehabilitation services—the carers, healthcare professionals, commissioners, strategic clinical networks and national clinical directors. Building on this, in 2016, NHS England published further rehabilitation guidance covering both

adults and children. This provides local service planners with a commissioning model, a range of case studies and crucially, an evidence base for the economic benefits of delivering high-quality rehabilitation services.

While the vast majority of rehabilitation care is locally provided, NHS England commissions specialised rehab services for those patients with the most complex levels of need. Teams within trauma units assess and develop a rehabilitation prescription for patients with ABI. Through this, patients can access specialists in rehabilitation medicine, whose expert assessment helps to inform the prescription. The teams manage ongoing patient care, including a key worker to support patients through the pathway and into rehabilitation at a level appropriate to their clinical need, in accordance with their clinician's advice—be that highly specialised rehabilitation or through a local provider in the local network.

I want to mention the Rehab Matters campaign. As I said, rehabilitation is a key part of the patient's recovery. I saw at first hand the impact that this can have in helping people to recover from illness or injury when I visited the Hobbs rehabilitation centre in my Winchester constituency earlier this year. The Chartered Society of Physiotherapy launched its Rehab Matters campaign here in the House at the end of October last year. It makes a very powerful case for community rehabilitation, and I think that all commissioners should ensure that levels of provision are meeting local needs and look to places such as the Hobbs centre as a good example of what can be achieved through rehabilitation care. The society produced a film that was made by the Oscar-shortlisted UK director, Chris Jones, called "Rehab Matters", and I highly recommend it to Members interested in this area.

I am just going to skip over to research, and then close, because we have only an hour and I know that a lot of people want to speak. Let me just highlight the research being undertaken in this important area. We are investing over £1 billion a year in health research through the National Institute for Health Research. The NIHR is funding ABI research from basic science to translational research in civilians, military and sport. For example, we are investing over £100 million, over five years up to 2022, in a biomedical research centre in Cambridge that is developing new approaches to reduce the impact on patients' health and wellbeing of neurological disorders, stroke and brain injury. We are investing £5 million to co-fund the surgical reconstruction and microbiology centre in partnership with the Ministry of Defence—that has been going since 2011. The centre specialises in research, taking discoveries from the military frontline to improve outcomes for all. We have invested about £16 million in brain injury research since 2014 through the NIHR health technology assessment programme, and we are investing just over £2 million over three years through NIHR's global health research group on neurotrauma, which aims to advance global neurotrauma care and research to help to save lives, reduce disability from the trauma and improve the quality of life for patients with brain injury.

I fully recognise the devastating impact that acquired brain injuries can have on individuals and their families. The evidence shows that neglecting rehabilitation is a false economy. Rehabilitation equips people to live their lives, fulfil their potential and optimise their contribution to their family, their community and society as a whole.

I am honoured to have introduced this debate and, as always in such debates, I look forward to hearing the views and insights from across the House on what further work or support is needed to reduce risk and improve the care available.

10 pm

The debate stood adjourned (Standing Order No. 9(3)).

Motion made, and Question put forthwith (Standing Order No. 15),

That, at this day's sitting, proceedings on the motion in the name of the Prime Minister relating to acquired brain injury may continue, though opposed, until 11.00 pm.—(Rebecca Harris.)

Question agreed to.

Debate resumed.

Main Question again proposed.

Madam Deputy Speaker (Dame Eleanor Laing): I call the Minister.

Steve Brine: I had finished, Madam Deputy Speaker. Incredibly, it was timed to perfection.

Madam Deputy Speaker: I beg the Minister's pardon. I have never before heard such a feat of perfect rhetoric. Thank you for being so perfect. [*Interruption.*] Yes, it was quite unusual.

10.1 pm

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): Thank you, Madam Deputy Speaker. That is now in *Hansard*. I am sure the Minister will enjoy it in the months and years to come.

It is an honour to speak in this very important debate, and I thank the Government for allowing the time for it. I pay tribute to my hon. Friend the Member for Rhondda (Chris Bryant) for calling for it and for his tenacity in ensuring it went ahead, against all the odds, when we all doubted it would and even though we are very pushed for time. I thank the all-party group on acquired brain injury and the right hon. Member for South Holland and The Deepings (Mr Hayes) for all their work and for their excellent campaign for better support and recognition for people living with ABI. I join the Minister in praising the work of the late and great Baroness Jowell. I, too, will never forget her last appearance in this Chamber in the Under Gallery.

Last month, along with colleagues from across the House, I was pleased to attend the rally for people with acquired brain injury at which they, along with their families, friends and carers, talked about their conditions and the services available to them. As we have heard, 1.3 million people in the UK live with the consequences of ABI, and each year approximately half a million patients attend UK emergency departments for traumatic brain injury. That is nearly 1,500 patients with traumatic brain injury attending A&E departments in the UK each day; one every minute. Brain injury can happen to anyone at any time, and all Members will have constituents living with the consequences of an ABI.

Despite the fact that so many people are living with ABI, it is little understood, which is why I am so pleased that the time has been allowed to discuss it in this place this evening. A brain injury can happen in an instant, but its effects can be devastating and last a lifetime. Thankfully, due to excellent advances in emergency and

acute medicine, more and more children, young people and adults now survive and live with an ABI, but this brings its own challenges. As ever more people survive an ABI, further pressure is put on the vital services that people require.

For example, many individuals with an ABI require early and continued access to neuro-rehabilitation to optimise their recovery. The United Kingdom Acquired Brain Injury Forum says that the average cost of the initial rehabilitation programme is offset by savings in the cost of ongoing care within just 16 months and that this leads to an average saving over a lifetime in care costs of £1,475,760. That is a huge amount of money. Neuro-rehabilitation is therefore one of the most cost-effective services the NHS provides and one of the few services in medicine that result in long-term decreased costs to the economy. However, as is the case for many health conditions, the number of available beds across the UK is inadequate, service provision is variable and consequently long-term outcomes for brain injury survivors are compromised. What plans do the Government have to address those issues and improve the lives of patients living with an ABI? The UKABIF recommends a review of neuro-rehabilitation to ensure that service provision is adequate and consistent throughout the UK. Does the Minister agree that that is needed?

Many children and young people with an ABI are in education, and therefore the majority will receive most of their rehabilitation at school. Yet among education professionals there is a lack of awareness and understanding of ABI, its consequences, and its impact on learning. A pupil with an ABI may also require extra support when transitioning between primary, secondary and further education. What discussions has the Minister had with his colleagues in the Department for Education to ensure that children with an ABI receive the support that they need throughout their journey through the education system? Will he discuss with them the inclusion of ABI in the code of practice for special educational needs co-ordinators?

Brain injuries can be difficult to detect for people who are not already aware of them, which is why all education professionals should have a minimum level of awareness and understanding of ABI. In fact, that requirement goes beyond education and into everyday life. People living with ABI are discriminated against because of the general lack of understanding of their condition. For example, earlier this year Grace Currie was escorted out of a pub on a Saturday night because the bouncers believed that she was "too drunk". In fact, Grace, who had suffered life-changing injuries after being hit by a car in 2010, had had just one drink. The incident must have been extremely upsetting and embarrassing for Grace, and I am sure that it really knocked her confidence.

Sadly, such encounters are not rare, and the level of misunderstanding of brain injuries is high among the general public, including assessors for employment and support allowance and personal independence payments. A study conducted by Headway found that 71% and 60% of respondents felt that assessors for ESA and PIP, respectively, did not have an understanding of brain injury. Further, assessors were widely reported to lack empathy and patience, resulting in a stressful and even traumatic experience for many brain injury survivors. Many respondents also said that their medical evidence

[Mrs Sharon Hodgson]

was not taken into consideration, and that the assessment location and environment were not suitable for them, despite requests made in advance. Consequently, a strong sense of frustration and anxiety was reported by brain injury survivors and their carers about the failure to recognise or respect their needs throughout the application process. Has the Minister had any discussions with his colleagues in the Department for Work and Pensions about that issue? Will he look into those concerns with his colleagues, and ensure that they are properly addressed?

Living with a brain injury is difficult enough for people without their having to struggle to explain and prove their disability to anyone who lacks understanding of the condition. Each brain injury is different, which is why it is so important to raise awareness of ABIs. However, it is also important to recognise that such injuries affect not just the people directly concerned, but their families and friends. Headway aimed to highlight that during brain injury week last month for its “you, me, and brain injury” campaign. Headway found that 69% of brain injury survivors reported breakdowns in their friendships after the injury, and that 28% of relationships ended after an ABI. However, it is not all doom and gloom: 47% of survivors reported improvements in their relationships with family members. It was clear from Headway’s study that a little bit of understanding and time really can go a long way. That is the kind of service that is provided by its 127 groups and branches across the country.

Headway Wearside, whose representatives I met recently at the rally in Parliament, provides information, support and social activities for brain injury survivors, and works with the local community, relevant professionals and organisations to promote understanding of ABI. I spoke to Neil and Jimmy, who use the Headway Wearside service, and was touched when they explained that Headway had brought them together as a community, and they had formed friendships that they never expected to form. Headway Wearside does not just teach new skills, but helps people to form and develop friendships at a time when doing so might otherwise be hard. When I met with Neil and Jimmy we feared that this service might soon be lost, and I am pleased to say that it has been extended to June 2019, and I hope it will be extended still further so that patients can have access to this life-changing service. I pay tribute to Headway Wearside and all the work it does for the local community, and I will continue to support it so that this vital service can continue to support its 4,000 patients.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): My wife suffered exactly this problem in 1999. The eldest of my three children was sitting her exams—her highers—at school, and while that school and the education system in general supported them fantastically well, there is the issue of supporting the children, quite apart from supporting the sufferer of an injury like this. Will the hon. Lady elaborate on how we might increase the support and help for families caught up in such situations? My children got through it, but it was touch and go, and I remember these events without much happiness.

Mrs Hodgson: I thank the hon. Gentleman for sharing such a personal anecdote from his own experience. It demonstrates why it is important that we support the Headways across the country that are giving this vital

support to families in the position his family was in, and he is right to mention the children of people with acquired brain injuries; they must not be forgotten in all of this.

Unfortunately, not every patient with an ABI will have access to a service like Headway Wearside. If the Minister is to take away one thing from this debate, I urge him to recognise the need for services such as Headway Wearside and the other 126 across the country, so that the more than 1 million people living with a brain injury can access the support they need and deserve.

Several hon. Members rose—

Madam Deputy Speaker (Dame Eleanor Laing): Order. We have to have a time limit, initially of five minutes.

10.11 pm

Mr John Hayes (South Holland and The Deepings) (Con): I do not make a habit of exorcising personal demons in this Chamber and I am not going to start now, but we are all shaped, and are certainly affected, when we are shocked by what we see, perhaps in our constituents or other people, and so it was almost 40 years ago when I was in hospital and in the bed next to me was a young man, I suppose in his 20s or 30s, surrounded by a family—young children, his wife—being taught to feed himself and speak again following a traumatic event which had led to a severe head injury. He was a postman; he had slipped on the ice and hit his head on the pavement. As simple an event as that had changed that man’s and that family’s life for all of time.

From then on I became interested in ABI, and when I was elected to this place began my relationship with Headway, which has continued ever since. I am proud to be associated with the work it does and am delighted to endorse all that has been said by both Front Benchers about that work.

That postman all those years ago has, sadly, been followed by many others. Not always such a simple event has led to their injury; it is often a car or motorbike accident or something of that kind, which is why it is disproportionately young men who are affected by traumatic injuries of this type. But the results are common; they are complex and varied, but common themes emerge.

The first theme is of course the immediate, traumatic effect—invariably dealt with efficiently and effectively by the national health service. Those who have that kind of dramatic injury get pretty good treatment from our NHS, and it deserves credit, as do all those associated with it, for providing that treatment. But the ongoing issues associated with ABI are met with various kinds of responses. Sometimes the follow-up care is good, strong and effective, but that is not always the case because of the need to continue to respond to what are often rapidly changing circumstances. People’s speed of recovery can vary, as can the effect of their injury on their life, their competence and their skills.

In this very welcome debate—for which I was pleased to call, alongside the hon. Member for Rhondda (Chris Bryant); we have worked as a team; I am delighted that the Government have offered us this time—I want to argue for a number of simple things, which I will summarise. Co-ordination: we need to ensure that all the agencies—charitable, Government and local government—

work together. Perpetuation: we need to understand that the condition might require care and treatment over a very long time. It is a dynamic condition and it needs that kind of perpetuation. Accentuation: we need to drive this issue up in the consideration of all public policy makers and those who make policy in the health service in particular. Having this debate is all about that. Concentration: we need to pool resources and target them where they can have the greatest effect. Accumulation: we need to build on the experience of the Headway groups and others that do this best. The NHS looked at this issue in 2004, and its international studies—particularly relating to the United States of America—need to be revisited.

The hon. Member for Washington and Sunderland West (Mrs Hodgson) was right to say that knowledge is vital. To get people back into work, which is often their aim, we need to work on educators and employers to enable them to understand that the pathways that people follow need to be attuned to their complex and changing needs. If we can achieve all that, we will be sending a signal to all those people affected, as that postman was all that time ago that, in the words of C. S. Lewis:

“You are never too old to set another goal or to dream a new dream”,

regardless of the misfortunes you might suffer.

10.17 pm

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): It is an absolute pleasure to speak in this debate on behalf of the Scottish National party. I worked in the NHS as a psychologist for many years, and I was involved in carrying out assessments of people who had acquired brain injuries. This is often a hidden disability. I would describe it as invisible much of the time and that contributes to much of the discrimination. It can have a major impact on people's cognition, their personality—particularly if it is a frontal lobe injury—and their planning ability. It can have an impact on individuals' speech. Some have to relearn vocabulary and the names of people they once knew. In severe cases, it can have a significant impact on someone's memory. Consequent to all that is the impact on people's mental health and their confidence.

I pay tribute to the agencies that work so hard with those individuals and their families, because a systematic and systemic family approach is what is needed to support individuals. The hon. Member for Strangford (Jim Shannon) is absolutely right in that regard, as he is in so many others. It is important to provide support to all members of the family. I also pay tribute to the hon. Member for Rhondda (Chris Bryant), who has played a crucial role in bringing this debate to the House. He is vociferous on this important issue, and he has again made sure that we have time to debate it.

My own husband suffered a head injury when he was serving in the armed forces many years ago, when his tank was overturned. He was a member of the Royal Electrical and Mechanical Engineers and is now a local veterans' spokesperson. He was fortunate to have fast, intense rehabilitation. It is important that that is provided not only to those in the armed forces, but to the general population. I am interested in what the Minister has to say about medical spending on our veterans and their access to rehabilitation services in this regard, alongside our NHS trauma units.

There are also difficulties in relation to welfare benefit assessments, particularly for employment and support allowance and for personal independence payments. Those with an acquired brain injury often feel that their difficulties are not understood and not well assessed under the current procedures, so we need not only further training for assessors, but possibly to review the assessment process itself. Assessment sometimes does not pick up the fine changes that can have such a crucial impact on the daily living skills of people with an acquired brain injury. Support will be necessary because it can be difficult for those with such injuries to complete forms, gather adequate evidence and so on. The Minister for Disabled People is in her place this evening, so I will be grateful if she will meet with me, as chair of the all-party parliamentary group for disability, to discuss that further.

Jamie Stone: Does the hon. Lady agree that there is some evidence that the mobility aspect of PIP is not being recognised in this regard?

Dr Cameron: Yes, that is a fair point. Mobility is about not just how far someone can walk, but being able to plan a journey and many other aspects of day-to-day living skills that people can find so difficult. People may require support for such things, but that may not currently be picked up properly by an assessment.

Psychology is important in the assessment of such cases, because access to neuropsychology means that individuals can have memory and cognitive assessments at the time of injury and six and 12 months later to examine which functions have been recovered. That is important because different parts of the brain can take on functions that have been lost and because the individual's pattern of recovery can be mapped, meaning that a rehabilitation plan can be specifically adapted to their needs. Access to neuropsychology is a key part of rehabilitation, so I will be interested to hear the comments of the Under-Secretary of State for Health and Social Care on neuropsychology services, particularly for those with an acquired brain injury.

