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**HOUSE OF COMMONS**  
**OFFICIAL REPORT**

**PARLIAMENTARY**  
**DEBATES**

**(HANSARD)**

**Monday 10 September 2018**

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# House of Commons

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The House met at half-past Two o'clock

## PRAYERS

[MR SPEAKER *in the Chair*]

## Oral Answers to Questions

### EDUCATION

The Secretary of State was asked—

#### Sixth Form Students: Funding

1. **Thelma Walker** (Colne Valley) (Lab): What recent discussions he has had with the Chancellor of the Exchequer on the adequacy of funding for sixth form students. [906743]

**The Minister for Apprenticeships and Skills (Anne Milton):** The Department is working closely with the Treasury to look at spending on 16-19 education ahead of the 2019 spending review. We are also looking at the resilience and efficiency of the further education sector to make sure it is sustainable and continues to give the excellent education it already does.

**Thelma Walker:** What advice would the Minister give to the 50% of schools and colleges that have already cut modern foreign language courses and the 67% that have already cut additional support and extracurricular activities?

**Anne Milton:** Of course, the figure for those taking foreign language GCSEs, which fall into that age group, has gone up from 40% to 47%. We have also protected the base rate of funding for 16 to 19-year-olds until 2020. I should add, too, that the proportion of 16 and 17-year-olds in education or apprenticeships is the highest since records began, and of course we are putting in significant support for disadvantaged students as well.

**Mr Philip Hollobone** (Kettering) (Con): What extra support and funding is going in to help these disadvantaged students between the ages of 16 and 19?

**Anne Milton:** Some £500 million was made available for disadvantaged students in 2017-18; there is a supplement of £600 for every additional level 3 maths student; £34 million is going in for free school meals; and, of course, there are discretionary bursaries totalling up to £130 million—because we feel it is right that sixth-form and FE colleges distribute that money as they think best.

**Nic Dakin** (Scunthorpe) (Lab): There has not been a rate rise for 16 to 18-year-old provision for a very long time, and there is a real danger of cost pressures from pay increases and pension increases. What will the Government do to make sure that those cost pressures do not act as yet a further cut to funding for this very important age group?

**Anne Milton:** As the hon. Gentleman is aware, I recognise that many providers feel that the base rate is too low, and I am sure that he will use whatever opportunities arise to make sure the Treasury is aware of his concern, as indeed will I. We will look to make additional funding available for the teachers' pension scheme. I am very aware of the current issues.

**Alex Chalk** (Cheltenham) (Con): Hon. Members on both sides of the House will want to be satisfied that our schools are getting a proper allocation of funding. Will my right hon. Friend indicate how UK education spending compares to the OECD average?

**Mr Speaker:** In relation to sixth-form students.

**Alex Chalk:** Precisely, Sir.

**Anne Milton:** Certainly with regard to schools, it compares very favourably. It is important to recognise—

**Lloyd Russell-Moyle** (Brighton, Kemptown) (Lab/Co-op): The question is about sixth forms.

**Anne Milton:** I am aware, as Mr Speaker reminded my hon. Friend, that the question is about sixth forms, and there is no doubt that sixth-form colleges do a superb job. It is important in the post-16 landscape that we have multiple providers providing this education to 16 to 19-year-olds to make sure that there is ample choice for young people after GCSEs.

**Emma Hardy** (Kingston upon Hull West and Hessle) (Lab): There have already been cuts to FE courses, to teaching hours for those courses and to pastoral support in FE, and the entire sector is extremely concerned about the Budget to come and is expecting further cuts. Will the Minister commit right here and right now to no further cuts to FE colleges?

**Anne Milton:** I know that the hon. Lady is a doughty champion of her local college and all the work it does, but it has to be remembered that FE and sixth-form colleges are independent organisations—I think that people forget that or are unaware of it. I have recognised—*[Interruption.]* I have made it clear that I recognise that providers feel that the base rate is too low. There is a post-18 review coming along, and we need to make sure that it aligns well with our work on the resilience and efficiency of the FE sector. I am aware of the pressures, however, and I am sure that the hon. Lady, like the hon. Member for Scunthorpe (Nic Dakin), will make her representation to the Treasury for improved funding.

#### Surplus Primary School Places: Westminster

2. **Ms Karen Buck** (Westminster North) (Lab): What estimate he has made of the number of surplus primary school places in Westminster. [906744]

**The Minister for Schools (Nick Gibb):** The latest published school capacity data, from May 2017, show that the number of unfilled, or surplus, primary school places in Westminster was 2,158, 17.8% of the total number available there.

**Ms Buck:** Given the shortage of primary school places in a number of local authority areas, particularly on the edges of London, and the fall in the number of primary school children in Westminster schools—driven by the Government's welfare reform agenda—will the Minister explain why it was sensible to fund the Minerva Academy, a free school, which was only ever half full, moved twice, never ended up on its permanent site, and closed this summer owing to lack of demand?

**Nick Gibb:** Eighty-six per cent. of newly opened free schools are in areas where more places are needed, and that is the case throughout the country. The other 14% are in areas where people are unhappy with the quality of provision. I should add that it is prudent for local authorities to retain some spare capacity in the system to allow for parental choice and to enable local authorities to manage shifting demand for places, to look further ahead at forecast demand, and not to strip out existing places that will be needed in the long term. If Labour had taken that approach when it was in office, it would not have cut 100,000 primary school places from our school system.

**Ruth George (High Peak) (Lab) rose—**

**Mr Speaker:** No, no. High Peak is a beautiful part of the country, of which the hon. Lady is an articulate champion, but it is a long way from Westminster, on which the question is focused.

**Chris Bryant (Rhondda) (Lab):** She is here now.

**Mr Speaker:** She is here now, but she could be patient until later, when she will also be here.

### Apprenticeships

3. **Mr Laurence Robertson (Tewkesbury) (Con):** What recent discussions he has had with schools on promoting apprenticeships to pupils. [906745]

**The Minister for Apprenticeships and Skills (Anne Milton):** From January 2018, technical education apprenticeship providers must be allowed into schools to talk to those in years 8 to 13 about technical education and apprenticeships. I urge my hon. Friend, and all other Members when they visit schools, to ask what providers have been into them and to ensure that they hold schools in their constituencies to account, because they have a legal obligation. Schools are also responsible for giving those pupils independent careers advice on a range of education and training opportunities.

**Mr Robertson:** In my constituency, engineering companies find it difficult to recruit young people. I think that more should be done to help schools to give pupils the kind of career guidance that they need. Universities are only one option: apprenticeships are another. Can the Minister do even more to help schools to provide that advice?

**Anne Milton:** I will do everything that I can. I understand that 140 engineering starts have been reported so far in my hon. Friend's constituency, and our Apprenticeship Support and Knowledge for Schools project, or ASK, is raising pupil awareness through assemblies, application workshops and live broadcasts involving employers such as the national health service and IBM. It is absolutely right that university is one of the options that are available to young people when they leave school.

**Mr Adrian Bailey (West Bromwich West) (Lab/Co-op):** Many midlands businesses, especially manufacturing businesses, are desperate for apprentices. Schools are currently focused on, and judged by, their ability to get students through exams and into university. Will the Secretary of State develop a set of performance indicators to demonstrate the success of schools in enabling their students to graduate into apprenticeships?