Prisoners have been mentioned. Yes, there is a high level of acquired brain injury within that population and that has an impact in three ways: acquired brain injuries can increase impulsivity, they can lead to people making the wrong decisions and not thinking through the consequences, and they can lead to difficulty in undertaking the normal treatments available in prisons, such as cognitive behavioural therapy, meaning that such treatments may have to be adapted for prisoners to benefit from them. I am unsure whether that is occurring in our prison system, but it should happen right across the United Kingdom if cognisance is taken of such difficulties.

Mr John Hayes: This will be my last contribution because I know that others want to get in. The change in a person's cognitive function, which is often perceived as a change in their ability to do things, is often also about them knowing how to do things, what to do, when to do it and why. That is different from losing a skill. It is about losing the ability to order things and to prioritise them, and that has a dramatic effect both on education and on their subsequent ability to work.

Dr Cameron: Individuals with a frontal lobe injury find planning extremely difficult and, in fact, may never again be able to plan in the way they once could.

[Dr Cameron]

These are some of the issues that treatment would have to take on board, and perhaps further support will be required. The types of cognitive behavioural treatment that rely on people thinking things through in a sequence, which is particularly difficult for those with a brain injury, will not always be appropriate and may need to be adapted.

So many Members want to speak on this important issue, so I will finish by mentioning the funding for a new Scottish trauma network. Since January 2017, four major trauma centres, in Glasgow, Edinburgh, Aberdeen and Dundee, have been working extremely hard to try to ensure a good care pathway for those in Scotland who suffer brain injury. It is incumbent on us all to communicate and to find evidence-based practice right across the United Kingdom.

10.25 pm

Bill Grant (Ayr, Carrick and Cumnock) (Con): As a local councillor, I had the privilege of sitting on the board of Headway Ayrshire, which is affiliated with Headway UK, the brain injury association, a registered charity. Headway Ayrshire is based in the town of Ayr in my constituency of Ayr, Carrick and Cumnock, and it provides services to the population of Ayrshire and Arran. Its invaluable work includes the provision of information, advice and support services to people with brain injuries, their families and carers.

Up to December 2017, approximately 420 clients and 320 carers and family members were receiving support from Headway Ayrshire, with, on average, 60 referrals per annum. We have heard in this debate that acquired brain injuries may result from sports injuries, violent crimes, road traffic accidents or industrial accidents. As my right hon. Friend the Member for South Holland and The Deepings (Mr Hayes) mentioned, a simple slip, trip or fall can change the life of a person and their family for years to come.

During my 30 years in the fire and rescue service, attending road traffic collisions and cutting the occupants free from crashed vehicles, I saw the trauma at first hand. However, I acknowledge that vehicle manufacturers are constantly evolving, changing and improving in-built safety measures such as simple seatbelts, side-impact bars and not least, and more recently, airbags, which all assist in a good recovery from road traffic accidents and road traffic collisions.

I call on the Government to consider or, indeed, to address a few specific issues. First, I call on them to ensure that those assessing claimants on behalf of the DWP understand that, given the nature of their injury, the sufferer may lack personal awareness and may be under misconceptions as to their own capabilities. The sufferer may believe they will return to normality, for when they look in the mirror they still see their former self. To the onlooker, the sufferer may not present with overt symptoms, and often their life challenges are covert in nature. A sufferer may be asked whether they are able to learn a new task, and their answer might be yes. However, given an inability in some cases to retain and recall information, the fact is that the next time they are asked to undertake such a task, they may have genuinely forgotten how to do it. Appropriate questioning on forms and at assessments and hearings is crucial.

For cases where the maximum recovery point has been reached, according to medical opinion, will the Government consider making long-term awards, as completing application forms is challenging for persons who lack concentration skills and who fatigue easily?

Secondly, I call on the Government to ensure that the NHS is able to offer the crucial multi-disciplinary support from an NHS team that is required in many of these cases, to provide ongoing rehabilitation and to recognise that a person's treatment plan may need to be bespoke as, with acquired brain injuries, it is not a case of one size fits all. The symptoms and challenges faced by a sufferer have changing dynamics throughout their life. Professor Diane Playford, president of the British Society of Rehabilitation Medicine, has stated that there are not enough specialist rehabilitation facilities for those with brain injuries. The hon. Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron) mentioned the four additional centres in Scotland, and I congratulate and thank the staff at the Douglas Grant centre in Irvine, operated by NHS Ayrshire and Arran, on the good work they undertake every single day.

Thirdly, we should recognise the dedication of family members who do not necessarily see themselves as carers but who undoubtedly, through their own personal efforts, lighten the burden on our social care services and the NHS. This dedication on their part can lead to their own social isolation because brain injuries tend to have cognitive, physical, behavioural and emotional consequences that have an impact not just directly on the sufferer, but indirectly on the carer or the family members.

We also need to reach out to employers to ask them to consider engaging with the Government's Disability Confident Scheme, to think about the potential to retain and, if necessary, retrain employees who have sustained acquired brain injuries and to think about these people when considering new employees. Fortunately, many make a good recovery from acquired brain injuries, but for others life becomes a constant challenge—for them and their family. As a Government and as a society, let us do all we can to assist those who have sustained an acquired brain injury.

10.30 pm

Chris Bryant (Rhondda) (Lab): The truth is that acquired brain injury is an invisible epidemic in this country. It is invisible because all too often we do not even know the numbers. I know the Minister means well, but I suspect his numbers were a hideous underrepresentation of the truth, because the figures I have seen suggest that there are more like 1.3 million people in this country living with a disability brought on by an acquired brain injury, with nearly half a million presenting to hospital last year. As my hon. Friend the Member for Washington and Sunderland West (Mrs Hodgson) said, that is one a minute—1,500 a day. That is a very significant number of people. All too often, it feels like an invisible epidemic to the individual concerned, because they might not ever have known they had a brain injury in the first place.

Some of the most distressing work that I have seen has been done by people working in prisons. I was in Cardiff prison a couple of weeks ago—some would say not a moment too soon—to see the work being done

there with prisoners, because the work Huw Williams has done at HMP Leeds showed that when we screened every prisoner arriving in through the door we found that 47% of prisoners had an acquired brain injury, that 76% of those had several and that 30% of those had more than five brain injuries. This is often invisible in the case of children, too. The latest figures I have seen show that five children in every primary school class in this country will have an acquired brain injury. If we think that figure is bad enough, the figure for poorer constituencies, and for poorer families and areas, will be considerably higher. The research is a bit difficult to be precise about, but a study in Exeter showed that it was 4.3 times higher in poorer areas, and another survey elsewhere found it was three times higher in poorer families. So, for me, as a socialist—I still like to use the word—this is still a matter of social justice as much as anything else.

Mr John Hayes: As a non-socialist and member of the party of Wilberforce, Shaftesbury and Disraeli, I believe in social justice, too. The key thing that the hon. Gentleman has said, as did the hon. Member for Washington and Sunderland West (Mrs Hodgson), is that we have to get teachers to be more aware of this. If one thing comes out of this debate, it should be exactly that. We need to co-ordinate across Departments to get teachers to recognise and know this.

Chris Bryant: I completely agree with the right hon. Gentleman on that, not least because of one thing that sometimes happens to teenagers. Part of their brains will be quite well developed—the reward bit, the one that knows how to seek out pleasure—but the area of the brain most likely to be hit if they have a brain injury is the bit that is not yet well developed, which is the executive function. It is the bit that gives that youngster the ability to say no to things or to control their emotions and their functions. All too often, if that bit goes wrong, they can start to present in school as somebody who is a problem. They may then get excluded from the school, because it is not understood that this is actually about a brain injury—perhaps the student themselves does not understand that. They may then start offending and we may find several years later that they have a whole career of offending and that if we had managed to do the rehab properly right at the beginning, when the first brain injury happened, we might have been able to save that individual their self-respect and self-esteem, and we might have been able to save society the costs of all the criminality. We might, thus, be able to strengthen the whole of the way we do our business.

One memory that really strikes me is the story of Ben Robinson, the 14-year-old who was playing rugby for Carrickfergus Grammar School in Northern Ireland. He was sent back on to the field three times after brain injuries on the field and then died of double impact syndrome. He was pronounced dead when he arrived at the hospital. I am so proud of Ben's family, who have campaigned on this issue. His mother, Karen, has always referred to these injuries as rugby's dirty secret.

Rugby has tried to clean up its act in recent years, but in so many sports, even all these years after footballer Jeff Astle's brain injury, which was determined to have been an industrial injury brought on by heading the ball, we still see in matches people being sent back on by the club medic. Only an independent medic should

make the decision about whether somebody should go back on. If there is any doubt, sit them out. It should be simple and that should apply across all sports.

The Government have had a great success thanks to the major trauma centres which, as somebody said earlier, now manage to save an extra 600 lives every year. That is brilliant, but let us save the quality of their life as well. The miracles that can be achieved in saving lives can be matched by the miracles that can be achieved through really good, long-term, sustained rehabilitation. If we can take an 18-year-old who has had a big brain injury from needing six carers to wash, dress and feed them and get them up and so on, to a place where they no longer depend on those people, are mostly independent and need only one carer, think how many millions of pounds we can save the taxpayer across their lifetime. That must of course be the most effective way to change things.

I repeat the points made about PIP and ESA. One woman said to me, "The doctors say to me that I should spend all my emotional energy on getting my brain to work again, but I am spending all my emotional energy on trying to understand the forms and going through the process so that I can put food on the table for the rest of my family."

I have a great deal of time for the Minister for Disabled People, Health and Work; she has had meetings with me and I know that she will want to make changes. This is about the whole of Government. I very much hope that we will be able to have another debate soon, because there are so many issues that we have barely managed to touch on in this one.

Several hon. Members *rose*—

Madam Deputy Speaker (Dame Eleanor Laing): Order. I am reducing the time limit to four minutes.

10.36 pm

Michelle Donelan (Chippenham) (Con): I welcome this opportunity to speak briefly on such an important topic that affects a number of my constituents, either personally or through their family and friends. I echo the sentiment that has already been expressed about the great work that is done by charities such as Headway that focus on acquired brain injuries.

As we have heard, every year 1.5 million people attend A&E with a head injury, and some 200,000 of them are hospitalised. That is why it is so important not only that A&E training in the detection of brain injuries is up to date, but that there is strong public awareness of the symptoms, to ensure that help is sought immediately. Equally, that is why we must continue to invest in research so that we can detect earlier and treat more effectively.

The key point that I wish to make is that brain injuries affect all aspects of a person's life. They are not only an issue for the NHS, because they also have massive implications for a person's social care, eligibility for employment and disability benefits, ability to navigate the judicial system, and education, to name but a few. That is why cross-departmental working is so vital and why the support available and knowledge of it is so crucial, as is increasing general awareness, especially given the fact that every acquired brain injury is so different.

[Michelle Donelan]

For example, I have a constituent who has been able to work a number of hours with a severe acquired brain injury and is on universal credit. However, when an error was made, a request for back-payment was issued. A factual letter was sent, but it was an inappropriate letter to send to someone with a severe brain injury. It caused great distress, and it would have been better had a personal approach been taken. I pick that up with the Minister because that could and should have been done. We also need to get individuals and families to volunteer the information to work coaches and those sectors that need it, which is why I welcome the roll-out of communities partners. That will help to facilitate that work up and down the country.

I praise the investment in the network of well-resourced major trauma centres that have been established since 2012. Treating severe and complex brain injuries is a highly specialised area and requires dedicated personnel and equipment. There are now 27 of these centres in England alone. These free at the point of use, specialised centres are predicted to save over 600 more lives a year. They are an example of the NHS at its best and highlight why protecting the NHS is so important. Centres such as these are why I welcomed the funding announcement today to give more than £20 billion extra in real terms to the NHS by 2023-24.

The NHS is not a national treasure because of nostalgia, but because it saves our families and our friends. I end my remarks by reiterating how important the work of local charities is and by stressing the great contribution that those suffering from acquired brain injuries make to our communities, our workplaces and our charities.

10.40 pm

John Woodcock (Barrow and Furness) (Ind): It is a privilege to speak in this debate today. I often think how lucky I am to be able to continue speaking in this House at all. I was incredibly lucky because, when I fell off a ladder onto a wooden block in my attic in a classic case of what not to do around the home—I was 8 feet off the ground and my head 14 feet off the ground—I did not suffer a brain bleed. I was profoundly lucky to be in a job with a support system around me and with wonderful staff who were able to take the load from me for a full two years. At first, I was not able to work much at all except in very small bursts. I slowly built that up, but I had to resign from the Front Bench. I often think how the history of these past few years might have been different had I remained a shadow roads Minister under the then Leader of the Opposition.

In listening to these moving accounts from across the Chamber, I have found so many of them to ring true. My personality changed—largely for the better in many ways—but I became much less risk averse in a way that was not healthy. I suffered from depression. As I was recovering, I was not able to spend time with my small children. My marriage broke down, and I could work only for very small amounts of time. I feel so lucky, because there are so many people whose employment circumstances would not allow that at all and who would not have the system around them. I was lucky because I was able to understand the system and to ask for the best care. I eventually was referred to the best care in the NHS and I got it and I have pretty much

been able to make a full recovery. My family will tell me what a nightmare I am whenever I try to find something because my short-term recall, which was never good in the first place, will never come back to even the mediocre place that it was in before.

I want to finish by saying that, yes, we should be so proud of the positive role that the NHS can play, but it is not the case that everyone receives good care when they acquire a brain injury. I am not saying this to complain, but it is important to state what happened. I was given great care by paramedics who thought that my back could be broken when I fell off the ladder. All the tests were done. I was very, very sore. When I was released the next day, I was not even given a leaflet to say, “Look out, here are the symptoms of a head injury.”

I thought that concussion was something that lasted for 24 to 48 hours. After a couple of weeks, I found that I still could not really work, except for very short 30 to 90 second bursts, I went back to my GP who said, “You have a stressful job and a young child. I think you are suffering from stress.” I said, “No, I’ve worked for Gordon Brown; I know what stress is. This is not stress.” It was only because I was able to push and because he had a personal relationship with the lead neurologist for the area that he picked up the phone and I was seen. So many people do not have that. I congratulate both my hon. Friend the Member for Rhondda (Chris Bryant) and the right hon. Member for South Holland and The Deepings (Mr Hayes) on securing this debate and Headway on the recovery that it has given and on spreading awareness of this condition, which we have to keep on raising to ensure that people get the care that they need.

10.44 pm

Liz Twist (Blaydon) (Lab): I am glad to be able to take part in this important debate.

Over the past few months, I have had the pleasure of taking part in the all-party parliamentary group on acquired brain injury, led by my hon. Friend the Member for Rhondda (Chris Bryant). I confess that I first joined what was then a new group at the request of a constituent and friend who works with the charity Headway in the north-east. He was keen that the problems faced by people with an acquired brain injury should be properly and thoughtfully considered, and for action plans to be devised that would seek to help resolve those problems. It was only during the course of the meeting that I had one of those lightbulb moments, realising that one of my family members actually has an acquired brain injury. That is a classic example of one of the difficulties faced by many people with an acquired brain injury; it can be an invisible disability that is not recognised.

This evening I will talk about the issues facing children with acquired brain injury, particularly in education, which was one of the topics on which the APPG heard evidence. Department of Health data shows that in a four-year period, 39,000 under five were admitted to hospital because of falls. Many of these children will be discharged as fully recovered, although the outcome of traumatic brain injuries in children may not become clear until their brain is fully matured. In fact, despite the early years being a key point in brain development, it is also the time when children are most vulnerable to injury. Sadly, it is also the least supported age group.

The APPG heard from the Child Brain Injury Trust in one of our meetings that children are very different from adults after acquired brain injury, because their brains are still developing and will continue to do so until they are in their mid-20s. This means that the full extent of their injuries and subsequent difficulties may not be realised until their brains have fully matured. Up to 70% of children and young people return to mainstream education following their injury.