**Anne Milton:** The hon. Gentleman might like to have a look at destination tables. If companies in his constituency are finding it hard to find apprentices, in national apprenticeship week the National Apprenticeship Service offers some very good opportunities. Members on both sides of the House have run incredibly successful apprenticeship fairs, and the hon. Gentleman might consider doing that himself. A huge range of local employers and public sector organisations are involved, including the NHS, the UK Border Agency and the armed services, but on his particular patch, the engineering companies that are looking for apprentices might well want to take advantage of an opportunity with which he can provide them.

**Rebecca Pow (Taunton Deane) (Con):** Does my right hon. Friend agree that it is also important to engage parents in encouraging students to take on apprenticeships? Parents often have an old-fashioned view of apprenticeships, and are unaware of our modern version. What is my right hon. Friend doing to try to improve communication with parents?

**Anne Milton:** We are looking at every opportunity to improve that communication, and the apprenticeship fair is one option. If it is run from 5pm to 7pm it allows parents to come. As my hon. Friend rightly says, there is rather an old-fashioned view of apprenticeships being just about plumbers and electricians, but the world has changed. We can look at the figures and at what is now being done by some of the big engineering companies, big banks and other companies—such as KPMG, but I could name a whole host—and see that it is amazing how apprenticeships have changed; it is amazing how this Government have changed apprenticeships.

**Mr Barry Sheerman (Huddersfield) (Lab/Co-op):** The Minister surely knows that there is an attitude in so many schools that they want to keep that bum on the seat for as long as possible because they get that revenue. The fact is that she needs champions: she needs employers to get into schools more and she needs the FE colleges, as champions, to get into schools as well. If she backs the FE sector, she will get a very good result.

**Anne Milton:** We do have ambassadors: the young apprentice ambassadors network does a fantastic job of giving talks in schools, and I urge the hon. Gentleman

to have those conversations with schools. I will do all I can; I feel passionately about the fact that there needs to be more choice for young people both at 16 and at 18. As my hon. Friend the Member for Taunton Deane (Rebecca Pow) says, we need to educate the parents, and we also need to educate the schools. I point out again that schools have a legislative responsibility to make sure that technical education apprenticeship providers are allowed into schools, and you should call your local schools into account, Mr Speaker, as should all hon. Members.

### T-levels

4. **Michael Fabricant** (Lichfield) (Con): What progress his Department is making on the introduction of T-levels; and if he will make a statement. [906746]

13. **Mike Wood** (Dudley South) (Con): What progress his Department has made on the introduction of T-levels. [906756]

**The Secretary of State for Education (Damian Hinds):** We have made excellent progress and are working closely with the selected providers who will deliver the first three T-levels from 2020 in digital, education and childcare, and construction.

**Michael Fabricant:** An Opposition Member has mentioned apprenticeships, and T-levels are very important in that area, but the business placement has to be effective, and Government research has shown that businesses say that that is important, too. So what are the Government doing to work with businesses to make sure that these placements are effective and meet the requirements of both business and education?

**Damian Hinds:** My hon. Friend is right: a quality industrial placement is a fundamental feature of T-levels, and piloting of these placements is already under way. Providers will be receiving nearly £60 million in 2018-19 to work with businesses to deliver those placements, which will significantly reduce the burden on businesses.

**Mike Wood:** My right hon. Friend will know that Dudley College of Technology has been selected to pilot all three of the strands of T-levels. Will he ensure that colleges receive the resources they need to deliver T-levels effectively and make a success of this fantastic initiative?

**Damian Hinds:** I will and, as my hon. Friend will be aware, we have committed significant extra resourcing for T-levels, and in the immediate term we are working closely with the 2020 providers, including in Dudley, to make sure they have the support they need.

**Vernon Coaker** (Gedling) (Lab): How are we going to avoid T-levels suffering the same fate as many other technical and vocational education qualifications? As we heard from the earlier comments on apprenticeships, so much of this is about parity of esteem and vocational education being seen as second-rate. What are we going to do about that, because otherwise this will fail?

**Damian Hinds:** The hon. Gentleman asks the most pertinent question on this subject, and I asked it immediately upon assuming my job as Secretary of State in the

Department for Education. One of the key differences from previous attempts at reforming this landscape is that we will be implementing the Sainsbury report in full, rather than picking and choosing bits that might suit the political mood of the moment, and with T-levels we are not trying to create an all-encompassing qualification that does academic and does vocational and everything else as well; these are vocational and technical qualifications. They will be of a very high standard, benchmarked against the leading systems in the world, with more hours at college, a meaningful industrial placement—as we have just been talking about—and the integration of English, maths and digital skills.

**James Frith** (Bury North) (Lab): At a recent Education Committee hearing, the Minister responsible for T-levels, the Minister for Apprenticeships and Skills, the right hon. Member for Guildford (Anne Milton), said that her advice to parents would be to leave it a year following the launch of T-levels in 2020. Is the Secretary of State's advice to employers offering placements to students that they should also leave it for a year? If not, what is he doing to raise knowledge of this technical qualification among employers? Simply willing it so will not make it so.

**Damian Hinds:** No, willing it so would not make it so, but that is not what we are doing, and by the way, that is not what my right hon. Friend the Minister said in Committee either. I am pleased to be able to report that many thousands of businesses are already involved in this process through the design of the qualification and through putting forward placements in the first pilots of these industrial placements. That number will grow significantly this year.

**Lucy Allan** (Telford) (Con): T-levels are a fantastic opportunity for preparation for the world of work. What further steps is the Secretary of State taking to ensure that businesses are onside and supportive, because there are some indications that some businesses are not behind this initiative?

**Damian Hinds:** My hon. Friend is right to suggest that businesses must be at the heart of this, and they are. The design of the qualifications is being done by business, and at every stage we are making sure that the leading players in every sector are involved in the design and the delivery.

**Gordon Marsden** (Blackpool South) (Lab): In June, in Education questions, I raised a range of substantial concerns with the Secretary of State about the progress of T-levels, but he pooh-poohed them, saying that he did not recognise the premises. Perhaps he will now recognise the three further reports that came out this summer, including one from his own Department, which show further concerns about the Government's handling of the T-level process. The Chartered Institute of Personnel and Development survey showed that only 60% of employers had heard of T-levels, and that two thirds of small enterprises had not done so. Its advisers said there was a "fatal mismatch" between what employers needed and what the Government were offering. The Chartered Management Institute survey showed that two thirds of parents had not heard of T-levels, and the Department for Education's own report said that employers needed

clearer information and would not commit without it. The T-level process is in a mess, like the Secretary of State's apprenticeship targets. It needs more Government money, more information, more resources and more capacity. What is he doing about that?

**Damian Hinds:** I am pleased to take the hon. Gentleman's advice to devote more focus, more resourcing and more capacity to T-levels; that is precisely what we are doing. The programme is well on track and, far from what he has just described, it has the support of business and of the colleges that we are bringing in in the earliest stages. At the moment, this will involve only a relatively small number of students who are starting their GCSE courses this year and who will start their T-levels in a small number of colleges in 2020, but we will see the programme grow and grow from there.

### Social Mobility

5. **Scott Mann** (North Cornwall) (Con): What steps his Department is taking to improve social mobility. [906747]

22. **Justin Madders** (Ellesmere Port and Neston) (Lab): What steps he is taking to improve social mobility. [906767]

**The Secretary of State for Education (Damian Hinds):** Since 2010, we have seen a narrowing in the attainment gap of at least 10% in the early years, at primary school, at secondary school and in higher education entry. Improving social mobility and widening opportunity are at the heart of everything we do in every phase of education.

**Scott Mann:** When I go to speak to my secondary schools and colleges, I am amazed by how many young people think that they are going to live or work within 15 miles of where they went to school. What can we do to utilise technology to ensure that people from financially or geographically challenging areas can get access to good quality employment?

**Damian Hinds:** My hon. Friend raises an important point about the deployment of technology. This is a project that we are paying close attention to at the Department for Education. He and I have spoken before about our work with the Department for Work and Pensions, and some of the work that is done in jobcentres and within the job search process. There is more that could be done on work experience opportunities and on highlighting the apprenticeship opportunities that we have just been talking about, and I would be pleased to hear from him further about his ideas.

**Justin Madders:** As we know, the Education Committee proposed to give the Social Mobility Commission some much-needed teeth by allowing it to undertake social impact assessments. If the Government are really serious about tackling burning injustices, why did the Secretary of State rule out that proposal?

**Damian Hinds:** We have a new chair for the Social Mobility Commission, and I think that she will be an excellent chair, with her background in the Prince's Trust and in promoting social justice. We expect the

commissioners to be appointed shortly, and that body will have an important role to play in the evolution and measurement of social mobility, and indeed in the holding to account of the Government on the progress of social mobility.

**Robert Halfon** (Harlow) (Con): Does my right hon. Friend agree that a major cause of social injustice and a barrier to social mobility is the number of exclusions and the off-rolling that is going on in our schools? The Education Committee's report "Forgotten Children" identified what Ofsted has said: more than 19,000 year 10 pupils in 2016 did not progress to year 11 in the same school in 2017 and around half did not reappear at another state-funded school. Ofsted has also identified 300 schools with particularly high levels of off-rolling. Does he agree that schools need to be more accountable and that we must stop off-rolling once and for all?

**Damian Hinds:** I am pleased that my right hon. Friend has raised that important issue. As he will know, the level of exclusions has thankfully not risen to the level we saw under the previous Labour Government, but it is nevertheless a matter of concern. Let me be absolutely clear that using a permanent exclusion should be a last resort after all other things have been tried. We expect schools to have an active behaviour policy and to be held to account on that by Ofsted. As for the specific question about exclusions, they are a matter of concern and one of the reasons that we asked Edward Timpson to conduct a review. We look forward to hearing from him soon.

**Ruth George** (High Peak) (Lab): Children with special needs obviously have particular difficulty in accessing support to enable them to raise their station. Following Education questions in June, I wrote to the Secretary of State in July regarding the particular problems in Derbyshire and I asked him to meet with me to discuss the problems that my constituents and many others across Derbyshire are having.

**Damian Hinds:** I am always happy to meet the hon. Lady, who rightly highlights the particular hurdles and challenges that children with special needs can have, which I absolutely recognise. That is one of the reasons that we have the highest high-needs budget on record, and there is more recognition across the entire education system of some of the methods that can be used to support such children. However, we can always do more and I will be pleased to hear from her.

**Sir David Evennett** (Bexleyheath and Crayford) (Con): My borough of Bexley has many good and excellent schools that are delivering social mobility. However, does my right hon. Friend agree that more needs to be done through investment in early language and literacy skills to ensure that all children have equal opportunities?

**Damian Hinds:** I very much agree with my right hon. Friend about the importance of early language and literacy, and he is right to identify some of the excellent provision in his constituency. I recently set out my ambition to halve the number of children who start school without vital literacy skills. There are many facets to that, such as what happens in early years

settings and in the home learning environment, which we will have to pay more attention to in the years to come.

**Neil Gray** (Airdrie and Shotts) (SNP): This summer has seen a record number of young people in Scotland gain a place at a Scottish university, including a 5% increase in young people from the most deprived communities. Scottish students are not being dissuaded by the tens of thousands of pounds-worth of debt facing students elsewhere in these Isles. What lessons does the right hon. Gentleman think he can learn from Scotland regarding university policy assisting social mobility?

**Damian Hinds:** But Scotland does have a cap on student numbers, which is a reality of having a system unlike ours. We have seen a record proportion of children from disadvantaged backgrounds being able to go on to university, which is to be welcomed.

**Neil Gray:** Thanks to the lack of capped places, experts have warned that some universities in England are at risk of going under, with many universities facing major losses, particularly over the past five years. Given that that is a result of this Government's policy of encouraging competition, has the right hon. Gentleman made any assessment of how badly university closures in disadvantaged areas would damage social mobility?

**Damian Hinds:** Universities can be great engines of social mobility, and many do great work in that regard. Over £800 million is now being allocated to improve access to university, which is to be welcomed.

**Angela Rayner** (Ashton-under-Lyne) (Lab): We have heard concerns from many Members across the House about social mobility, and the Chair of the Education Committee has recommended that the Social Mobility Commission get the resources and the powers that it needs. It is now nine months since the entire commission resigned in despair, so will the Secretary of State guarantee that the new commission will be appointed before a full year has passed?

**Damian Hinds:** Of course, we have already had the appointment of the chair of the commission, and I expect to be able to announce appointments to the commission in October.

**Angela Rayner:** This summer the Conservative party was concerned about an unseen social mobility crisis following the departure of the Foreign Secretary. As a *Telegraph* headline asked, with no old Etonians in Cabinet, "where will the talent come from?" Perhaps the Secretary of State can help to answer that question by confirming that he has accepted our call to ditch the Prime Minister's scheme to spend £20 million ferrying a few hundred pupils up to 30 miles a day by taxi to get to their nearest grammar school. Will he now tell us whether he accepts our point that he should reinvest the savings in reversing the cuts to school transport for all?

**Damian Hinds:** The hon. Lady deftly connects a couple of disparate aspects.

**Chris Bryant** (Rhondda) (Lab): That is why it is so deft.

**Damian Hinds:** You are very kind, Chris.

There are many different angles to our social mobility approach. As I mentioned in my opening answer, our focus on social mobility means that, at every phase of education, we have seen a narrowing in the attainment gap between the rich and the poor of at least 10%—in early years, in primary school, in secondary school and in entry to higher education. It is our school professionals, our teachers and other staff who have made that happen, supported by our reforms, by the fact that more children are going to good and outstanding schools, by the free schools programme and by the availability of quality new places and rigorous standards in schools.

### Teachers' Pay and School Budgets

6. **Ruth Cadbury** (Brentford and Isleworth) (Lab): What assessment he has made of the effect of the teachers' recent pay award on the financial sustainability of school budgets. [906748]

**The Minister for School Standards (Nick Gibb):** We are fully funding the teachers' pay award by providing a teachers' pay grant worth £187 million in 2018-19 and £321 million in 2019-20. This funding will be over and above the core funding that schools receive through the national funding formula.

**Ruth Cadbury:** That is not the experience of heads and governors in Hounslow. The pay award is not fully funded. Schools are expected to pick up the tab for the first 1% of the cost of the pay award, so they are having to make further cuts to school provision and staffing. Also, schools have not been told how the pay award will be funded after 2020. Will the Minister come to meet heads and governors in Hounslow to explain how he thinks they will be able to achieve this?