As we heard in the APPG, in common with many other groups there is a lack of interim access to rehabilitation, whether residential or in the community—community being the main issue for children and young people—so schools and teachers are the main source of rehab for these young folk. Unfortunately those teachers, including special educational needs co-ordinators and educational psychologists, do not have access to training in how to deal with children returning to school with acquired brain injury. Of course, we know about the pressure that teachers already face in their work. Many young people do not have a formal diagnosis of acquired brain injury, so they can be misdiagnosed as being on the autistic spectrum or as having attention deficit hyperactivity disorder. This can be a real detriment to their outcomes and future development.

It is not just at school that children and young people face problems. In the family, the emotional and psychological impact of an ABI can completely change their world. They often face a lack of services in the community, isolation, and a lack of access to funding support and information. They may also be unable to access counselling. They are balanced between child and adolescent mental health services and other non-neurological services, as specialist neurological specialist for children are scarce. Where people live matters; there are few areas of excellence, with the excellent services mostly based around major trauma units.

I could say a great deal more, but I will cut my speech short in view of the time limit. I will just finish by saying that our children deserve better than what they have at present. Children with an acquired brain injury need to have their condition recognised, and need to be supported to do the best they can at school and to improve their life outcomes. I hope that this debate will help to raise awareness, and lead to positive improvements for them and other people with acquired brain injury.

10.48 pm

Carolyn Harris (Swansea East) (Lab): I rise as vice-chair of the all-party parliamentary group on acquired brain injury.

Julian John, a dear friend and constituent of mine, is living with an acquired brain injury—an injury that led him to change his entire life path several years ago. He could have allowed his injury to dictate his life but he did not, and instead used his experience to help others to live fulfilling lives and gain meaningful employment. Every day Julian must overcome obstacles due to his ABI, such as being easily disorientated by doors or stairs. Simply entering a building or climbing stairs can be a massive task for him. But Julian advocates for the inclusion of people living with such disabilities and is an excellent example of how disability—whether visible or hidden—should not hold people back from reaching

their full potential. He has used his experience to start the human resources company Delsion, which specialises in inclusion.

Julian has had excellent support throughout his rehabilitation—all the love, support and patience he needed—but this is not true for all the 1.3 million people in the UK living with an acquired brain injury. Many of these individuals require early and continued access to neuro-rehabilitation to optimise their recovery, but the number of available beds across the UK is inadequate. Service provision is variable, and this means that long-term outcomes for brain injury survivors are compromised. There is a large variation in the provision of and access to neuro-rehabilitation services across the country, and a lack of neuro-rehabilitation personnel. Can the Minister assure us that a full review of neuro-rehabilitation services will be carried out? In doing so, he will ensure that more people will have the same opportunity that Julian had to make life after an ABI productive and meaningful.

10.50 pm

Paula Sherriff (Dewsbury) (Lab): This has been an excellent debate, and I thank all Members for their contributions. I congratulate my hon. Friend the Member for Rhondda (Chris Bryant), whose persistence week after week has undoubtedly facilitated the debate. I thank the Government for allowing it time.

Although we have first-class acute care in this country, and advances in medicine in recent years that have resulted in many more lives being saved following a brain injury, it is undoubtedly in long-term rehabilitation where much more support is required in order to save and preserve the quality of lives for those suffering from acquired brain injuries—and, of course, their loved ones. Somebody who has suffered a traumatic brain injury could have had three months in intensive care, six months in therapy, and maybe a year in residential care, and then they are often sent home and the help stops. Quite often personalities will have been affected, and the person who comes home could barely resemble the one before the accident or incident that led to the acquired brain injury.

A report by the Centre for Mental Health stated that 1.3 million people live with the effects of brain injury, at a cost to the UK economy of £15 billion per annum, based on premature death, the health and social care required, and lost work contributions and continuing disability. This cost is the equivalent of 10% of the annual NHS budget.

Chris Bryant: Two suggestions have been made about rehabilitation that might change things: first, that we should have a rehabilitation prescription just like a medical prescription so that the person knows, and the family know, what support there is going to be on an ongoing basis; and secondly, that every single major trauma centre should have a rehabilitation consultant, because one in four do not. Is that not essential to be able to make sure that we change this world?

Paula Sherriff: I thank my hon. Friend for those suggestions, and I hope that Minister will respond to them. It is clear that my hon. Friend cares very much about this issue.

[Paula Sherriff]

Neuro-rehabilitation is one of the most cost-effective services that the NHS provides, and one of the few services in medicine that results in long-term decreased costs to the economy. However, the number of available beds across the UK is inadequate, service provision is variable, and consequently long-term outcomes for brain injury survivors are compromised.

ABIs can result from many different causes, including stroke, tumour or brain haemorrhage. They can also be caused by a trauma to the head through assault, a road traffic accident, and accidents at work or in the home, as we heard from my hon. Friend the Member for Barrow and Furness (John Woodcock). Sporting injuries are the cause of many acquired brain injuries and have been subject to much media attention in recent years, with concern growing surrounding the long-term effects of concussions sustained through sporting activities. Awareness must be raised as to the dangers of head injuries in sport in order to prevent ABIs, along with stricter guidelines on how long an individual should rest following a concussion.

As we heard from my hon. Friend the Member for Washington and Sunderland West (Mrs Hodgson), one of the most common effects of an ABI is breakdown in marriages, relationships and family units as people struggle to cope with the changes in circumstances, and often personalities, following an ABI. The hon. Member for Cheltenham (Alex Chalk) discussed the increased propensity to commit crime after an ABI. Today I spoke to Peter Taylor, the business manager of a charity based near my constituency called Second Chance Headway, which specialises in caring for people with brain injuries. He talked about the amazing work that they do. He also mentioned that quite often families fall apart as children struggle to understand why the lady who looks like mummy can no longer do the things that mummy used to be able to do—simple tasks like making tea or washing—and wonder why she is angry a lot of the time when she used to be so patient and loving. Obviously this can apply to daddy too. Those are just some of the devastating effects of ABI that often happen behind closed doors.

Peter stressed the importance of raising awareness, and especially of the fact that an ABI is a brain injury for life, that a person could face 40 to 50 years of trying to adjust and come to terms with a devastating change in their life circumstances and that they may have to learn how to live again, with some of the most basic tasks having to be relearned, including how to make a cup of tea and how to dress themselves—things that we all take so much for granted.

Peter also spoke about the lack of funding and the finger pointing between social services and health commissioners over who should foot the bill for rehabilitation services, with no clear direction over where the money should come from. Second Chance Headway survives without a penny from the Government, as do many other similar charities across the country. There has to be a more co-ordinated and systematic approach to ensure that everyone with an ABI has the same quality of care and the same life chances. This service should not be reliant on the charity sector, especially in these times of austerity in which charities are struggling to access vital funds.

I would like to end by echoing the requests of my hon. Friend the Member for Rhondda for a Government taskforce across all relevant Departments, including Health, Education, Justice, Work and Pensions and Defence and for adequate funding for services. In the words of Peter Taylor of Second Chance Headway, “A life has to be worth living, otherwise what is the point in saving it?”

10.55 pm

Steve Brine: I am back, Mr Speaker. Time is very tight. If I do not answer any specific questions asked, I will write to Members; I always do.

It has been a very interesting and far-reaching debate. We have heard about some of the excellent work being undertaken to improve the care, treatment and support of those with an ABI. We have also heard about so many areas where so much more needs to be done, particularly around variation in care. I am the first to admit that there is a lot more that we need to do. I am clear from the debate that we need to keep our focus on providing rapid and appropriate triage and treatment of head injury, to ensure that patients can access the most appropriate service and level of expertise from the start—especially, as the hon. Member for Rhondda (Chris Bryant) said so well, in our schools. We should be seeing joint working between health, social care and education, with multi-professional assessments of a child or young person’s needs, including all the relevant experts, to get this right earlier and to prevent the cycle of problems that often lead to exclusion, brushes with the criminal justice system and a life scarred more than it already is. Dare I say it, as someone once said, we need to understand a little more and condemn a little less. I still believe in that.

Many Members talked about the need to ensure that patients have access to the necessary specialists and services that are relevant to their rehabilitation needs and to work harder than ever to iron out inconsistencies in what is available. I mentioned in my opening remarks the regional trauma networks, which have been very successful. A number of Members spoke about those, including my hon. Friend the Member for Chippenham (Michelle Donelan). The hon. Member for Barrow and Furness (John Woodcock), as usual, spoke from the heart and gave us a very personal insight into what happens when you are unlucky on a ladder and the fall-out across family and children. I think he has recovered incredibly well.

A number of Members, including my hon. Friend the Member for Cheltenham (Alex Chalk), talked about identifying and supporting individuals in whom a previous brain injury may be informing impulsive risk-taking activity leading to crime. I also take away the clear message that we must maintain our research commitment. The hon. Member for Washington and Sunderland West (Mrs Hodgson) said that a review of neuro-rehabilitation is required. The audit that we published at the end of 2016 recommends that all providers reflect on the capacity that they have. The national clinical audit of specialist rehabilitation will address that in the next stages of the audit, which are due to complete later this year.

The hon. Lady also talked about discussions with the DWP. We have discussions all the time. Many comments were made today about the DWP, so I am grateful that

the Minister for Disabled People, Health and Work was on the Treasury Bench to hear those. Through the personal support package for people on employment and support allowance, the DWP is working to improve the support that it offers to those with long-term conditions such as brain injury, including peer support and training for disability employment advisers. However, it sounds like there is a lot of work to be done, and I know that my hon. Friend is keen to see that done.

Chris Bryant: We have had to go at a bit of a gallop this evening. I wonder whether the Minister could use his best offices to ensure that we have another debate fairly soon.

Steve Brine: I may have been called “perfect” by Madam Deputy Speaker, the right hon. Member for Epping Forest (Dame Eleanor Laing)—Mr Speaker, you do not want to know—but all I can say is that there are many things at my disposal, but scheduling debates in this House is not one of them. There are many ways in which the hon. Gentleman can bring forward debates in this House, and knowing him as I do, I have a funny feeling that he will be doing it some more. Whichever Minister responds to such a debate, I welcome that, because there are a lot of issues and we need to look at them. He talked about an invisible epidemic, and he may well be right. It has been a pleasure to listen to this debate, short as it has been, and an honour to respond to it.

Question put and agreed to.

Resolved,

That this House has considered acquired brain injury.

Business without Debate

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Ordered,

That Rachel Maclean be discharged from the Business, Energy and Industrial Strategy Committee and Sir Patrick McLoughlin be added.—(*Bill Wiggin, on behalf of the Selection Committee.*)

HOME AFFAIRS

Ordered,

That Sarah Jones be discharged from the Home Affairs Committee and Alex Norris be added.—(*Bill Wiggin, on behalf of the Selection Committee.*)

Accessibility Challenges: Invisible Disabilities

Motion made, and Question proposed, That this House do now adjourn.—(Andrew Stephenson.)

11 pm

Martin Whitfield (East Lothian) (Lab): It is an honour to stand in Parliament tonight to raise the important matter of the accessibility challenges faced by those in society who have invisible disabilities.

The World Health Organisation estimates that 1 billion people across the world carry a disability in some form, which is a telling statistic. We should consider the suggestion in an American survey that nearly 74% of people have disabilities that are hidden. However, I by no means wish to use parliamentary time to shun or ignore the accessibility challenges for those who rely on wheelchairs or mobility assistance. We have made huge progress, but there is still a long way to go to ensure that—from street furniture to narrow doors, steps and bollards—Britain is open and inclusive for all, yet these infrastructural improvements must go hand in hand with challenging the preconceived attitudes that exist towards both people with visible and people with invisible disabilities.

I want briefly to explain why I am so proud to stand here tonight. It stems from the tireless work of a young woman whom I have had the privilege to know, teach and fundraise for, and someone whom I am proud to call a friend. Grace Warnock is a diligent and inspirational campaigner for disability awareness, and someone whom I had the pleasure of teaching in Prestonpans in my constituency of East Lothian. She was diagnosed with Crohn’s disease, a condition which I watched my mother suffer from in her 60s. I am sure that Members across the House are aware of the disease, particularly the challenges they face on a day-to-day basis. From the start of this debate, to the House adjourning this evening, one more person in the UK will be diagnosed with Crohn’s disease, and that person will join the 300,000 people in the UK with the disease. It is a disease that has no cure.

I have had the pleasure to speak to Crohn’s and Colitis UK, which is not just dedicating valuable time and effort to research this condition, but—for the purposes of this debate, I want highlight this role—is at the forefront of the campaign to end the societal stigma attached to this disease. Crohn’s and Colitis UK is clear that overriding stigmas and false assumptions often challenge people with inflammatory bowel disease. That is why its own research shows that 49% of people living with this condition have been abused or verbally questioned for using an accessible toilet.

When Grace was just in primary school, she too experienced this. She noticed early on how people looked at her differently when she came out of an accessible toilet. She was faced with their bemusement, and people saying, “Why are you using those toilets?” Worse, she often faced glares of hostility. She could sense people were looking at her angrily, thinking, “You should queue like the rest of us.” Grace could have ignored this—she could simply have pretended she did not acknowledge this antagonism—yet she went home and

[*Martin Whitfield*]

decided to do something about it. She did not want to shout at these people or to scream in their faces; she wanted to educate them.

Jim Shannon (Strangford) (DUP): I thank and commend the hon. Gentleman for bringing forward this very important debate. The “Not all illnesses are visible” slogan is being taken on board by my local council in Northern Ireland. Ards and North Down Borough Council is promoting the slogan in all the toilets in the council areas. Does the hon. Gentleman agree that more firms and businesses and more public bodies should ensure that people understand that a wheelchair is not necessarily the only reason for accessing a disabled toilet and that many people with hidden illnesses have the same need to do so?

Martin Whitfield: I am grateful to the hon. Gentleman for his intervention. It is true that the fact that something is not visible does not mean it is not there. Indeed, it was the absence of anything visible that seemed to upset the people who saw Grace standing outside the accessible toilets.

Grace went on to develop “Grace’s sign”—a powerful visual aid to articulate her inclusive message. I will abide by parliamentary protocol and hold back from displaying the sign, but for those not aware of it I should explain that it depicts a conventional wheelchair symbol, alongside which are a man and woman standing, both with an emphasised red heart. Why the red heart? Grace is asking all of us to think about those invisible disabilities, but she is also asking people to think using their hearts—to hold back and have the empathy to recognise that people with a range of different conditions may need to use accessible facilities.

The sign projects a powerful message: think with your heart and do not rush to judgment. Think and express yourself with compassion and decency. I am very proud at how far the sign has travelled across Scotland—from the Parliament building in Holyrood, to airports, shopping malls, leisure centres, businesses, council offices and the school where I used to teach. Slowly but surely, attitudes are changing across Scotland. I believe it is now the time to spread the campaign across the whole UK.

What has Grace achieved aside from what I have already mentioned? The *Edinburgh Evening News* awarded her “local hero” status and she won a Young Scot award and a British Citizen award. Recently, she also won the Prime Minister’s prestigious Points of Light award. People will not hear too many voices on this side of the House praising the Prime Minister, but I take this opportunity to thank her for the unique honour she bestowed on Grace. At her high school, Grace also received an award for her work outwith the school in the community.

In Scotland, this is the year of the young people—a fitting celebration of the flair, creativeness and compassion that I know, as a teacher and a father, young people hold. I am sure all Members would agree that those traits are at the very core of Grace’s sign. I hope they will also agree that we need to take the ethos of Grace’s campaign and begin applying it to all hidden disabilities. As I prepared to discuss this matter, it was striking how

many organisations and charities came forward to ask me to advocate on behalf of the causes that they represent. There is also the wonderful debate that we have just had in this Chamber.

Ian Murray (Edinburgh South) (Lab): I pay tribute to Grace. Will my hon. Friend join me in agreeing with all those organisations, including Headway in my constituency, which rehabilitates people with severe head injuries, that they need access to these toilets? In that way, they can take people with acquired brain injury into the community and have access to proper facilities.

Martin Whitfield: I thank my hon. Friend. I was listening to the previous debate, which mentioned the stigma of an acquired brain injury and the fact that it is hidden and not obvious—someone behaves in a way that others immediately think of as irrational or drunk. That is so wrong. People should take the time to pause and think that there may be an explanation. The tutterings, mutterings and open hostility are unacceptable in this day and age.