**Nick Gibb:** The pay award is being funded over and above the 1% for which schools have already budgeted. Incidentally, the 3.5% pay award for teachers on the main pay scale takes the pay range to between £29,600 and £40,300. The 2% pay rise will be funded over and above the 1%, and the 1.5% pay rise for headteachers will also be funded over and above the 1% that schools have already awarded. Pay scales for headteachers, for example, now range up to £111,000 a year for some heads, and £118,000 for headteachers in inner London, although I accept that those figures are not as high as the pay of the general secretary of the National Association of Head Teachers, which is over £200,000.

**Philip Davies** (Shipley) (Con): I have raised school budgets in my constituency, about which I am concerned, with the Minister on a number of occasions, and I thank him for spending the time to look into them. Although school budgets are increasing per pupil by a minuscule amount, it is clear that costs, of which teachers' pay is only one, are going up much faster than the per pupil increase. What can he do to make sure that school budgets, particularly in my Shipley constituency, rise at a rate that ensures they can cover the increased costs they are expected to incur?

**Nick Gibb:** We are spending record amounts on school funding—£42.4 billion this year—but we accept that schools are facing some cost pressures. We are helping

schools with their resource management, and we are providing national buying schemes so that they can buy things such as energy and computers more cheaply.

We are also introducing a free teacher vacancy scheme, which is being rolled out later this year—it has already been piloted in Cambridgeshire and the north-east—and which will save schools £78 million a year.

**Jonathan Edwards** (Carmarthen East and Dinefwr) (PC): Is the Minister aware that the Treasury has not funded the teachers' pay increase for Welsh teachers, and therefore that, if there is to be a pay increase for teachers in Wales, it will mean redundancies, a reduction in provision for pupils with special educational needs and a reduction in school investment budgets?

**Nick Gibb**: We have managed to fund the pay award from within the Department for Education's own budget, and we expect the Welsh Government to be able to do the same.

### Funded Childcare

8. **Liz Twist** (Blaydon) (Lab): What assessment he has made of the effect of the Government's policy on funded childcare on the financial viability of childcare settings. [906750]

**The Parliamentary Under-Secretary of State for Education (Nadhim Zahawi)**: By 2019-20 we will be spending £1 billion extra annually to deliver 30 hours a week of free childcare and pay our higher funding rates. Those rates were based on our review of childcare costs, described as "thorough and wide-ranging" by the National Audit Office. We have commissioned further new research to understand providers' current costs.

**Liz Twist**: Last Friday I visited Bright Sparks nursery in my constituency, which is rated "outstanding" and is long-established. The staff told me how difficult they are finding it to make ends meet under the new funding regime, and that is borne out by a report by the National Day Nurseries Association. Can the Minister tell us how nurseries are supposed to remain open when facing that shortfall? I am glad to hear that he is looking again at the costs, but I hope it will be a thorough look.

**Nadhim Zahawi**: We continue to monitor the costs and, as I said earlier, we have commissioned further research. The evidence that we currently have shows that the majority of providers are willing and able to deliver the extended entitlement. Some 340,000 children have benefited from 30-hour funding places in the scheme's first year, so it is certainly a success story, but the hon. Lady is right that we have to monitor what pressures there are.

**Mr Robert Goodwill** (Scarborough and Whitby) (Con): On 31 August the *Daily Mail* ran a front-page story stating that a third of nurseries could shut because of school funding levels. Given that there are actually now more nurseries in other settings providing free childcare, does the Minister think it should apologise and issue a correction for gullibly following the lines being peddled by the Opposition Front Benchers and for misleading so many parents in such a worrying way?

**Nadhim Zahawi**: I am grateful to my predecessor for that question. I think I will leave it to the *Daily Mail* to decide what it does. Suffice it to say that the number of non-domestic providers has remained stable.

**Lucy Powell** (Manchester Central) (Lab/Co-op): I am sure the Minister can guess what I am going to ask about.

Among early years provision, the jewel in the crown for social mobility is our maintained nursery schools. The Minister will know from the conversations that we had before the summer that the supplementary funding that they receive from the Government is due to run out before the comprehensive spending review, so does he have an update for the House on what he and the Treasury are doing to ensure that our maintained nursery schools have a secure future beyond next year?

**Nadhim Zahawi**: I am grateful to the hon. Lady for her question. Maintained nurseries offer a valuable service to communities such as hers and others around the country, and we are conscious of the value that they provide. Both I and the Secretary of State have visited a number of them. Decisions about the future funding of maintained provision will be taken at the spending review, but I repeat that it would be premature for local authorities to make decisions about the future of their maintained nurseries before seeing the spending review outcomes.

**Tracy Brabin** (Batley and Spen) (Lab/Co-op): The National Day Nurseries Association survey last week exposed the scale of closures caused by underfunding the 30-hour entitlement—a rise of nearly half over a year. Bright Beginnings in Stockport said that

"the reality is we can't provide Outstanding nursery care on the funding provided."

The Ark nursery in West Sussex said that it was "closing because of a decade of underfunding."

Windymiller, in my own constituency, on the estate where I grew up, closed its doors a few months ago due to funding pressures. Those are not outliers. Four in 10 providers fear that they will have to close in the coming year. These are viable businesses that just cannot square the circle of frozen funding and rising costs. If the Minister will not listen to us, will he at least listen to them?

**Nadhim Zahawi**: Let me attempt to address that point specifically. National average hourly funding rates for local authorities for three and four-year-old entitlements increased from £4.56 an hour to around £5 an hour in April 2017. Our rates compare very favourably with the published research on the costs of childcare by Frontier Economics, which shows that the mean hourly cost of delivering a place is £3.72 an hour. I know that this is technical, but it is worth listening to, because the hon. Lady keeps going back to points that she clearly has not followed the details of. The research also showed that the average cost of two-year-olds' places was £4.30 an hour, and our average funding rate is £5.92 an hour. All local authorities saw a 7% increase in the two-year-old rate in April 2017. We continue to monitor this, but those are the facts, and I hope that she will look and them and think about what she is saying about them publicly.



### School Places

9. **Mary Robinson** (Cheadle) (Con): What steps his Department is taking to increase the number of good school places. [906751]

**The Secretary of State for Education (Damian Hinds):** We have committed £7 billion to the delivery of new school places between 2015 and 2021, on top of our investment in the free schools programme. We are on track to create a million places between 2010 and 2020.

**Mary Robinson:** Today, Laurus Cheadle Hulme, a newly built, state-of-the-art free school, opened its gates to a new cohort of students. Initially, it will provide 210 year 7 places. Does my right hon. Friend agree that the free schools programme is a hugely important part of the delivery of good schools in Cheadle and beyond, and will he join me in wishing those at Laurus Cheadle Hulme the very best of luck on their first day?

**Damian Hinds:** I certainly do and will. This is one of the 53 free schools that have opened this month, bringing more good-quality places and more choice for parents. I congratulate the team at Laurus Cheadle Hulme on the school's opening and look forward to hearing of their successes in the years to come.

**John Cryer** (Leyton and Wanstead) (Lab): How many staff in the Secretary of State's Department are working on free schools?