The reality for those with these conditions is that such challenges appear every day, and it is far from unique to just one disability. ME is a hidden condition that was not even acknowledged as a disability until recently. Today is Autistic Pride Day 2018; there is the issue of the ability to raise accessibility challenges for people with autism. The National Autistic Society notes that nearly half of all autistic people in Britain often do not go out because they worry about the public’s reaction to their condition.

My constituent Grace rose to the challenge brought about by the stigma regrettably associated with her condition. She wants to extend the challenge to Parliament, to Whitehall and to MPs across the House, because when public institutions and people in buildings of this magnitude and importance are seen to do something, they start to shape the debate in society. I am pleased that the Secretary of State for Scotland has given me verbal notice that he will do all he can to get this into Dover House. I am encouraged by the interest shown by the Leader of the House and I will invite the Minister to say whether she could support this with something on behalf of the Government. I will of course be writing to you, Mr Speaker, in your enviable position on the House of Commons Commission, to seek your assistance with this matter, but I encourage all Members across the House to see whether they can take the campaign to their constituencies.

As well as asking the Government to back the campaign, I would like to ask the Minister what statistics she has on hidden disabilities and what the Government’s strategy is to ensure that we are tackling those stigmas head on. Further, will the Government be willing to incorporate formally the concept of hidden disabilities in the brief carried by the Minister with responsibility for disability?

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): My hon. Friend is making an excellent speech. Does he agree that dyslexia is also a hidden disability that brings with it stigma? People, even as adults, will resist admitting that they are dyslexic. As a society, we have to be aware of that, as well as all the other disabilities he speaks about.

Martin Whitfield: I am very grateful to my hon. Friend for that intervention. The stigma of a hidden disability, and the very word disability itself, does no justice to the individuals who suffer day in, day out. They suffer because of the ignorance of society around them. What I take from knowing Grace is that here was a young woman who, rather than wanting to shout at people, wanted to educate them. She wanted to remove the stigma. She wanted to ask people to think before they react. It is for society to make an environment that is welcoming for people both with hidden disabilities and visible disabilities, and perhaps move to a stage where we stop perceiving things as a disability and look at people as individuals. If we could get to that point, we would be a grown-up society. I have to say it took a young girl, Grace Warnock, to really show that and to help me to articulate that demand.

11.11 pm

The Minister for Disabled People, Health and Work (Sarah Newton): I congratulate the hon. Member for East Lothian (Martin Whitfield) on securing this really important debate. I join him in saying what a privilege it was to be in the Chamber for the preceding debate, on acquired brain injury. It is very timely that we can talk about hidden disabilities following that debate. It is a very important topic. I also congratulate the hon. Gentleman on the tone he has taken in wanting to work so collaboratively with Members across the Chamber. He is right to say that each and every one of us are powerful advocates for change in our constituencies across our great country. There is something we can all do.

I think we can all understand that all disabled people face barriers in their daily lives, but people with hidden disabilities have to overcome the fact that it is not always easy to understand the support they might need. That is why we need to have debates such as this one and to think each day about people around us who may well have hidden disabilities that we are not aware of. It is all too easy to recognise somebody with a mobility need if they have a device or a wheelchair. Somebody with a visual impairment may have an assistance dog or a cane, but as we have heard this evening many health conditions—dyslexia, autism, acquired brain injuries and all sorts of other conditions—are simply not visible to the human eye.

The Equality Act 2010 has a very clear definition of disability. It says that it is anyone with a long-standing illness, disability or impairment which causes substantial difficulty with day-to-day activities. I am sure that, while we can all understand that as a legal definition of disability, not everyone within these groups identify themselves as disabled.

The hon. Gentleman asked me about numbers. People have told us they have a hidden disability: 14% of disabled people have a learning disability, 24% have a mental health condition and 17% have an impairment that can impact on their memory. These statistics, like any other statistics around disability, relate to people who have come forward to say, “This is how I feel. This is how I report.” We know that the information is limited, but just because it is limited does not mean that we do not take this really seriously. We absolutely do, and we want to build a culture and create a community in our country where people feel confident to come

forward to their loved ones, families and employers and say, “I have this disability. I have this impairment. This is what it means to me. Can you support me, so that I can play my full part in society and achieve my potential with that support?”

Ruth George (High Peak) (Lab): I thank my hon. Friend the Member for East Lothian (Martin Whitfield) for securing the debate, and I thank the Minister for the spirit in which she is responding and her recognition of invisible disability. I hope that in her role in the Department for Work and Pensions, she will make sure that these factors are taken into account in assessments for employment and support allowance and personal independence payment. Conditions such as complex regional pain disorder, on which I have an Adjournment debate tomorrow evening, are not recognised for the purposes of personal independence payment, in spite of it being one of the most painful and debilitating conditions.

Sarah Newton: I thank the hon. Lady for her intervention. I will listen with interest. If I cannot be there myself, I will read the *Hansard* report of what she has to say on the issue. It is really important that the support that we provide through the benefits system recognises the disabilities, impairments and challenges that people face each day, and that we provide the support that they need. That is why I want to confirm to the hon. Member for East Lothian that my role does include invisible disabilities. They are just as important as physical disabilities. The Government have been very clear about the parity of esteem that we give to people, whether their disabilities are visible or invisible.

We have heard about the great work that Grace has done. She has a very fluctuating condition—one that is quite difficult for people to understand. I understand that the fluctuation itself can make it even more challenging for her, and I am absolutely delighted that the hon. Gentleman has brought the campaign for her sign to the House’s attention today, as he did on 24 May. It is really important that we keep talking about this issue and celebrate the work that Grace has done. It is marvellous that she got the award from the Prime Minister, and I would like to put my congratulations on the record. As her former teacher, the hon. Gentleman must be very proud indeed of what she has done.

I reassure the hon. Gentleman that I have been working with the Leader of the House. We have accepted the challenge to make sure that we can get the sign up on the parliamentary estate. I look forward to working with the Speaker to make sure that that is the case, and I accept the challenge this evening to see what I can do to make sure that across Government Departments we can take up the sign that Grace has so beautifully designed and ensure that this is extended. It is remarkable that somebody from the age of 10 picked up that the sign would have such a huge impact on improving the quality of life, not just for her, but for people throughout our country.

It was really great to hear of the progress that has been made. I understand that Iain Gray, the Member of the Scottish Parliament, has been working with the hon. Gentleman and providing a lot of support to make sure that the Scottish Parliament is using these signs, and it was great to hear this evening that now Edinburgh airport, the stadium and shops all over the country are, too.

[Sarah Newton]

It is important to emphasise that businesses need to think very seriously about providing accessible toilets. As the hon. Gentleman knows, we have championed the Changing Places toilets and how important they are. We have a consortium that we support in the DWP. I have listened to many people who have provided Changing Places toilets, and they have told me that the footfall to businesses, stadiums and outlets has increased, so it means that the businesses are getting more business from people with disabilities.

I am passionate about making sure that all disabled people have improved access to goods and services. There are 13 million disabled people in the UK, and they and their families have a huge combined spending power estimated at about £250 billion every year. This is often called the “purple pound”. Many businesses are missing out on this potential market because their goods and services, whether online or in the real world, are inaccessible to disabled people. Of course, that includes accessible toilet facilities. To tackle this issue, I have appointed 14 disability sector champions whose job is to identify and drive improvements in their sectors. They represent a range of sectors and businesses from retail to arts and culture and sport, and they are using their influence as leaders in their industries to drive improvements in the accessibility and quality of services.

Last November, I established a retail forum with our retail sector champion, Helen Drury, to raise the importance of improving accessibility in the retail sector. Helen has recently been promoted and is moving into the financial services industry, but I am grateful for her work in helping me to set up the forum and in developing an accessibility toolkit that has been widely welcomed by landlords of shopping centres and retailers themselves and which shows them how relatively easy and straightforward it is to make minor adaptations so that their businesses are far more welcoming and inclusive. I am pleased to announce that Samantha Sen, head of policy and campaigns at Revo, will take over as a temporary replacement for Helen until we can complete our recruitment exercise towards the end of the year.

The forum brings together high-level leaders in the retail sector, both retailers themselves and landlords, to roll out good practice across the sector. At our last meeting in March, a member highlighted the success that his business had had with the “Disability can be invisible” sign—it put it on its bathroom doors and seen the positive impact it could have. The forum is working with me on a new initiative called Purple Tuesday. Thanks to the hon. Gentleman’s having raised Grace’s

sign with me this evening, I will make sure that the toolkit we develop for the implementation of Purple Tuesday includes the sign.

We are working with a not-for-profit disabled people’s user-led organisation called Purple to develop a new annual retail event, which we are calling Purple Tuesday, to raise awareness of the value of the purple pound and to encourage retailers to put on events to encourage people into their stores and to make those minor adaptations so that they can not only provide an inclusive environment but realise some of that £250 billion for their own businesses. We hope that the first Purple Tuesday will be on 13 November. I will make sure that the Department does everything to support it. I will update Members nearer the time once the plans are more developed, because it is something we can all get behind; we can all encourage retailers on our high streets and in our communities to do that. I hope that by introducing Purple Tuesday we will not just support retailers to improve the accessibility of their services and the customer experience of disabled people, but improve our understanding of disability, bust some of those myths and get rid of the stigma around disabled people.

We know from similar campaigns, such as the Time to Change campaign, that it is possible to change attitudes over time, and I was pleased to see the most recent results from the Time to Change national survey, which showed that the overall attitude trend between 2008 and 2016 was moving in the right direction: just under 10% of people have changed their minds and improved their attitudes towards people with disabilities. That is 4.1 million people. It is possible, then, to make progress, and I am determined to do everything possible to make sure that disabled people in our country are as appreciated as everybody else and enabled and supported to play the fullest part they can in society.

I am grateful that we have had the opportunity to talk about the importance of making toilets accessible and of getting people to stop and think again if they see someone using such a toilet. The fact that a person’s disability cannot be seen does not mean that the person does not need to use that facility.

I look forward to working with the hon. Gentleman on Grace’s campaign, and to ensuring that all her signs appear on the parliamentary estate, in Government buildings, and in high streets throughout our country. Congratulations to him, and congratulations to Grace.

Question put and agreed to.

11.25 pm

House adjourned.

Westminster Hall

Monday 18 June 2018

[MR CHARLES WALKER *in the Chair*]

House of Lords: Abolition

4.30 pm

Paul Scully (Sutton and Cheam) (Con): I beg to move,

That this House has considered e-petition 209433 relating to a referendum on the abolition of the House of Lords.

It is a pleasure to serve under your chairmanship, Mr Walker. As I normally do, I will read the text of the petition for the *Official Report*:

“Give the electorate a referendum on the abolition of the House of Lords. The House of Lords is a place of patronage where unelected and unaccountable individuals hold a disproportionate amount of influence and power which can be used to frustrate the elected representatives of the people”.

As of a couple of hours ago, 169,215 people had signed the petition. The timing of the debate is apt because at the other end of Parliament, the Lords are currently exercising an incredible amount of influence and power over the European Union (Withdrawal) Bill, as they debate the amendments that have been rejected by this place. We will see what comes back to us later.

I congratulate the petitioner, Rob McBride, who is in the Gallery today with his wife. I just had a snatched conversation with him—I hope to catch up with him after the debate—about what motivated him to start the petition. I was told it was purely the argument, applicable before the EU withdrawal Bill came to the Lords, that in this day and age there is no place for appointed members of a legislative body. I hope to talk about the options, and about the discussions that we have had, that the Lords themselves have had, and that I have had with a number of university and school students regarding the issues and practicalities of Lords reform.

I suspect that many of the 169,000 people who followed Rob’s lead and signed the petition were specifically motivated by the Lords’ consideration of the EU withdrawal Bill, because many signatures came quickly after it. I suspect that a lot of people were concerned about how the Lords had started to overstep their remit—a view I share. I believe that some of the amendments to the Bill sent to the Commons, such as those relating to the European economic area and the customs union, were not in the scope of the original Bill; such matters are properly considered in other legislation, not least the Trade Bill, which is coming before us again in a few weeks’ time. However, considering and voting on provisions such as so-called Henry VIII clauses is well within the Lords’ remit. That may be uncomfortable for the Government and for Members who, like me, voted to leave the EU and want to get on with it, but the House of Lords exists not for my comfort or for the Government’s, but to scrutinise legislation and to return it to the Commons, hopefully in a better state.

That the House of Lords has overstepped the mark in throwing back certain amendments is evidenced by some of the comments made during the debate. Lord Bilimoria said, when considering amendment 49, that

“Thanks to this amendment, Parliament would have the ability to stop the train crash that is Brexit.”—[*Official Report, House of Lords*, 30 April 2018; Vol. 790, c. 1854.]

It is not appropriate for the upper House to thwart the will of the people and to get us to consider what are effectively wrecking amendments to a Bill that was clearly in our manifesto and that we need to get passed in a timely fashion if we are to leave the EU in an orderly way. Baroness Jones of Moulsecoomb said in the same debate that she had intended to vote for an amendment, but the speeches in favour of it had turned her against it, as there was clearly “more of an agenda” than just allowing more oversight of the process.

Oversight of the process is what the House of Lords is for. The Lords do many different things, but in the Chamber itself about 40% of their work involves scrutiny—debating, asking questions, and responding to ministerial statements and such things. The other 60% of their time is spent improving draft legislation—primary legislation and statutory instruments. From speaking to a number of Members of the House of Lords, it is clear to me that they spend a lot of time on, and take a lot of interest in, statutory instruments—probably more so than the Commons does, where we typically rely on a Government majority to get them through. The Lords take their role of scrutiny and adding their expert view very seriously.

Patricia Gibson (North Ayrshire and Arran) (SNP): Does the hon. Gentleman not agree that regardless of the legislation being considered, in a country that I would hope considers itself to be a democracy, it is an affront that we have more than 800 unelected peers, with 13 new appointments recently, while we face the prospect of the democratic Chamber being further reduced?

Paul Scully: I thank the hon. Lady for that intervention. I will talk about the need to reduce numbers later. I will also talk about the practicalities of whether we have an elected or appointed upper Chamber, how we could reform an appointed Chamber, and the need for an upper Chamber in the first place. Should we go unicameral as New Zealand has? I will consider whether there is scope for doing that.

David T. C. Davies (Monmouth) (Con): We have unicameral Chambers in Scotland and Wales. We may or may not have issues with the Welsh Assembly or the Scottish Parliament, but it all seems to work perfectly well.

Paul Scully: I thank my hon. Friend for that intervention. A unicameral system can work perfectly well and I have no doubt that we would survive quite happily with such a system, but the House of Lords can, and often—though not always—does offer something that is related to its composition: one advantage of having an appointed system is that we can bring in experts who can add expertise that we do not necessarily have in the Commons.

To give some examples, from the world of science we have the brain pioneer Baroness Greenfield, fertility expert Lord Winston, and Lord Darzi. From business, we have the former chief executive of HSBC Lord

[Paul Scully]

Green of Hurstpierpoint, Lord Rose from Marks & Spencer, and Lord Sugar. For social policy challenges, we have Baroness Newlove, Baroness Lawrence and Lord Bird, the creator of *The Big Issue*. When it comes to culture, we have Lord Bragg and the former head of the BBC, Lord Hall. We also have both the Lords Palumbo: one was chairman of the Arts Council of Great Britain; the younger, Lord Palumbo of Southwark, was the founder of the Ministry of Sound. We have sporting people, such as Baroness Grey-Thompson and people from public services such as Lord Dannatt, who adds military expertise, and Lord Hogan-Howe, a former Metropolitan Police Commissioner.

We also have people from the security services, philanthropists, human rights campaigners, religious leaders—beyond the obvious statutory role of the bishops—legal experts, academics and, of course, former Members of this place, who at least have an understanding of the parliamentary process and can help to get business through. Perhaps we can cover that in a bit more detail later.

Tommy Sheppard (Edinburgh East) (SNP): The hon. Gentleman makes the argument that many Members of the House of Lords have considerable expertise in certain areas of policy and that that benefits the apparatus of Government, but surely those people could be drawn in to advise the Government in many other ways, such as through setting up expert panels or simply having Government advisers. They do not have to be part of the legislature for the Government to benefit from their advice.