**Damian Hinds:** Many different teams in the Department for Education work directly or indirectly on free schools, because they are an important and integral part of our school system.

**Mr William Wragg** (Hazel Grove) (Con): Will my right hon. Friend encourage the Stockport local education authority to support calls for a new stand-alone primary school in the Marple area of my constituency, to meet rising demand, rather than cramming new places into sites that are already full?

**Damian Hinds:** I am not in the position to judge between those two points directly, but I very much agree with my hon. Friend that there are different ways to achieve expansion. Of course, the bulk of the expansion of school places comes from expanding existing schools, but there is also the possibility to create new schools through the free schools programme. The deadline for the next wave of free school applications is 5 November.

**Toby Perkins** (Chesterfield) (Lab): A few years ago, Brookfield Community School in Chesterfield was an outstanding local authority-run school. Because of the financial pressure the Government put on the school to become an academy, it has done so, but just a few weeks ago it was rated as "requiring improvement" and the academy arrangements have now been sacked. Will the Secretary of State recognise that outstanding schools can be run by local authorities and academies, drop the ideology, and let schools stay as local authority-run if that is what they want to do? The ideology hurts parents, pupils and teachers.

**Damian Hinds:** I have always recognised—and said as much—that we can of course find excellent education provision in a number of different models, as well as academies. Overall, the academies programme has been a great force for good. Something like half a million pupils are now studying in sponsored academies that are rated good or outstanding, and those academies typically replaced underperforming schools.

**Andrew Bridgen** (North West Leicestershire) (Con): Will my right hon. Friend join me in welcoming the fact that 91% of all the new school places created between 2016 and 2017 were in schools that were rated either good or outstanding?

**Damian Hinds:** I very much agree with my hon. Friend on that; of course, he has a new and particular interest in and concern about the future of the next generation, and I congratulate him on that. It is very important that we are creating a million new school places this decade—that is the biggest expansion in school capacity for at least two generations. It is vital that we do that in good and outstanding schools, where possible.

**Mike Kane** (Wythenshawe and Sale East) (Lab): Last time at Education questions, I highlighted the damning evidence from Ofsted's own figures that showed that it rated schools by deprivation, rather than by the quality of teaching and learning. On Friday, we learned from the Public Accounts Committee that Ofsted does not listen sufficiently to parents and has failed to provide accurate information to Parliament. Does the Secretary of State now agree that Ofsted is not fit for purpose and that it is time for root and branch reform?

**Damian Hinds:** I do not agree with that. Ofsted does a very worthwhile and high-quality job, which is reflected in the fact that, for parents, Ofsted reports are the second most significant piece of information about schools, after only location. People trust the judgments that they get from Ofsted, and it is the only body that is in a position to make an overall judgment on the quality and breadth of education, alongside the results.

### STEM Subjects

12. **Mr Philip Dunne** (Ludlow) (Con): What recent steps his Department has taken to increase the take-up of STEM subjects. [906755]

**The Minister for School Standards (Nick Gibb):** To address the shortage of science, technology, engineering and maths skills, the Government are committed to encouraging more students into STEM education and training. We are investing an additional £406 million in skills, including in maths and digital, and this includes the advanced maths premium and an £84 million programme to improve the teaching of computing.

**Mr Dunne:** I welcome the investment to which the Minister referred. Does he agree that it is at primary school where children need to be encouraged to enjoy maths? Initiatives such as the green car challenge run by south Shropshire engineering ambassadors, where year 6 pupils in south Shropshire make a vehicle that

can run on renewable energy, can excite young people and bring STEM subjects to life.

**Nick Gibb:** My hon. Friend is absolutely right. Excellent projects such as the green car challenge for year 6 pupils in schools in south Shropshire help to bring science to life and they help to motivate those pupils when they start secondary school where, since 2010, the proportion taking at least two science GCSEs has risen from 63% of 16-year-olds in 2010 to 91% now.

**Dr David Drew (Stroud) (Lab/Co-op):** Does the Secretary of State and the rest of the Education Department recognise the importance of agricultural science to help address the need for more food production in this country on the back of the forthcoming Bill? Is it not about time that we included agricultural science in the STEM subjects?

**Nick Gibb:** The hon. Gentleman is absolutely right about the importance of agriculture and of studying agricultural sciences. The sciences—maths, chemistry, physics and biology—are important preparation for studying agriculture post-16.

#### Universities: Freedom of Speech

14. **Chris Davies (Brecon and Radnorshire) (Con):** What steps his Department has taken to ensure that freedom of speech is protected in universities. [906758]

17. **Andrew Bowie (West Aberdeenshire and Kincardine) (Con):** What steps his Department has taken to ensure that freedom of speech is protected in universities. [906761]

**The Minister for Universities, Science, Research and Innovation (Mr Sam Gyimah):** We want our universities to be bastions of free speech where a free and robust exchange of ideas thrives. I am very encouraged that the Office for Students has made it very clear that, as a regulator, it will be encouraging free speech in our universities and that, if it intervenes, it will never be to restrict it.

**Chris Davies:** Earlier this summer, the Universities Minister made it clear that free speech on campus should be encouraged and that those attempting to shut it down should have nowhere to hide. Does my hon. Friend agree that hearing, considering and debating different views are a key part of learning?

**Mr Gyimah:** My hon. Friend is absolutely right. We want free speech, diversity of opinion, diversity of thought and civility in debate, where people do not easily take offence or give offence too easily. That is why I am working with the Equality and Human Rights Commission and key stakeholders to come up with new guidance on free speech to deal with the dizzying array of regulations that wreckers on campus can exploit to frustrate free speech.

**Andrew Bowie:** My hon. Friend will agree that many of us in the Chamber would not be here today were it not for the culture of free speech and our ability to engage in it on our campuses to develop and hone our political philosophies and arguments for right or wrong.

Does he agree that we in this place who have benefited most from that right have a duty to stand up for it wherever we see it under threat on far too many of our university campuses?

**Mr Gyimah:** We must always stand up for free speech. We must not allow bureaucracy on campus to stifle free speech, and it is our duty to make sure that it is promoted, because if universities are not about free speech, what are they for?

**Jim Shannon (Strangford) (DUP):** What progress has been made in developing guidance with universities to clarify the rules surrounding free speech for students and for the universities?

**Mr Gyimah:** New guidance on clarifying all the rules around free speech will be published this autumn.

#### Childcare Provision

15. **Tom Pursglove (Corby) (Con):** What recent steps he has taken to help improve the quality of childcare provision. [906759]

**The Parliamentary Under-Secretary of State for Education (Nadhim Zahawi):** Latest Ofsted data confirm that 94% of providers were rated as good or outstanding, up 20 percentage points since 2012. We have recently published new criteria to raise the quality of level 2 qualifications and are investing £20 million in professional development for early years practitioners working in disadvantaged areas.

**Tom Pursglove:** Will the Minister join me in congratulating the Pen Green Centre in Corby on recently winning *The Times Educational Supplement* overall best school award? Has he given thought as to how best practice at that particular setting can be shared more widely?

**Nadhim Zahawi:** Maintained nursery schools make an important contribution to improving the lives of some of our most disadvantaged children. As I mentioned earlier, I have visited a number of these schools, as has the Secretary of State, and Pen Green is at the forefront of what maintained nursery schools do. Its award is well deserved and I offer it my warmest congratulations. Our research on the value offered by maintained nursery schools will inform spending review decisions about their future funding.

**Chris Bryant (Rhondda) (Lab):** Children from the poorest families in this country are much more likely to suffer a major brain injury by the age of five. Nobody quite knows the precise reasons why that is the case, but the statistic is replicated by the figure for children between the ages of 14 and 21 from poorer families. That is a major reason why many children fall out of the education system and end up in prison. I urge the Minister to look at the new figures. Will he meet me and people from the United Kingdom Acquired Brain Injury Forum to discuss what we can do to ensure that children, in particular from the poorest areas and the poorest families, get a better chance in life?

**Nadhim Zahawi:** The hon. Gentleman makes a very important point. I know that he does not come to the House without looking at the figures properly, and I would be very happy to meet him to look at them with him.

### Topical Questions

T1. [906768] **Gordon Henderson** (Sittingbourne and Sheppey) (Con): If he will make a statement on his departmental responsibilities.

**The Secretary of State for Education (Damian Hinds):** I know that the whole House would want to wish a happy and successful year to all children starting school this month or going to a new school, including one of the 53 new free schools that opened last week. We also welcome the tens of thousands of new teachers joining the 450,000-strong profession this month and around 30,000 who are due to start their teacher training. We will continue to work with the profession this academic year to build on the progress that it has made happen since 2010, with rising standards, more high-quality school places, and a significant narrowing of the attainment gap between the rich and the poor.

**Gordon Henderson:** What steps is my right hon. Friend taking to reduce the number of looked-after children from London who are placed in socially deprived areas of Kent, such as Swale and Thanet? These often vulnerable children have to be educated in Kent, with the costs being borne by Kent schools. Does my right hon. Friend believe that is fair?

**Damian Hinds:** I take this matter very seriously, and the Minister for Children and Families recently met the executive headteacher of the Coastal Academies Trust to discuss the issue. We want to reduce out-of-area placements and ensure that looked-after children can access high-quality education provision. We are providing funding through our £200 million children's social care innovation programme to increase councils' capacity, so that fewer children are placed far away from home.

**Mrs Emma Lewell-Buck** (South Shields) (Lab): Legislation and guidance regarding looked-after children—for example, on such children having their own social worker—is vital to safeguarding their welfare. The recent guide for local authorities published by the Department refers to this legislation and guidance as myth, and actively urges local authorities to dispense with their statutory obligations, thereby cutting vulnerable children adrift. Worse still, only this morning the Minister responded to those criticisms by advising that statutory guidance is open to interpretation. Is it now the Department's policy that statutory guidance in relation to vulnerable children no longer needs to be followed?

**The Parliamentary Under-Secretary of State for Education (Nadhim Zahawi):** I responded very clearly to the myth-busting document. We consulted directors of children's services and with Ofsted before we published the myth-busting document, and we made it very clear this morning that no legislation has changed, or is going to change, in any way.

T5. [906772] **Trudy Harrison** (Copeland) (Con): I thank the Secretary of State for taking seriously concerns expressed by my community and me about Whitehaven Academy, and for his Department's interventions to ensure the swift re-brokerage to Cumbria Education Trust. What measures have been put in place to ensure that what has happened at Whitehaven Academy could not happen to any other school, academy or multi-academy trust?

**The Minister for School Standards (Nick Gibb):** I am grateful to my hon. Friend for those comments. As she hints, we have appointed a strong sponsor for Whitehaven Academy that is already driving forward improvements, backed by substantial funding to improve teaching, resources and the school estate at that school. The overwhelming majority of academies tell a positive story of driving up standards, and the latest published accounts show no regularity exceptions, as they are called, for more than 95% of trusts. The Education and Skills Funding Agency has learned from the experience of the Bright Tribe Trust and other cases, and has made improvements.

T2. [906769] **Stephanie Peacock** (Barnsley East) (Lab): Before the recess, the Minister promised me in a written answer that the Carillion apprentices would be supported to find new placements and continue to be paid in the meantime, but just days after the House rose, hundreds were laid off. What will she now do to honour her commitment and support all these victims of corporate failure?

**The Minister for Apprenticeships and Skills (Anne Milton):** The Construction Industry Training Board has worked with all 1,148 apprentices. For 776 of them, the issue has been resolved and they have got training places and employers, for 225 we are still looking to find a match for them, and 147 have failed to respond following repeated attempts to get in touch with them. The Construction Industry Training Board should be congratulated on what it has done. It has used letters, emails and texts—every way possible—to get hold of those 147, and it is to be praised.

**Will Quince** (Colchester) (Con): I welcome the Government bringing forward proposals to introduce first-aid education in our schools. Does the Minister agree that giving children these skills will give them the confidence to save lives, and we can create a new generation of life-savers?

**Damian Hinds:** We all know how important it is that young people are given the knowledge to be healthy, happy and safe. That is why, for the first time, all state-funded schools will be required to teach health education. The draft statutory guidance includes content on first aid. I commend my hon. Friend and others in this House who have campaigned on this issue very consistently.

T3. [906770] **Bridget Phillipson** (Houghton and Sunderland South) (Lab): In the north-east, as class sizes continue to grow, the number of teachers has fallen by almost 500 in the past year alone. When can we expect to see Ministers getting to grips with the growing crisis that we face in teacher retention?

**Nick Gibb:** We have record numbers of teachers—450,000, which is 10,000 more. The number actually fell this year, but there are 450,000 teachers in our school system—10,000 more than in 2010. The average class size in secondary schools has risen only slightly since 2010 despite the fact that there are 32,000 more secondary school places, and similarly in primary schools, despite the fact that there are over 500,000 more primary school pupils in our schools. We are working in areas around the country, including the north-east, to improve teacher recruitment and retention in those areas.

**Vicky Ford (Chelmsford) (Con):** The students union at Anglia Ruskin University has recently undertaken a detailed study of mental health issues faced by students, and it strongly recommends the benefits of students registering with two GPs—one at home and one at university. Will my right hon. Friend work with our new Secretary of State for Health to see how this could be made possible in a 21st-century NHS?

**The Minister for Universities, Science, Research and Innovation (Mr Sam Gyimah):** My hon. Friend is right to point out that transitions do, in general, pose difficulty for students—transition from school to university, but also transition from one set of health partners to others. The “Minding our future” report published by Universities UK in May states that better sharing of patient records is essential to address potential discontinuity of care. I hear what she is saying about registering with two GPs, but I will be seeking to work with the Health Secretary on how we can make sure that the records are transferred to make sure that students are well taken care of in this period of transition.

T4. [906771] **Jo Platt (Leigh) (Lab/Co-op):** The skills and T-level plans are very thin on how SEND—special educational needs and disability—students fit into these reforms, including pupils with ADHD who thrive in the creative and arts subjects. What support will Government give to help those students to participate in T-levels?

**Anne Milton:** This is extremely important. We are very aware of the specific problems for children with SEND. We are working very closely with a number of providers to make sure that this is available. We have made adjustments on apprenticeships. We will continue to make adjustments to make sure that T-levels are available for all.