Paul Scully: I thank the hon. Gentleman for that interesting point, but I am describing the existing situation, which nobody would create. We had hereditary peers in the House of Lords right up until the '90s. The first level of reform went through under Tony Blair, but nothing was really put in its place. We are in that halfway house at the moment.

David Linden (Glasgow East) (SNP): I would not want the hon. Gentleman inadvertently to mislead the House. Perhaps he will put on the record the fact that there are still 92 hereditary peers.

Paul Scully: Forgive me. The hon. Gentleman is absolutely right, and I will come to that point later in my speech. I was talking about when there were solely hereditary peers. I thank him very much for allowing me to correct the record.

The House of Lords clearly needs to do more, however it is composed, to ensure it is representative of the country, not just by reflecting public political opinion, expressed in general election results, but by having more women and people from ethnic backgrounds. It is interesting to note, however, that both leaders of the two main parties in the Lords are female, and that all three leaders of the main parties are younger than their counterparts in this place. Funnily enough, the House of Lords has done its bit for gender equality by electing its first male Lord Speaker, Lord Fowler. It has a good record of supporting women in the most senior positions, but clearly there is more it can do.

The work of the Lords is not just the legislation debated in the Chamber, but its Committee work. Its Select Committees are formed differently from ours: while ours tend to reflect Departments, its Committees tend to be more cross-cutting. The Science and Technology Committee, for example, makes the most of the House of Lords' expertise. Essentially, the House of Lords does things that the House of Commons does less of because the time available, and our different political imperatives and priorities, drive us in different ways. However, it should not go beyond its remit, as it clearly has on the European Union (Withdrawal) Bill.

A lot of checks have been introduced over the past 100 years. The Parliament Acts 1911 and 1949 prevent the House of Lords from blocking legislation and money resolutions. It can hold up Bills for up to a year, but the Government can reintroduce them without seeking the House of Lords' consent at the beginning of the next parliamentary session. Having some tension is no bad thing, but there have to be limits, and the House of Lords has overstepped the limits in this instance.

The Salisbury convention would normally kick in for a measure such as the European Union (Withdrawal) Bill, because, like our pledge to leave the customs union and the single market, it was clearly in our 2017 manifesto. However, that only prevents the Bill from becoming law in this parliamentary Session. There is obviously a timescale issue with the EU withdrawal Bill, because we will leave the EU at the end of March next year, so we have to get the Bill through in plenty of time to ensure we leave in an orderly way. If it is held up for too long or changed beyond recognition, that will affect our negotiating position now and our capacity to leave the EU in an orderly way next March.

Simon Hart (Carmarthen West and South Pembrokeshire) (Con): We are in the rather strange and unusual situation of having a two-year parliamentary Session. If we had stuck to the normal protocol of having a one-year session, the Parliament Act could have applied and the blockage could have been removed in time for us to leave the EU in March next year. The Government are at fault for having this extended Session, which has rendered the Parliament Act rather difficult to deploy.

Paul Scully: These are obviously unusual circumstances for all manner of reasons. Brexit and the two-year Session are incredibly unusual. I have talked a lot about the fact that, in my view, the Lords have overstepped their remit. The petitioner is not talking about the European Union (Withdrawal) Bill, so I will park that after this point. We need to look at the Bill as a whole. The Lords may be thwarting the Government now, but it depends on how the process finishes. If we can get the Bill into the form originally intended after consideration of Lords amendments on Wednesday and Third Reading, even if it has been amended, which is exactly what the Lords are there to do, as long as it has not been amended beyond recognition and its original remit—there will have been a lot of tension—we will have got there in the end. A lot of the things we do in this place may look odd or arcane to people, but they tend to have a way of working. That is done not just in the Chamber, but through the usual channels and debate and discussion outside the Chamber.

The reforms have been only half completed. The possibility of having an elected Chamber has been mentioned. That is one option. Do we abolish? Do we go elected? Do we have a hybrid system with a mix of elected and appointed peers, or do we keep it the same? I do not think anybody is saying we should keep it exactly the same. We went through the process of looking at an elected House of Lords before my time in this place, and nobody could agree on the detail. Although there was a lot of sympathy for having at least an elected element of the House of Lords, no one could say what percentage it should be and how long the terms should be. That is one reason why it did not go through. It will take a lot of parliamentary time—I am interested to hear what the Minister has to say about this—if that proposal were to come back to us. What could we agree on and coalesce around?

Tommy Sheppard: The hon. Gentleman is describing the various reforms to the House of Lords over the years, and I think he would agree that the process has stalled somewhat in recent years. All those reforms were motivated by people who wished to see the Lords become more accountable and were concerned that people were in a position to make laws that apply to citizens without being accountable. Does he agree that it is rather ironic that citizens are petitioning the House of Commons asking for reform, and that the Government are doing nothing to reform it and will not make time available, yet the House of Lords is arguing for reform because its crisis of legitimacy has become so acute?

Paul Scully: I thank the hon. Gentleman for that intervention. The nub of the problem is this: what kind of reform do we want to achieve? Hon. Members who were here under the coalition Government talked about having an elected House of Lords, but they could not agree on one simple solution. The Lords are talking about reform, and I will cover that point in a second.

The hon. Member for Glasgow East (David Linden) talked about hereditary peers. The daft thing is that, with the 92 who are left, it is a halfway house. I understand why people are concerned about the House of Lords and either want to change it or question its legitimacy. In 2016, we had a ridiculous situation when there was a by-election for one of the Members of the House of Lords. A Lib Dem peer, Lord Avebury, died, and seven hereditary peers from around the country were put up for election, but the electorate was only three. How daft is it to have an electorate that is half the size of the field of candidates? It makes a mockery of the process, so we clearly need to look at the situation.

The Government have already gone some way towards trying to lay a path to change. The House of Lords Reform Act 2014 allowed Members, for the first time, to retire or resign permanently. Those who do not attend or are convicted of a serious offence that carries a prison sentence of a year or more cease to be Members. That was not the case before. Again, it is a bit daft and I am glad it was sorted out.

The House of Lords (Expulsion and Suspension) Act 2015 enabled a suspension running beyond the end of a Parliament to be imposed on a Member, and allowed the House of Lords to expel Members. As part of that process, University of Strathclyde politics students came here, and we discussed the issue with them. Just

this morning, pupils of Steyning Grammar School came to do a tour of this place, and went to the education centre—a fantastic resource. Instead of just having a question and answer session with a Member, we sat down and started to look at the options for reform, including abolition. Interestingly, both sets of students unanimously agreed that we should not abolish the House of Lords or elect it. They said we should carry on with appointed peers, but with significant change.

The students looked at the House of Lords and asked why people would be motivated to sign such a petition. They felt that it was because of a lack of understanding: the House of Lords sounds old-fashioned and undemocratic, lacks visibility, is not diverse or reflective of society—people could not relate to it—and it seems to be comprised largely of politicians for life, in effect, with Members moving from one end of the building to the other. Hereditary peers were also a concern. Those students, however, still believed it to be an important institution, which does more scrutiny with a lot of expertise—peers expert in their field and with nothing to lose—so they did not believe that it should be abolished.

How should the House of Lords be reformed? The Strathclyde students said that the bishops should be removed and talked about whether to remove political affiliation—to go totally Cross Bench—but they could not agree how. Again, we come back to the question of how to reform the House of Lords. The students wanted stronger emphasis on post-legislative scrutiny, with Committees looking at laws a year later or so to see whether they are working.

The Steyning Grammar School group had a similar discussion. One student did not believe that we should even reduce the numbers. She made an interesting point: the larger size allows for more diversity and a wider range of opinions. We have talked about how there is not enough diversity in that place, but there is scope. Not everyone turns up for every debate, so there are plenty of opportunities to speak for black and minority ethnic Members or women Members, depending on the subject matter—they are being drawn from a bigger pool.

Everything comes back to what reforms are possible and what reforms are being looked at by the Lords themselves in the Lord Speaker's Committee on the Size of the House—the Burns Committee. The Committee has come up with some interesting ideas. It, too, believes that the House is too big—we are talking about 800 Members, which makes it one of the biggest legislative bodies in the world—and recommends that membership should be reduced to and capped at 600 Members, which would bring it into line with this place should the boundary reviews go through later in the year.

The Committee also recommended linking composition of the House of Lords to general election results. It would reduce membership to 600 in just over a decade through a natural system—an accelerated “two out, one in” programme—with new Members appointed for a 15-year term. No party would be allowed an absolute political majority, and a minimum of 20% of seats would be reserved for independent Cross-Bench Members, largely appointed by the House of Lords Appointments Commission. The students to whom I was speaking all felt that patronage should be reduced if not removed, so an independent commission should have far greater say in membership of that place.

[Paul Scully]

Political appointments, if there are any, should be shared between the parties. The Burns Committee believes that those should be in line with the result of the previous general election, defined as an average of the party share of the national vote and the seats won in this place. That formula and the 15-year term would together ensure that the composition of the House of Lords reflected the country over the medium term.

If consensus can be achieved in the House of Lords, I hope that that would start to bring that place into a semblance of order, though it would not be enough for some, such as those present who have been arguing for election or the petitioner, who is arguing for abolition. However, people might start to relate to the House of Lords and see it use the expertise that the Lords undoubtedly have, concentrating on things that need to be done. Given that, we need to understand the concern that the Lords must still, *quid pro quo*, stay within its existing remit. We should never lose sight of the fact that what matters ultimately is the contribution of peers to the scrutiny and improvement of legislation, and the difference that they can make when doing that.

4.53 pm

Justin Madders (Ellesmere Port and Neston) (Lab): It is a pleasure to serve under your chairmanship, Mr Walker.

Many Members will be familiar with the Dunny-on-the-Wold by-election. The winning candidate, S. Baldrick of the Adder party, stood to represent a constituency whose population consisted of three rather mangy cows, a dachshund named Colin and a small hen in its late 40s. The candidate went on to surprise everyone by achieving 16,472 votes. I am of course referring to the plot of an episode of “Blackadder the Third”.

All very amusing, but that scenario is only slightly less absurd than the one referred to in the opening comments of the hon. Member for Sutton and Cheam (Paul Scully): the election on 19 April 2016 of Viscount Thurso of Ulbster, who was one of seven candidates before an electorate of three. I am pleased to report that on that occasion at least the turnout was 100%. It gets worse, because despite being elected by only three people, Viscount Thurso actually boasts one of the largest democratic mandates among the 780 Members of the other place.

If that was the plot of a comedy series, we would laugh; if that was the situation in another country, our media would sneer; but that is what apparently passes for democracy in the United Kingdom in the 21st century. The situation is one that successive Governments have chosen to allow, and the response of the Government to the petition that we are debating shows that things are unlikely to change. They said:

“Whilst comprehensive reform is not a priority, the Government will also continue to work to ensure that the House of Lords remains relevant and effective by addressing issues such as its size.”

I argue that it is extremely difficult for the House of Lords to be relevant as long as it remains unelected. The fact that 169,000 people have signed the petition that we are debating shows that we cannot continue to kick the issue down the road or into the long grass. This historical aberration has to change.

We are told that, despite the lack of democratic accountability, the Lords at least do a good job—although there might be mixed views on the Government Benches about that at the moment. That is indeed true of some Lords. I have worked closely with many Members of the other place and have been extremely impressed by their contribution. However, I see no reason why, with such ability, they would not have a good chance of being able to continue to serve in public life were they to subject themselves to the will of the people.

Some in the other Chamber, sadly, are much less assiduous. In an age when the electorate is often criticised for its apathy, I was astonished to find that the record turnout for a vote in the House of Lords in recent times was only 3% higher than the turnout at the last general election. Even at their absolute best, one in five Members of the other place does not cast a vote. Furthermore, that exceptional turnout I just referred to is very much out of the ordinary. On average, only between half and two thirds of the upper House attend, and many Members have not spoken or voted in a considerable time. That they can do so without any apparent accountability is an affront to democracy and an insult to the public.

Simon Hart: I take the hon. Gentleman’s point, but does he recall that when reform crashed and burned under the coalition Government, it did so because of the suggestion—almost insistence—of an elected element? That was all about the primacy of the House of Commons, so what was actually going on was reform of the Commons, because it was argued that at the moment that anyone in the House of Lords was elected, such Members had as much legitimacy as those of us in the Commons. The blockages and delays that we are experiencing now would therefore only become more profound, and would have some justification. That is why the reform proposal failed.

Justin Madders: I appreciate that, but it does not make the existing system any more acceptable. The problem that successive Governments have found with the House of Lords, and the trap that they and we all fall into, is that we obsess about how we shall make the system work, rather than saying as a statement of principle that we do not believe that an unelected Chamber in this country is an acceptable way to proceed. We should state as a starting point that we want abolition, then, if we agree, we should have a period of time in which to work out exactly what we want instead.

Patricia Gibson: I very much agree with the hon. Gentleman who is talking about the credibility gap—people cogitating and reflecting on legislation when they have no democratic accountability. Does he agree that the credibility of the Lords is further undermined by the fact that they pay no tax on their House of Lords earnings or allowances?

Justin Madders: I was not aware of that. In the past, some people have had issues to do with their involvement in making donations to political parties or with paying their taxes. It is absolutely right that someone resident in this country and taking part in the democratic process should be subject to the same rules as every other citizen.

We are told that expertise and knowledge is in such abundance among Members of the other place that radical reform would pose a risk to the ability of Parliament

to scrutinise legislation. The truth, however, is that out of the 13 most recent nominations, seven were former Members of Parliament, one a former general secretary of the Labour party and one a former deputy chairman of the Conservative party. Indeed, since the Life Peerages Act 1958, a third of the 1,452 peers created have been former MPs who were therefore relieved of the bothersome inconvenience of having to obtain the consent of the electorate before being allowed to continue in public life. Many more nominees were councillors, party donors or staff. Of the Members appointed since May 2010, half are either former MPs or former local councillors, and a further fifth are former special advisers or party employees.

It appears that there is very little difference between the qualifications and types of people in the two Houses. In response to the argument about expertise, what is it about earning the legitimacy of the popular vote that precludes a person from having expertise on a particular subject? The House of Commons has plenty of experts from all walks of life. The fact that they have to face elections does not seem to prevent them from coming here in the first place.

David Linden: I agree with the hon. Gentleman, because I think of my hon. Friend the Member for Central Ayrshire (Dr Whitford), who was a breast surgeon for 33 years. She makes an enormous contribution to the House of Commons in health questions and in health legislation, but she still had to go to the electorate of Central Ayrshire on two occasions. I back the hon. Gentleman's argument that we have people here from various professional backgrounds, but there is no reason why the House of Lords cannot be subject to elections like the rest of us.

Justin Madders: I share a brief with the hon. Member for Central Ayrshire (Dr. Whitford); I think Members from all sides of the House recognise and value her expertise. Indeed, there are a number of medical professionals in the House who continue to practise, with up-to-date, relevant experience, which is really important.

I am not claiming that there are no valuable elements of the current House of Lords; there are many talented Members who demonstrate very high levels of integrity, expertise and independence. However, we make a mistake if we assume that these characteristics are naturally imbued in the upper Chamber because of the way in which the Members are appointed. That argument will always fail if we watch for opportunities for indolence, as opposed to every decision that we do not agree with.

Appointment does not guarantee effective independence and expertise any more than an election would preclude those qualities. Crucially, all the positive qualities of the other place are fatally compromised by the lack of democratic accountability. We are saying to the public, "We trust you to decide our future relationship with Europe; we trust you to elect MPs, councillors, police and crime commissioners and mayors, but we do not think you are up to the job of electing an upper House."

We have heard a lot about how the Lords' actions during the European Union (Withdrawal) Bill may have changed some Members' opinions about the way in which the other place operates. I do not have any truck with that, just as I have no truck with people who have

become converts to the House of Lords because of the way in which they have recently operated. Just because the Lords vote in a way on a particular occasion that suits someone's political view does not negate the overall democratic deficit that its continued existence in its current form represents. Let us not allow the day-to-day decisions and the painfully slow incremental reform to cloud the big picture: the House of Lords belongs to a bygone era of privilege, establishment and a closed political world, when we are becoming a much more open society. The time has come to end this relic of an earlier age and bring our democracy into the 21st century.

5.3 pm

David T. C. Davies (Monmouth) (Con): During the early part of the 19th century, the power in this country began to shift away from those whose right to make legislation was inherited through an accident of birth, who generally sat in the House of Lords. Instead, it began slowly and imperfectly to go towards those who had won the support of the public in some way and who, therefore, were more likely—although not necessarily—to have gained their position through ability and hard work. They, of course, sat in the House of Commons.

At that time, as we both know, Mr Walker, the old Tory party started to disappear. Historians say that the last Tory Prime Minister was the Duke of Wellington—I will come back to his successor in a minute. Those old Tories began to be replaced by people such as Peel and Disraeli. It is sad that one of Wellington's descendants is among those who seem to have forgotten the lessons of history and the importance of the Parliament Acts in our constitution. They are hell-bent on overturning the result of the referendum and the 2017 election, in which 90% of the public voted for the two major political parties that stood on an explicit manifesto commitment to withdraw Britain from the European Union.

The House of Lords is an unelected body that still contains nearly 100 people who sit there, interfering in the legislation of this country, simply because of an accident of birth. That is outrageous. The House of Lords is also unanswerable to the people and is unrepresentative. We heard earlier about the fact that there is not enough representation of women or ethnic minorities in the House of Lords. There is also not enough representation of people with different political views.

As democrats, how can we explain and defend the fact that nobody from the UK Independence party has ever been appointed to the Lords, despite the fact that millions of people have voted for that party in successive elections for the European Parliament and in general elections? Even at the last election, where the two major political parties took UKIP's major policy of pulling out of the EU, it still got nearly 2% in the vote. Where are its Members in the House of Lords? I have never voted UKIP and I would never advise anyone to do so, but I am a democrat and I recognise the rights of millions of people who have supported that political party. Members of that party have earned the right to be there. It is ridiculous that the Duke of Wellington is able to interfere in legislation that affects this country, but Nigel Farage, who was the leader of a major political party that has had a major impact on this country, is not invited to sit in the House of Lords. He has a far greater moral right to be there than the Duke of Wellington.

[David T. C. Davies]

As I said earlier, I joined not the Tory party of Wellington, but that of Peel and Disraeli, and later of Churchill and Mrs Thatcher. When I look at history, I see that the belief in free trade united all those people over the centuries. That belief brought Peel to get rid of the corn laws in the 1830s and it is why Winston Churchill in the early part of the 20th century, before he became known for saving us from the blight of fascism, was best known for his sterling defence of free trade and his opposition to locking Britain into a trading arrangement with countries with which we were said to have some sort of historical relationship. Those people all embodied a belief that people should reach their position on merit, achievement and hard work, not simply through an accident of birth.

As a Conservative, I say that the Lords is an anachronism long overdue for reform. The hereditaries are an insult to 21st-century democracy. To any Ministers who are listening, I say that now is the time for a reformed and representative House of Lords, with Members who are there by merit and not by birth. Now is the time for us, as Conservatives, to remember that we are at our best when we seize the opportunity to reform, instead of waiting for others to do it. We will wait a long time for their lordships to grasp it. Let us do it now, rather than face the wrath of our electors.

5.7 pm

Dr David Drew (Stroud) (Lab/Co-op): It is a delight to serve under your chairmanship, Mr Walker. I am pleased to say that I agree almost entirely with the hon. Member for Monmouth (David T. C. Davies), but I come at the issue from a completely different perspective. We may come to the same conclusion, but we have different reasons for wanting the abolition of the House of Lords.

I do not know whether the hon. Gentleman was here in 2003—he may have avoided that—when we had the vote on the future of the House of Lords. A White Paper offered seven options, all seven of which the House of Commons voted down. We do not have a terribly good track record of addressing the issue. We looked again in 2007—I think the hon. Gentleman was with us then—and made some progress. Surprisingly, the Commons came to an agreement that we wanted our Parliament to be bicameral, with an elected upper Chamber and that hereditaries would be abolished. Sadly, the Government fell in 2010, and for the last eight years we do not seem to have made much progress.

It is about time we revisited the issue, because it is pretty obvious that this petition strikes a chord. People do not sign in such numbers—169,000 and mounting as we speak—unless they feel quite strongly about an issue. The petition may have been brought on by Brexit and people's antagonism towards the Lords for the way it has performed, but the debate goes much deeper than that. As someone with an awful lot of friends in the Lords—I may have fewer after this speech—I think it is time that we looked at what we want to be done, not just by the Lords but by the Commons.

I think I voted in favour of an elected chamber last time around, but I now believe we must abolish the Lords. Why have I come around in favour of abolition?

Quite simply, it is because I do not believe we will ever do anything unless we abolish the Lords. We would have to put something in its place, but we must start with the nihilistic approach, if I can put it like that, of getting rid of what exists. We cannot carry on in the way we have been going. The latest attempt at reform by the Lord Speaker's Committee demonstrates why we cannot let the House of Lords reform itself. The proposal is minimalistic and unacceptable, and I am sure it will never get through the Commons, so I do not know why it was even brought forward.

Alex Sobel (Leeds North West) (Lab/Co-op): I agree that we need to abolish the Lords and start again, but we have seen that we need a bicameral Parliament. The Lord Speaker's Committee has broad agreement in the Lords, so it should be seen as a starting point. If we made a radical proposal, the Lords themselves would vote it down and we would not get any further. To quote Voltaire, I do not think we should let the perfect be the enemy of the good. We need a proposal that can get through both Houses.

Dr Drew: That may be true, but I am an idealist, and I believe that we ought to seek out the best solution. Otherwise, we will always end up compromising—although compromises may well have to be allowed along the way.

Let me concentrate for a moment on the Commons. I have always argued that one of the problems with the Commons is that we pass too much bad legislation and we rely on the Lords to get it right through scrutiny and revision. If we got it right in the first place, we would not necessarily need another Chamber to do that. Again, that may be idealistic, but I feel strongly that the Commons must do its job better. There are all sorts of reasons why we cannot do our job satisfactorily: we are all too busy, so we all multi-task too much. We have Westminster Hall as a second debating chamber, which is great—those of us who argued for it thought it would open up debate for Back Benchers—but we are now criticised all the time by the public for never being in the main Chamber, and no one ever listens to our debates. We have to try to box and cox—we must realise that there is no perfect solution, but that there are solutions we can help along the way.

One of the reasons I would get rid of the Lords is that we have a fundamental problem with this building, which we will have to vacate sometime soon. Now is the time to look at what sort of structure we want. It would be daft to have that debate after we came back into the new building—it will be new, because it will in effect be rebuilt from the bottom up—whatever form it takes. It would be sensible to have it now and to establish what the second Chamber should look like, if we want one.

The one thing I disagree with the petitioners about is their assertion that the decision should be handled by a referendum. Anyone who read what I said last week will know that I do not agree with referendums being used for anything at the moment, given what happened with Brexit. It is about time Parliament reasserted its authority and decided what it wants to do. We would then face the consequences, because the electorate would either vote for us or not. As I said in response to my hon. Friend the Member for Leeds North West (Alex Sobel), I am not happy with what the Lord Speaker's Committee has

come forward with, which seems like a temporary solution—an aberration—when we need a radical overhaul of the way our Chambers operate.

If I do not want the second Chamber to continue as it is, how do I see it operating, and how do I see that situation being arrived at? Its role should be to scrutinise and to take an overview of legislation. The Lords does that well at the moment, but I do not want a second Chamber that in effect replicates the Commons. I was told many times while Labour was in government, “The Commons won’t agree to this, but don’t worry—we can get it through in the Lords.” That always made me look pretty stupid, because I would argue the case in the Commons and lose, only for that decision to be overturned in the Lords, where common sense prevailed. That may seem a jolly good reason for having the Lords, but I think it is a negation of what should happen in the Commons. We should take authority, debate and deliberate on things and then pass legislation, but we should do a better job of that.

I am not in favour of an elected second Chamber. I would make it a selectorate, keep it to about 200 people and allow those people to be representative of different ethnic groups, regions and interests. How would that be arrived at? I think Select Committees should interview appropriate people. I do not know whether hon. Members remember the people’s peers. I think we created about six and then the whole idea died a death. That was a daft idea—it was one of new Labour’s “Let’s share it with the people” compromises—but in a sense it is about time the Commons decided who is an appropriate Member of the second Chamber. I would make those Members’ period in office time-limited, and they should rotate so there is always some expertise but people move through. People should apply for the role, as they do in other walks of life, and Select Committees are the obvious bodies to interview them. Again, that would put the onus on Members of the Commons.

I am basically saying that we should take the politics out of the second Chamber. That may be idealistic, but I want expertise in that Chamber. I want people who know about science and the arts—people who know about the finer details of legislation, including the law, religion and so on—but who will not challenge the Commons. That is the problem—in effect, we have two Chambers challenging each other. We see that in the attrition over Brexit, but it has happened time after time, because traditionally the Lords has championed opposition to the Government. In normal circumstances—this is not the case at the moment with a hung Parliament—the Government believe they can get their legislation through. Abolishing the Lords would put the onus on the Commons to get that legislation right. If it did not, the Government would pay the consequences.

In conclusion, I feel that this is the right time to have this debate, so I welcome the petition, although I do not want a referendum—I want the issue to be decided by Parliament. That may be where the Lords comes in with its blocking role, but that is for it to decide. It would lose its credibility completely if it were seen to stand in the way of efforts to evolve what I think is the proper bicameral arrangement, in which one element of Parliament is democratically accountable and the other provides expertise and helps the process of the elected people.

My final point is that whatever money we save from the House of Lords should be given to MPs—not in pay but to run our offices. We are all overwhelmed with

constituency work. That work gives us our grounding, and it is why we are different. We know what is going on in our constituencies because our constituents tell us. The problem is that we need additional resources to do a decent job, but our resources are capped. I would therefore put the money we saved from the Lords into running our offices, which would allow us more time to do our job in the Commons as we should.

5.18 pm

John Howell (Henley) (Con): It is a great pleasure to serve under your chairmanship, Mr Walker.

Let me start in a way that might portray me as a lawyer who is interested only in the detail of things. I am sorry for taking that position, but I do so to pick up on something said by the hon. Member for Stroud (Dr Drew). The issue, as it is described in the e-petition, falls into two parts. There is a bit about the House of Lords, which my hon. Friend the Member for Sutton and Cheam (Paul Scully) spoke about in detail—I will come back to that—but the petition also calls for a referendum on the subject.

I am surprised that no reference has been made to the Council of Europe. The Council of Europe is a non-EU body, completely separate from that. It was set up in 1949 and is made up of a whole number of organisations. One such organisation is the Venice Commission: the European Commission for Democracy through Law. I suspect it is another body full of lawyers, but it does come up with interesting material. In 2005, the Venice Commission first came up with an analysis of how referendums should be conducted. That work is being continued by my right hon. Friend the Member for Chesham and Amersham (Dame Cheryl Gillan), who is in the process of producing a booklet setting that out. If I may say so, one problem right at the beginning is with how our referendum on our membership of the European Union fits into that; she has some difficulty with that.

The Venice Commission likes to consider whether there is a national tradition of referendums. If we look just across the water to Ireland and its recent referendum on abortion, we see in that country there is a formal need for a referendum to change the constitution. We do not have such a requirement in British law to change our constitution. We must hang on to that as our starting point for where we are going.

The approach taken by the former Prime Minister in saying that any constitutional issues should be subject to a referendum was a haphazard and chaotic one. It was not thought through in its entirety or in the level of detail I would have expected from him. We are where we are with that, and I do not suggest that we rerun the EU referendum—anything but—but we cannot simply go on piling constitutional referendums on top of each other until we have our house in order.

The petition was inevitably influenced by the House of Lords’ reaction to Brexit. Many hon. Members have commented on how that House has overreached itself in proposing certain amendments. There is, however, a conflict with the Venice Commission’s guidance on how a referendum should be conducted and the aftermath of such a referendum, and we must bear that in mind so we do not make the same mistake again. For the reasons more succinctly stated by the hon. Member for Stroud,

[John Howell]

I do not like referendums either, and I would not recommend one for this sort of activity. It is something we need to do ourselves.

The Lord Speaker's Committee is a starting point. It is clearly not the finishing point. Additional work needs to be undertaken and time pressure is needed to come up with something that will reform the House of Lords. The difficulty with that is that, for reasons everyone will know, it is not a priority for the Government to undertake a large constitutional reform of the House of Lords at this stage. We simply have to live with that.

I repeat that, as we are a member of the Council of Europe and have been since 1949, why do we not ever use its material, produced all the way through with Members of this House, in our deliberations? It is as if we cut ourselves completely off from it and pretend it does not exist. The arguments that we should do this ourselves are valid, and I am pleased to recommend them to the Minister.

5.25 pm

Simon Hart (Carmarthen West and South Pembrokeshire) (Con): I came here with no intention of making a speech, but I was reminded by the hon. Member for Stroud (Dr Drew) of those days back in 2011 and 2012 when the coalition was in office and House of Lords reform was debated in the main Chamber in Government time. It was frustrating that there were numerous reforms with which we all agreed and would have proceeded had our partners in the coalition not been so wedded at the time to the concept of an elected second Chamber that nothing else mattered. The entire reform programme fell pretty well as a result of that intransigence.

I was amused, as I always am, by the contribution from my hon. Friend the Member for Monmouth (David T. C. Davies). I agreed with some elements but not with others. I took it—I hope I am not misquoting him—that he gave a pre-refusal should he be offered the honour of a place in the House of Lords when his long, illustrious political career in the Commons comes to an end. He can always intervene and tell me if I am wrong, but if that is the case, it is one less to worry about.

As I mentioned in an intervention, this debate is about the primacy of the House of Commons. All those years ago those measures fell because we could not find a way around the fact that, if we wanted the Commons to be a proper representation of public opinion and public feeling and not to be compromised, it had to have primacy. This is an argument not against House of Lords reform, but against having elected elements in it, and particularly some of the crazy schemes for two seven-year terms or whatever. The moment there is any suggestion of an elected element to the upper House, the Commons would suffer as a consequence.

It seemed we could not get around the idea that we were considering not abolition or reform of the House of Lords but wholesale constitutional reform of Parliament, and of the Commons in particular. It struck me then, and it strikes me now, that if as a result of the mood of the electorate we had a substantial Government majority in the Commons matched in the House of Lords, checks and balances would be significantly reduced, and the

ability of the Lords to review, improve and scrutinise legislation—sometimes aggressively—would be somewhat reduced.

We should not be too pompous about some of the arguments we are getting from the House of Lords at the moment. It is important that the Government's position on Brexit is challenged, however uncomfortable that might be. It is a little early to write off the House of Lords—in my view it is an anachronism worthy of abolition—before the process has ended.

Tommy Sheppard: The hon. Gentleman is basically saying there would be a problem with which House would be the most legitimate at any given point if both were elected. Will he speculate on why so many countries across the world manage to have a bicameral structure with two elected houses without that problem arising? If he thinks that problem is fundamental to the structure of Parliament, should we not first exhaust the possibility of a unicameral legislature before deciding whether and what type of revising Chamber we might wish to have?

Simon Hart: The hon. Gentleman is right. This is not about dismissing other potential reforms. I am simply making observations about why, back in 2011 and 2012, when we had the opportunity and momentum and there was spirit behind the proposals, they failed. They failed because they spooked Members of the House of Commons, who thought their primacy was in danger of being compromised. Unsurprisingly, they also spooked Members of the House of Lords, who felt that they would have to face the vulgarity of an election from time to time. We have to be pragmatic, and my point is about pragmatism. If we want to proceed, it is no good quoting what may be the case in other countries, however bona fide their examples may be; we must get the proposals through both Houses of Parliament. I am interested in exploring ways in which we can legitimately do that and make progress.