**Stephen Crabb (Preseli Pembrokeshire) (Con):** One of the most effective engines of social mobility in this country remains the Army. Does my right hon. Friend agree that, contrary to what some are saying today, our schools should remain open and welcoming places for members of our armed forces to come in and inform, inspire and give good career advice to young people, especially those from working-class backgrounds?

**Damian Hinds:** Yes, I do. Those partnerships are incredibly important and can provide very important role models.

T6. [906773] **Wera Hobhouse (Bath) (LD):** Newbridge Primary School, a well-performing and much-loved school in Bath, is in desperate need of improvements to

its ageing buildings and extensive grounds. The per pupil funding settlement does not allow for any adjustments and barely covers the maintenance of the trees, and due to financial pressures, the council is very limited in what it can do. Will the Minister meet me and a representative of Newbridge Primary School to discuss its options?

**Nick Gibb:** We take the fabric of school buildings very seriously. We undertook a survey of all school buildings in the country. We are spending £23 billion both on increasing the number of school places and improving the quality of school buildings. I am happy to meet the hon. Lady and her constituent to discuss that particular school.

**Ben Bradley (Mansfield) (Con):** Identifying and supporting children in their early education can often help to ensure that they get on in school and remain in mainstream education. So many who are excluded have communication difficulties or other problems with basic skills. In Mansfield this year, one in four children start primary school without those basic skills. What can my right hon. Friend do to support schools such as Forest Town Primary, which offers a nurture group to help those pupils transition to school, and help other schools to provide that kind of facility?

**Damian Hinds:** My hon. Friend is right to identify that area. One element of the early years foundation stage profile is the personal, social and emotional development of children, which is vital. There is a whole range of things we need to think about in this area. One of them is the announcement I made a short while ago about ensuring there is adequate provision of high-quality school-based nurseries, particularly in deprived areas, but we also have to think about what happens at home and in other settings.

T7. [906774] **Peter Grant (Glenrothes) (SNP):** The Minister will realise that it is a bit too late to welcome Scottish pupils and teachers back to school, because they have been back for the best part of a month. They are attending schools and universities in what is now the only country in the world where schools and universities provide free sanitary products, funded entirely by the Scottish Government. What discussions has the Minister had with his counterpart in the Scottish Government about extending that scheme to England?

**Nadhim Zahawi:** We have allocated £1.5 million from the tampon tax fund to that and are looking at further evidence, to see whether there is a link to absenteeism from school.

**Robert Courts (Witney) (Con):** West Oxfordshire’s thriving high-tech businesses are in urgent need of employees with technical skills. What steps is the Department taking to provide STEM careers advice in schools?

**Damian Hinds:** My hon. Friend is right to identify that critical need for business. Of course, we have very low unemployment in this country—the lowest since 1975—and that makes recruitment a challenge for many, but we also need to ensure that those skills are there. That is one reason why digital will be one of the first

T-levels that is in place. There are many great schemes, as he alludes to, that help to give young people careers advice and make them aware of the possibilities of STEM subjects. It is not just STEM ambassadors. We need to thread this through our entire careers education programme.

T8. [906775] **John Grogan** (Keighley) (Lab): Do Ministers accept figures from the Local Government Association that suggest there will be a shortage of 134,000 secondary school places in five years' time? Should well-performing local authorities not be able to open new schools?

**Nick Gibb:** The hon. Gentleman should know that since 2010, we have created 825,000 school places and are on track to have 1 million new school places. As my right hon. Friend the Secretary of State said, that is the biggest school expansion programme for at least two generations. That is in sharp contrast with what happened between 2004 and 2010 under the last Labour Government, which cut 100,000 school places from our system.

**Maggie Throup** (Erewash) (Con): Students and teachers at Wilsthorpe Community School in Long Eaton have begun the new academic year in a new £16 million school building, funded by the Department. Does my right hon. Friend agree that that demonstrates the Government's commitment to improving school facilities for all, and will he join me on a visit to the school in the near future?

**Damian Hinds:** My hon. Friend is right to identify what is going on. My right hon. Friend the Minister for School Standards has just talked about the £23 billion of expansion and improvement capital that we have over the five-year period. We are committed to ensuring that we have the right number of places but also the right quality of places. She is right to highlight that point.

T9. [906776] **Lloyd Russell-Moyle** (Brighton, Kemptown) (Lab/Co-op): I have a number of autistic children in my constituency who are unable to access proper education. I have a six-year-old who can only attend one hour a day. I have another who can only attend a classroom with 30 children and the nearest provision is 20 miles away. When I speak to heads, they want to provide support, but they do not have the funding for SEND. When will the Secretary of State ensure that children with autism can get ring-fenced funding and schools can provide properly for them?

**Nadhim Zahawi:** High-needs funding for children and young people with complex special educational needs, including those with autism, is £6 billion this year—the highest it has ever been—and an increase from £5 billion in 2013. We have increased overall funding allocations to local authorities for high needs by £130 million in 2017-18 and £142 million in 2018-19, and we will increase this further, by £120 million, in 2019-20.

**Alex Burghart** (Brentwood and Ongar) (Con): Will the Minister update the House on the progress of the national assessment and accreditation system for children's social workers?

**Nadhim Zahawi:** NAAS is progressing extremely well. In early results, it has had a satisfaction rating of something like 86% for those very excellent social workers who have been through the system, and we look to continue that success.

T10. [906777] **Paula Sherriff** (Dewsbury) (Lab): The Government have pledged to train a teacher in every school in mental health first aid. Identification is one thing, but provision is another, and in some areas the provision of mental health support is absolutely dismal, particularly for children and adolescents. Will the Secretary of State therefore today pledge to match Labour's election promise of placing a counsellor in every high school?

**Damian Hinds:** Our plan on mental health, as put forward in the Green Paper, contains three important elements: there is the designated senior lead in each school; there are the support teams in or around schools; and there is piloting the shorter wait time for children and young people's mental health services. More broadly, the Government are investing £1.4 billion to improve children and young people's mental health services. Quite rightly, there is a much wider appreciation of these issues now than there ever has been, and schools have an important part to play in this alongside society as a whole.

**Lucy Allan** (Telford) (Con): Following his meeting last week with the Family Rights Group to discuss the care crisis review, will the Children's Minister now consider developing a long-term strategy for reducing the number of children being taken into care?

**Nadhim Zahawi:** My hon. Friend had a debate on the care crisis review last week. We recognise that the number of care order applications and the number of children in care have risen, meaning more work for local authorities. That is why we are working across Government, as I articulated in that debate in Westminster Hall last week, to ensure that local authorities and the courts have the resources that they need.

**Dr Rupa Huq** (Ealing Central and Acton) (Lab): Nationally, only 6% of care leavers make it to higher education in comparison with the high-on 50% of young people who go to university year on year. This is a tragically low figure. What steps is the Department for Education taking to ensure that those leaving care have the same life chances as any other young people?

**Nadhim Zahawi:** Care leavers are an important part of the overall strategy for support for children in need, which we have reviewed. Very importantly, we are also launching the care leaver covenant on 26 October, with which we will continue to maintain further support for care leavers; obviously, we have already extended the system of personal advisers to the age of 25.

**Mr Robert Goodwill** (Scarborough and Whitby) (Con): Does the Secretary of State want to join me in congratulating North Yorkshire County Council children services department and its director, Stuart Carlton, on achieving the country's first ever perfect score—outstanding in every area inspected by Ofsted? Furthermore, does he agree that that is very good news for the most vulnerable children in places such as Scarborough and Whitby?