The other point I would make in response to the intervention of the hon. Member for Edinburgh East (Tommy Sheppard) is that if we can dip our toe in the reforming water and find that it is actually okay, other reforms will follow. Part of the situation is a fear of anything different. I suspect that if we can make the process evolutionary rather than revolutionary, many of the reforms we have talked about that have so far apparently been impossible will become a little easier. I am not attempting to dismiss the hon. Gentleman's comments. They are legitimate, but we must look at them in the context of the history of numerous attempts in the past 10 or 20 years to address the problem, most of which have been unsuccessful so far.

As I was attempting to explain, the Brexit situation stimulated interest in House of Lords reform. I have no particular fear of the Lords making uncomfortable observations about the direction in which the Government are going, but I would take a different view if it became obvious that the Lords' intention was to frustrate the will of the elected Chamber. Those two things are different and we are not there yet. We might be there in a matter of days, but we are not there yet, and therefore we are unable to pass or should be cautious about passing sentence today.

The hon. Member for Stroud hinted at reforms that could bring about progress. I am entirely sympathetic to a reduction in numbers—not so much for the Commons,

in case the Minister is listening, but for the House of Lords. I completely understand that. He also mentioned expertise. I agree with pretty well all of his contribution, although I suspect that if we went down a different route it might cost money rather than saving it. The positions might have to be salaried if an appointments panel simply advertises vacancies and selects people—if we create a second Chamber that is properly diverse and representative, it could come at a salaried price.

Thirdly, there may be opportunities to look again at the Parliament Act 1949. As my hon. Friend the Member for Sutton and Cheam (Paul Scully), who opened the debate, pointed out, that has its drawbacks because it was created at a time when the present circumstances were not anticipated. Perhaps revisiting it with a view to ensuring that the Commons can get its way in a rather more timely fashion might be one way in which to start making sensible progress. We need a pragmatic approach to reform. Otherwise we shall find, as we often have so frustratingly in the past, that no progress can be made because someone somewhere will lose out. If we continue to make proposals that are not politically digestible, we will have this debate again in a few years' time.

5.33 pm

David Linden (Glasgow East) (SNP): It is as ever a pleasure to serve under your chairmanship, Mr Walker. I look forward to doing so again on Wednesday next week. I commend the hon. Member for Sutton and Cheam (Paul Scully) for opening the debate, and thank the 116 constituents of the centre of the universe that is Glasgow East who signed the petition. I left huge amounts of space in my notes for summing up the contributions made in the debate. Petitions debates in Westminster Hall are normally stuffed, and sometimes Members cannot get a seat. I am quite struck by how empty it is this afternoon. I am sure it is nothing to do with the fact that quite a lot of MPs are conscious that when they leave this place they can go and park their backsides on the red leather. Perhaps there is an issue of self-interest. I do not know; I am only speculating.

There is something rather ironic. I was saying to the staff in my constituency office that I will conclude this week with a visit to a care home in my constituency on Friday. I thought it was remarkable that I would be able to talk this afternoon about another care home—the House of Lords. Anyone who watched the programme “Meet the Lords” will have heard people talking about it as the most exclusive day care unit in central London. To say that the noble Lord Palmer, who took part in the documentary, is a bit of a character would be putting it mildly. He has a 110-room mansion and was complaining about how little pay he gets at just £300 a day tax-free.

I did not know anything of this Lord Palmer chap, so I thought, “I’ll go and look him up.” I thought it would be helpful for the House, because we do not get the opportunity to talk about this often.

“Adrian Bailie Nottage Palmer, 4th Baron Palmer... is an aristocrat and landowner in Scotland. Lord Palmer succeeded his uncle in the peerage in 1990, and is now one of the ninety hereditary peers elected to remain in the House of Lords after the passing of the House of Lords Act 1999; he sits as a crossbencher.”

I am sure he is a perfectly affable chap, and in “Meet the Lords” he certainly seems like an eccentric individual. However, the point is that he has never been subject to election and sits in that place as a hereditary peer.

My position on this matter will come as no surprise, as a Scottish National party politician. I am happy to outline our position on the House of Lords. We think that it should be abolished. We have nothing to do with it—on that we are whiter than white. In our 50 years of continued parliamentary representation in this place we have never taken up a peerage despite being offered them. I am glad to say that we are not here to play the Westminster game. I am disappointed that other parties take part in it. What a shambles it is: the only larger legislature in the world is the Chinese National People’s Congress, with a total 2,987 seats. Our comrades in ermine along the corridor in the other place have 800. In comparing those numbers, we may note that China’s population is 1.4 billion, and it has 2,987 Members in the National People’s Congress. We, a country of just 66 million, have 800 of them stuffed into that absolute circus. It makes a mockery of the system.

I have spoken before, including in a Committee attended by the Minister, about my time working with the Westminster Foundation for Democracy. When I do that work, I find it somewhat embarrassing, because to appear on behalf of an organisation with that name implies that this is a place of democracy. In fact, the Palace of Westminster is a place of limited democracy. A couple of weeks ago the Labour and Government Chief Whips had to issue notices to Members of the other place urging them not to fall asleep. What kind of message does that send out when I go from Westminster to Tunisia or Uganda to talk about the merits of democracy? What an embarrassment that such things happen here.

I commend to the House a wonderful book by the late Robin Cook, “Point of Departure”, in which I read a fantastic quote a number of years ago. Robin Cook wrestled with House of Lords reform. He said:

“At least we all agreed that the present half-reformed state of the Lords was unsupportable. Britain now shares with Lesotho the unenviable distinction of being the only two countries in which hereditary chieftains still retain the right to pass laws for the rest of the nation. As Foreign Secretary I had spoken in support of open government at a Europe-Africa Summit. I was rebuked by the President of an African country, which might generously be described as a guided democracy, who objected that he could not be blamed for failing to introduce full democracy after only fifty years of independence, when Britain had failed to get rid of the hereditary principle after 500 years of Parliament.”

It is remarkable. This guy is now dead and we still have hereditary peers in the House of Lords. Something else that makes a mockery of the system is the fact that we still have clerics legislating—the 26 bishops, or Lords Spiritual. The only other country that has clerics who legislate is Iran. I shall let it sink in that we are part of that.

The Minister, the hon. Member for City of Chester (Christian Matheson) and I of course have a long-standing engagement on Wednesday mornings to consider a motion to adjourn the Committee on the Parliamentary Constituencies (Amendment) Bill. That Bill, promoted by the hon. Member for Manchester, Gorton (Afzal Khan), is intended to protect the House from the Government’s plans to cut the number of MPs from 650 to 600.

The Government talk a good game about cutting the cost of politics, yet they continue to stuff people into the House of Lords. We have Lords such as—I hesitate to use the word “noble”—Lord Hanningfield, who was

[David Linden]

caught in his routine of clocking in and clocking out, wandering into the Palace of Westminster for a couple of minutes, signing on and getting his £300 a day tax-free. I commend my hon. Friend the Member for Edinburgh East (Tommy Sheppard), who has come up with the excellent idea of somehow changing the rules and being able to track how long Members of the House of Lords are actually in the building. It certainly seems that some of them walk in and walk back out only a couple of minutes later. At the moment we have no way of tracking that, which makes a mockery of the system.

I pride myself on the fact that I start every parliamentary week by going out in my constituency and door knocking. I did the same thing before I got my half-past 12 flight to London this afternoon. I was out in the Calvey area of my constituency, an area where there are certain amounts of deprivation. My constituents in Calvey look at that place, the House of Lords, and wonder how those folk represent them.

The information brought forward by the Electoral Reform Society shows that something like 85% of peers coalesce around this little south-eastern part of England. We do not have Members of the House of Lords who represent all parts of the United Kingdom and can bring their expertise. It seems to be people from this small corner. Where are our tenement Lords? Where are the apprentice Lords? Where are the Lords from a manual labour background? It seems to me—I say this with respect to the hon. Member for Henley (John Howell)—that it is all people from the professions of law and accountancy.

We then come to the issue of corruption, donors and cash for votes, whether that is the Democratic Unionist party in the House of Commons being bought off with £1 billion to go and vote with the Government, or the fact that in the past we have seen people offered peerages for donations to political parties. That also brings the place into disrepute.

There is also the question of rewards for failure. I think of the case of the constituency of Perth and North Perthshire. My hon. Friend the Member for Perth and North Perthshire (Pete Wishart) won his seat by, I think, 26 votes, defeating the Conservative candidate, a gentleman called Ian Duncan who was a Member of the European Parliament. My hon. Friend rightly took up his seat in the House of Commons, and does a very diligent job as Chair of the Scottish Affairs Committee and shadow SNP Leader of the House of Commons.

His opponent, now Lord Duncan of Springbank, sits in the other place. Having received no votes—indeed, having been rejected at the ballot box just over a year ago—he was stuffed into the House of Lords. He was not just stuffed in there as someone to scrutinise legislation; he is now a Government Minister. We have a bizarre spectacle: of all the fine new Scottish Tory MPs, none was considered worthy to become the junior Scotland Office Minister. Instead it was left to Lord Duncan of Springbank, unelected, to fly the flag for the Scotland Office as a junior Minister.

We owe a duty of care to some of our colleagues in the House of Lords. I know that it is not the convention in this House to talk out of school and that it is a bit of an old boys' club. However, I make no apology for

saying that, on Tuesday 27 March, two or three of my hon. Friends and I were going out for a run after parliamentary business had concluded. The Lords were sitting late that night because they were considering the Nuclear Safeguards Bill. As my hon. Friends and I were getting our running gear on, we found an elderly gentleman lost in the Members' Lobby in the House of Commons, where our cloakroom is. He was confused as to where he was. He did not know what day of the week it was. One thing we noticed was the little red and white pass he wore.

That gentleman did not realise that he was on completely the wrong side of the building. He did not know what day of the week it was, let alone what clause or schedule of the Nuclear Safeguards Bill was being considered. I understand that Governments of various colours, on a day when there is a tight vote, will try to get their people in here, but there is something incredibly serious about bringing somebody in here who does not have the mental faculties that they require to know not only what day of the week it is, but what kind of legislation they are scrutinising. That is the kind of thing that happens in here. I know it is uncomfortable for everybody in here to talk about, but we all know it happens—people are wheeled in here who do not know what day of the week it is but are somehow scrutinising legislation.

I make my final point with a degree of regret. I hold the hon. Member for City of Chester and his Labour colleagues in high esteem, but there is a challenge to the Labour party. The Labour party has talked in the past under the regime of the right hon. Member for Islington North (Jeremy Corbyn) about taking a principled approach to the House of Lords, but we now have these ermine comrades, the Lord Momentums. Recently, in the last round of appointments, the former general secretary of the British Labour party, Martha Osamor, was appointed to the House of Lords with another, Pauline Bryan. There is a challenge. If we are all serious about halting the shambles that is the House of Lords, we must all be signed up.

Justin Madders: Is the hon. Gentleman aware that one of the conditions of those appointments was that they would agree to vote for an abolition of the House of Lords if such a vote arose?

David Linden: I thank the hon. Gentleman for his remarks. I think the Liberal Democrats had a similar position as well, but I am afraid that an appointment to the House of Lords is like a political drug. Once someone starts doing it, they will just keep going. The idea that somehow these political parties will be self-regulating on this question is not one I take very seriously.

The House of Lords makes a mockery of British democracy. We can come here and have a discussion about reform or abolition—the latter is certainly my preferred option—but in my view the sooner Scotland has nothing to do with the House of Lords and the Palace of Westminster, the better.

5.46 pm

Christian Matheson (City of Chester) (Lab): What a great pleasure it is to serve under your chairmanship, Mr Walker. I congratulate the hon. Member for Sutton and Cheam (Paul Scully), who did great credit to both the petition and the Petitions Committee in leading this

debate. He managed to present the arguments, and as well as giving some of his personal views, which he is entitled to do, in a fair and balanced way, he talked about the advantages of Lords reform and of a Lords with external expertise and experience. He used a phrase that particularly struck me—“the House of Lords does things that the House of Commons does less of”—suggesting that there is a complementary function.

The hon. Gentleman also outlined different options for reform, which I found interesting. There can be an academic as well as a political debate about how we proceed. Do we have an elected, an appointed or a hybrid Chamber? He suggested that one of the blocks to reform is lack of consensus on what to replace the House of Lords with, and I suggest that we have seen that in today’s debate. There is no real consensus on how we proceed, which is one of the reasons why we are not proceeding at all.

Is there not a real danger that the legitimacy of the Lords will continue to decline? My concern is that if it does, it will drag down the whole of Parliament and therefore this House as well. I was particularly interested in the responses the hon. Gentleman spoke about, from students at the University of Strathclyde and—was it Stelling grammar school?

Paul Scully: Steyning.

Christian Matheson: Steyning Grammar School. They talked about the lack of diversity in the Lords and a view that it was simply a job for life for politicians. Again, there is a danger, based on the position the hon. Gentleman outlined, that the nation is changing faster than we in Parliament are, and that we are not keeping up with changing attitudes in the nation. That is further evidence that the House of Lords is becoming further and further out of touch with the attitudes of the younger generation, which it does not reflect.

My hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) talked of a “closed political world” from a different century, and there is a very real danger that that is the case. He also quoted “Blackadder the Third” and the Dunny-on-the-Wold by-election, which brought a smile to my face; but again there is a danger that life imitates art and that the relevance and credibility of the whole of Parliament, not just their lordships’ House, is damaged. We are told that one in five Members of the Lords does not vote. My hon. Friend, who is also my constituency next-door neighbour, said that we should not assume, simply because someone is appointed, that gives them expertise. He is absolutely right about that.

[MRS MADELEINE MOON *in the Chair*]

The hon. Member for Monmouth (David T. C. Davies) gave us an excellent and intriguing history lesson, particularly on the changing nature of the Conservative party over the years. Sadly, he did not bring us bang up to date on where he feels the Conservative party is at the moment. He made a great point about seizing the moment and shaping the change that he wants to see. I hope he will forgive me if I do him a disservice, but he did not actually talk about the type of change that he would like, although in his typical fashion he was very forthright in his views.

My hon. Friend the Member for Stroud (Dr Drew) gave a considered speech about what we want the Lords to do and offered a considered view of where we in this House might be going astray, which threw an additional element into the debate. The hon. Member for Henley (John Howell) began by warning of the dangers of sounding like a lawyer. The ears of my hon. Friend the Member for Ellesmere Port and Neston pricked up, because he is a lawyer. However, the hon. Member for Henley did not sound like one when adding a different element to the debate on the question of how we should organise constitutional change and manage referendums.

The hon. Member for Carmarthen West and South Pembrokeshire (Simon Hart) said he was amused by the hon. Member for Monmouth and talked about the importance of the primacy of the Commons. Again, that is an additional complication, but it is a relevant consideration when discussing reform. It is probably one reason why reform has not happened so far, because we cannot decide how it should affect our own House, let alone how it should affect the other House. I will come on to Brexit—the hon. Member for Carmarthen West and South Pembrokeshire discussed our having to wait and see how the Lords behaves over the ping-pong process this week and whether it will accept the decisions of the Commons.

However, it is clear that there is a crisis of legitimacy concerning the House of Lords and how it is composed. Even if we do not feel that so acutely here, there are members of the public—169,000 of them and counting—for whom the House of Lords no longer represents a legitimate part of the legislature. The question is how we go forward.

I express some concern about the nature of the debate. It is timely, and it has come about, I believe, because an awful lot of people out there believe—potentially incorrectly; it goes back to the point by the hon. Member for Carmarthen West and South Pembrokeshire about our seeing in due course—that their lordships intend somehow to block Brexit, or at least the quickest and hardest Brexit possible.

Even today, in its current composition, the Lords has a constitutional role as a revising Chamber and to offer a pause to consider bad legislation. I find it ironic that some hon. Members—none of whom are here, I hasten to add—are happy to block private Members’ Bills in this place, such as those concerning free hospital car parking for carers or the long-term sick or, dare I say it, an urgently needed law to ban the revolting practice of upskirting, using the lame excuse that they do not like legislation that has not been debated and thought through, and they use parliamentary mechanisms to stop any debate at all on such measures.

However, when the House of Lords debates thoroughly a matter dear to those hon. Members’ hearts and asks us to pause to give time for more consideration, those hon. Members are all of a sudden up in arms at there having been too much debate and call for the abolition of the Lords. They cannot have it both ways. Debate is good and reflection on legislation is good, but when it comes to debate on Brexit, those hon. Members believe such debate blocks the so-called will of the people. I remind the House that Brexit is not necessarily the will of the people but the will of a slim majority of voters. I am concerned that, rather than wanting a detailed discussion about the type of democracy and the type of

[*Christian Matheson*]

legislature that we want, many of the petition's signatories—I cannot presume to know why all of them have chosen to sign it—signed it simply through frustration over Brexit.

Attacking the Lords is part of a broader strategy that we have seen in some of our newspapers of attacking and undermining any institution that they believe might be getting in their way. Before calling the snap 2017 general election, the Prime Minister attacked the other place, describing peers as “opponents” of the Government who had

“vowed to fight us every step of the way.”

We have seen hon. Members in this House attack the integrity and impartiality of the civil service, we have seen the senior judiciary being attacked and Conservative Members have been attacked in certain newspapers as traitors for standing up and voting according to their convictions.

Moving away slightly from the subject of the debate, if we really want a fairer, more open and democratic political discourse, we might start with challenging the unelected, unaccountable and uncontrolled power of those national newspapers and their billionaire owners, whose opinions taint our politics so much, long before we deal with the House of Lords. However, that is another debate for another day.

I welcome the notable conversion of Government Members to looking at the need to address the undemocratic nature of the House of Lords. For hundreds of years, the Conservative party had an in-built majority in the Lords—the hon. Member for Monmouth talked about its changing composition—but I do not recall hearing any complaints from Conservative Members during that time. However, with the abolition of most of the hereditary peers, which is an anachronism that I still find very hard to explain to foreign visitors, that in-built majority ceased to exist.

My noble Friend Baroness Smith recently reminded the other place:

“Challenge and scrutiny are not new. They were not invented by this Opposition.”

She meant the Labour Opposition. When the Labour party was in government, the then Conservative Opposition “could boast well over 500 government defeats, including 145 during the 2005-10 Labour Government and 245 during the 2001-05 Labour Government, which had an elected majority of 167”

in this House. She continued:

“Those many defeats included a government Bill at Second Reading, two fatal SIs and a number of key national security measures that involved ping-pong late into the night.”—[*Official Report, House of Lords*, 13 January 2016; Vol. 768, c. 278-279.]

It is only since 2010 that Conservative Members have shown any concern about the composition of the Lords, but their response has been to pack it with more life peers than any preceding Government. David Cameron appointed more peers per year, and at a faster rate, than any other Prime Minister since 1958, when life peerages were introduced, with more from the Government party and fewer from Opposition parties. Indeed, on the weekend of the royal wedding, the Prime Minister sneaked out an announcement appointing nine Tory peers, following her predecessor's legacy by appointing

only three Labour peers. All of that is at the same time, as the hon. Member for Glasgow East (David Linden) mentioned, as the Government intend to press ahead with plans to cut the number of elected Members by 50. It seems incongruous that we are not considering Lords reform but we are considering cutting the size of the elected Chamber.

Let me be clear: Labour believes that the second Chamber should be democratically elected. However, the first step must be to reduce the number of peers, with a good start being to remove the remaining hereditary peers—particularly along the lines suggested in the private Member's Bill tabled by my right hon. Friend the Member for Delyn (David Hanson), which remains on the Order Paper. Indeed, my right hon. Friend reminds me that all but one of the hereditary peers currently sitting in the House of Lords are male; only one is female. If we are to tackle diversity, that should be a basic starting point.

There can surely be no continued justification for having hereditary Members of our legislature. The Opposition have proposed a constitutional convention to decide the best way forward for the second Chamber. We support the Burns proposals, which seem entirely sensible, as a start. Above all, we want a solution that is workable, democratic and fair, and which is generally thought through, rather than what I fear is a knee-jerk reaction to the Lords doing its constitutional role of offering our House the chance to think again, particularly on the Brexit issue before us at the moment. If we care about good legislation, we should be grateful for the chance to think again and should not be intimidated by national newspaper owners. However, we have to ask whether an appointed Chamber—let us not even mention a semi-hereditary Chamber—is suitable to be part of a democratic Parliament in the 21st century.

This subject is not going away. I commend to this House the idea of a constitutional convention so that we can get over the disagreements that are blocking the way forward and finally decide how to reform the House of Lords. I urge hon. Members to get behind the idea and get on with the discussion, so that we can get on with the reform.

5.59 pm

The Parliamentary Secretary, Cabinet Office (Chloe Smith): It is a pleasure to serve under your chairmanship, Mrs Moon, as it was earlier to serve under that of Mr Walker. I thank hon. Members for their contributions to this important debate. We heard from my hon. Friend the Member for Henley (John Howell), the hon. Members for Ellesmere Port and Neston (Justin Madders) and for Stroud (Dr Drew), my hon. Friends the Members for Monmouth (David T. C. Davies) and for Carmarthen West and South Pembrokeshire (Simon Hart) and, of course, the Front Benchers: the hon. Members for Glasgow East (David Linden) and for City of Chester (Christian Matheson). I continue to welcome listening to those colleagues with whom I seem to trot this territory fairly regularly, and it gets better every single time.

I am also grateful, of course, to those who signed the e-petition that brought us here. I want particularly to put that on the record, because when a debate has been triggered by an e-petition—in this case, one that has been signed by a large number of people—it is important

that we note that in the debate. After all, we are democrats, and we are here today to talk about a democratic matter. We must carefully consider and give due respect to the issues raised by those who have asked us to serve in this place.

Let me state very simply the Government's position on this matter. We do not think that a referendum on the composition of the House of Lords is the right way forward at this time. That is not something that the Government support, in part because there are many other priorities for the Government and for parliamentary time at this time. I think that all hon. Members know that. When we consider the extent of the parliamentary business that we need to complete to secure a controlled and stable exit from the European Union—not including other things that we wish to do on domestic subjects—it is clear that we need to deal in priorities. I want to be honest about that early in my contribution to the debate.

It is also important to note that although the request in the petition is for a referendum as the specific manner of achieving the reform, the Government are not prepared to agree to that at this time. We note that referendums are costly and time-consuming. As evidenced by today's debate, House of Lords reform continues to be a subject on which there is no consensus. I welcome that point being made from the Opposition Front Bench. Throughout this afternoon's debate, as well as in many other places and sources, it has been demonstrated that, to say the least, there is no obvious binary-design question that could be put in a referendum, so we do not think that this is a suitable matter for a referendum at this time.

Let me turn instead to some other points made on this topic. Mrs Moon, you will recall the House of Lords (Amendment) Bill of 2012, which sought broad reform, including a predominantly elected second Chamber. That Bill was withdrawn when it became clear that even its timetabling motions could not be agreed in the House of Lords by Members of that House. That was due not to a lack of commitment from the Government of the day, but to a lack of overall agreement on what shape reform should take, so we are back to the point that there is no single clear design proposal.

Hon. Members here today should be in no doubt that the Government will ensure that the House of Lords continues to fulfil its vital constitutional role. It has an important role in scrutinising and revising legislation, and its Members bring valuable experience and expertise to the matters that it considers. Where reforms to the House of Lords, within that constitutional role, could command consensus, we would be willing to work with peers to take those measures forward—indeed, we have already done that. The Government have a track record of working with both Houses to introduce focused and important reforms.

With Government support, the House of Lords Reform Act 2014 enabled peers for the first time to retire permanently and, crucially, it provided for peers to be disqualified if they do not attend or are convicted of serious offences. We supported the House of Lords (Expulsion and Suspension) Act 2015, which provided the Lords with the power to expel Members in cases of serious misconduct. To bring things right up to date, we are pleased that 84 peers have taken advantage of the retirement provisions and that retirement is becoming part of the culture of the House of Lords.

David Linden: The Minister will recall the point in my speech about Members of the House of Lords who perhaps do not still have all their faculties. The Government have spoken about provisions that have been put in place to allow people to retire; what provisions are in place to ensure that people in the House of Lords are actually still able to do their job?

Chloe Smith: I think that the hon. Gentleman will understand if I focus on the point that we are trying to bring about a culture of retirement. It is perhaps for a person to recognise for themselves if they are no longer able to do that role. I welcome the sensitive way in which the hon. Gentleman brought that topic up in the debate. It is an important matter, but to have a culture of retirement is a very sound starting point for being able to look at any such issues.

Going ahead from here, the Government are clear that we want to work constructively with hon. Members and peers—Members of both Houses—to look at pragmatic ideas for reducing the size of the House of Lords. That is why we welcome the work of the Lord Speaker's Committee, chaired by Lord Burns. As hon. Members will be aware, in 2016 the House of Lords passed a motion that its size should be reduced and that there should be consideration of how to do that. The Lord Speaker therefore established the Committee to identify

“practical and politically viable options”

for reducing the size of the House that would not require primary legislation. This is about being able to get something done, which I hear hon. Members calling for today and, I think, quite wisely; we should look at those things that can be done simply and in a way that commands consensus.

The Committee went on to make recommendations for reducing the size of the House of Lords, and peers were clearly very supportive of those measures when they were debated in December last year. My right hon. Friend the Prime Minister has written to the Lord Speaker with an offer in good faith to continue the restraint that she has already shown in making appointments to that House. I place it on the record that even with the latest, small number of appointments—only 13—the House is smaller now than when she first took office. It is important for that fact to be clearly on the record. The Lord Speaker will consider the next steps by reconstituting the Committee, and the Government will be very happy to look at anything further that it has to say.

I shall bring my remarks to a conclusion to allow the representative of the Petitions Committee, my hon. Friend the Member for Sutton and Cheam (Paul Scully), to have the final word in today's debate, but first I return to the point that I think it is clear, from hon. Members' contributions to the debate, which were very thoughtful and wide-ranging, as well as from many other sources, whether that be newspaper articles, public discourse or, of course, those members of the public who have come here today to be part of this petition—I again thank them for that—that there remains a range of views, of design options and of advantages and disadvantages that could be considered as part of this question, but there is not an obvious single way forward. Therefore, I simply reiterate the point that I made earlier. The Government are committed to ensuring

[Chloe Smith]

that the House of Lords continues to fulfil its constitutional role as a revising and scrutinising chamber, but it must respect the primacy of the elected Chamber, which is the House of Commons. We stand ready to work with parliamentarians from both Chambers on measures that command consensus.

6.8 pm

Paul Scully: It is a pleasure to serve under your chairmanship for the second part of the debate, Mrs Moon. It has been a very constructive debate, with wide-ranging views. People have not held back and have raised very pertinent issues, and there are plenty of things for us to take away. I therefore thank all hon. Members for their contributions today.

The whole point of the Petitions Committee and the petitions system is that we get to speak in this place on issues that the petitioners and people want us to talk about, rather than what we want to talk about. I hope that the original petitioner and the other 169,000 people who have signed the petition feel that their issues have been aired, but this is the start of a process; it is not a single event. We always say that when we talk about petitions: it is always the start of a campaign, not the end of one. I therefore thank Robert McBride for starting the petition, and I hope that we do not get away from the viewpoint from which Mr McBride started the petition, which was not through the prism of the European Union (Withdrawal) Bill, although I am sure that many people signed it on that basis. He started it because of

his sense about, the pure angle of, the democratic validity of the House of Lords. I hope that although I gave him a fair hearing, I did not come down on his side, but I think he did carry a majority of this Chamber—people wanting to abolish or seriously go further with reform. It is clear, however, that there was no clear agreement about how we should do it. It is a complicated matter. We therefore need plenty more discussion and debate whatever form it takes to get a clear path for everyone to agree to before we move to legislation.

Fourteen out of 88 sitting days in the House of Commons were consumed by the House of Lords reform debate in 2012—that is before considering the time taken in the other place—yet it was ultimately unsuccessful and did not result in any change. We have to ensure that we can get it right.

Let us start with what we can achieve. The Burns Committee is going a long way towards doing that. I understand the sentiment of this place and the various sentiments expressed across the Chamber. That will, hopefully, be the start of a direction of reform of the House of Lords, so that people feel that they can relate to the other place and have this as a proper, democratically functioning bicameral system.

Question put and agreed to.

Resolved,

That this House has considered e-petition 209433 relating to a referendum on the abolition of the House of Lords.

6.11 pm

Sitting adjourned.

Written Statements

Monday 18 June 2018

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Energy Council

The Minister for Energy and Clean Growth (Claire Perry): The Energy Council took place on 11 June in Luxembourg. The UK was represented by the Deputy Permanent Representative, UKREP.

The Council adopted a general approach on the regulation on the Agency for the Cooperation of Energy Regulators. There were no formal objections to the text but a number of member states, including the UK, expressed the view that the role of the director of the agency should not be weakened.

The presidency updated Council on progress on the regulation, on all of which it hoped to reach deals with the European Parliament by the end of its presidency. Some member states called for higher ambition on the level of the 2030 EU targets for renewable energy and energy efficiency. Others indicated that they would consider raising the targets beyond the existing Council position but only in exchange for remaining very close to the Council position on other, sector-specific measures within the directives. Other member states expressed reluctance to move above the original Council agreed position of 27% on renewables and 30% on energy efficiency. The UK stressed that it was highly ambitious on climate mitigation but thought it essential member states be given enough flexibility to deliver this cost-effectively. The presidency concluded that the Council had taken note of the state of play.

The Commission provided Council with an update on its activities in relation to external energy policy, focusing on its discussions with Iran. Some member states, including the UK, expressed their desire to see quicker progress on the gas directive and to start discussions at the political level, though others disagreed.

The Council concluded after the Austrian delegation presented the priorities for their forthcoming presidency. These would include progressing negotiations with the Parliament on the remaining parts of the clean energy package, a focus on innovative energy technologies, and their plans to bring together international organisations to strengthen dialogue on energy security.

[HCWS769]

DEFENCE

Contingent Liability

The Parliamentary Under-Secretary of State for Defence (Mr Tobias Ellwood): My right hon. Friend the Minister of State in the House of Lords (The right hon. The Earl Howe PC) has made the following written ministerial statement.

I am today laying a departmental minute to advise that the Ministry of Defence (MOD) has received approval from Her Majesty's Treasury (HMT) to recognise a new contingent liability which will come into force following the award of the defence fire and rescue project contract.

The defence fire and rescue project contract will provide significantly improved safety for the MOD and its firefighters through investment in modern firefighting vehicles and improved fire risk management systems. It will also deliver significant financial savings which can be reinvested in defence. The selected bidder for this contract is Capita Business Services.

The contract duration is 12 years. The contingent liability will commence on contract award and reach a maximum value of £37 million in financial year 2020-21 and will reduce thereafter as the contract progresses until it ceases in financial year 2025-26. It reflects a commercial arrangement that represents optimum value for money to the Department.

It is usual to allow a period of 14 sitting days prior to accepting a contingent liability, to provide Members of Parliament an opportunity to raise any objections.

[HCWS770]

WORK AND PENSIONS

Employment, Social Policy, Health and Consumer Affairs Council

The Minister for Employment (Alok Sharma): The Employment, Social Policy, Health and Consumer Affairs Council (EPSCO) will take place on 21 June 2018 in Luxembourg.

The Council will first be invited to agree a general approach on directives on work-life balance for parents and carers, and transparent and predictable working conditions. The presidency will also pursue a general approach on the revision of regulations governing the co-ordination of EU social security systems.

The Council will then receive progress reports on a proposal to create a European labour authority, and a directive related to equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation.

Under non-legislative items, there will first be a policy debate on the European semester. As part of this agenda item, the Council will be asked to approve draft Council recommendations on the national reform programmes 2018 of each member state; endorse the opinions of the Employment Committee (EMCO) and the Social Protection Committee (SPC) on the 2018 country-specific recommendations (CSRs) and the implementation of the 2017 CSRs; and adopt a proposal on guidelines for the employment policies of the member states.

Following this, the Council will be asked to adopt a number of draft Council conclusions on the future of work, early childhood development and free frameworks.

Under any other business, the Commission will provide information on plans for a new European social fund plus (ESF+) programme and an update on recent international developments in the field of social policy. To close the meeting the Austrian delegation will outline the work programme of the incoming presidency.

[HCWS771]

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