**Damian Hinds:** I am more than happy to join my right hon. Friend in those congratulations. It was a great pleasure to visit his constituency recently to meet some of the people involved in the local opportunity area and see the extent of their ambition for children and young people in the area, for which they are much to be commended.

**Several hon. Members** *rose*—

**Mr Speaker:** Finally, I call Clive Lewis.

**Clive Lewis** (Norwich South) (Lab): Under this Government, children with special needs are six times more likely to be excluded than their peers. In Norwich,

headteachers have described provision for special educational needs as a complete mess because of a funding shortfall. Will Ministers commit to increasing funding support for these children to ensure that they get the education they do not just deserve, but is their right?

**Nadhim Zahawi:** The Government have launched the most ambitious SEND reforms in a generation and are committed to improving outcomes for children with special educational needs. More than 98% of statements of SEN were reviewed by 31 March deadline for introducing education, health and care plans. The hon. Gentleman talks about funding, but we have given £391 million to local areas to support implementation of the new duties in the Children and Families Act 2014.

## Idlib

3.39 pm

**Stephen Doughty** (Cardiff South and Penarth) (Lab/Co-op) (*Urgent Question*): To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the political and humanitarian situation in and around Idlib in Syria.

**The Minister for the Middle East (Alistair Burt)**: I thank the hon. Gentleman for his urgent question and congratulate him on securing it. The United Kingdom is extremely concerned about the escalating military action by Russia and the Syrian regime, which is putting at risk nearly 3 million civilians who have sought shelter in Idlib and the surrounding area. The past few days have seen dozens of Russian and regime airstrikes against areas of Idlib. Over the weekend we received reports of three hospitals, two White Helmets centres and an ambulance system being attacked and put out of service, leaving thousands with no access to medical care. Civilians, medical facilities and aid workers must be protected; they are not a target.

It is vital that a humanitarian catastrophe is avoided. The UN has been clear that a worst-case scenario in Idlib would

“overwhelm capacities and...create a humanitarian emergency at a scale not yet seen through”

the conflict, with up to 900,000 people displaced. We have therefore been supporting the urgent diplomatic efforts being made by Turkey and the UN. I spoke to my Turkish counterpart on 4 September, and the Prime Minister spoke to President Erdoğan on 27 August to discuss the situation. Of course, the situation is considered by the UN Security Council very frequently.

It is deeply disappointing that Russia and Iran rejected President Erdoğan's calls for a renewed ceasefire at the Tehran summit last Friday. Russia and the Syrian regime also rejected similar calls by ourselves and others at the UN Security Council on the same day. We urge them to reconsider and instead to find a negotiated way forward to avoid an entirely man-made disaster.

The UK has pledged additional humanitarian assistance and medical support. We are also backing innovative early-warning technology to save lives in communities threatened by airstrikes. Finally, along with the United States and France, we have been clear that we will respond swiftly and appropriately if the Assad regime repeats its appalling use of chemical weapons.

**Stephen Doughty**: I thank you, Mr Speaker, for granting this urgent question, and the Minister for responding to it. There is a significant risk in this House that our current focus on Brexit and many other issues means that Parliament, the Government and, indeed, the media pay far too little attention to the horrific scenes and repeated brutal attacks on civilians and humanitarians that we are seeing in places such as Syria and Yemen. In that regard, I commend the efforts of the right hon. Member for Sutton Coldfield (Mr Mitchell) and my hon. Friend the Member for Wirral South (Alison McGovern) to constantly bring to our attention the situation facing Syrian civilians. I also commend my hon. Friend the Member for Liverpool, West Derby

(Stephen Twigg), who chairs the International Development Committee, for making an application today for a urgent debate on Yemen, which I support.

As the Minister said, this weekend has sadly seen a further grim descent into violence in and around Idlib, which many of us predicted. Russian and Syrian jets have resumed intensive airstrikes after the failure to agree a ceasefire. It is alleged that on Saturday regime forces carried out attacks with artillery and rocket shelling for over three hours. Yesterday, Syrian army helicopters and Russian air forces conducted 60 strikes for over four hours, including with barrel bombs, typically filled with high explosives and shrapnel, on Habeet, Abdin, Hasraya, Al Zakat and many other villages around Hama and Idlib. It is therefore crucial that we understand what the UK Government's political, humanitarian and military strategy is, given the breakdown of the talks and the horrific scenes.

The Minister mentioned the work of the White Helmets. In the past few hours, I have seen video footage showing horrific attacks on their brave workers, who are under fire from indiscriminate artillery and cluster bombs. We cannot and must not simply wring our hands and say, “It's all very difficult.” Millions of civilians are trapped in the province, including people who have been displaced from other parts of Syria by the Assad regime. Hospitals have been targeted, in violation of international law. Schools have been hit, and children have been injured and killed. Barrel bombs have been used, in violation of UN Security Council resolution 2139 and others. We led an international fight against cluster munitions, yet we have seen them used in Syria and Yemen.

With a staggering 5.3 million children in need of assistance across Syria, Save the Children and other agencies have warned that hundreds of thousands of people will be displaced in this initial offensive, piling pressure on an already overstretched humanitarian response. This has been echoed by the UN Secretary General and many of the humanitarian agencies responding to 3.9 million people already living in and around Idlib, with many of the population having fled places such as eastern Ghouta with almost nothing.

I know that the Minister takes these issues very seriously, and he has already set out a number of the steps that the UK Government are taking, but could he answer a few questions? Is he tracking, and will he publish details of, air attacks on civilians from wherever they come? What UK military support could be used to support the maintenance of humanitarian corridors, or to prevent the indiscriminate bombing of civilians and the use of chemical weapons? What will be the consequences for Assad, Putin and other belligerents if these violations of international humanitarian law continue, whether through the use of chemical weapons, barrel bombs or cluster munitions, all of which are equally wrong? What assessment has the Minister made of the potential for such attacks to be carried out? What sanctions have been issued against individual Russians and others who command responsibility for operations in Syria? Will the Minister say a little more about his discussions with the Turkish Government? What discussions have there been about the permissions for NGOs to operate in Turkish-held areas? Many are not registered in Turkey and may need assistance to be able to carry out operations in those areas with one of our allies.

[Stephen Doughty]

Thank you, Mr Speaker, for granting this urgent question. These are incredibly serious issues. I hope that the whole House and the country will be looking at them very closely.

**Alistair Burt:** I am grateful to the hon. Gentleman and, of course, to others who take a very close interest in this situation. I can assure him that there is no shortage of efforts by the United Kingdom Government on this matter, whether here, in capitals abroad or at the UN.

The hon. Gentleman accurately describes the situation, which has become desperately familiar, regarding the conduct of events in Syria, where civilian populations have been put at risk. We estimate that the Idlib region now has some 3 million inhabitants, many of whom have been displaced from other parts of Syria. The number of extremist fighters is reckoned to be quite small—perhaps 15,000, with maybe a further 25,000 to 35,000 opposition fighters—and that number is dwarfed by the number of people in Idlib itself. As our excellent permanent representative said at the UN last week, there are more babies in Idlib than there are terrorists. That is why we need to concentrate our efforts on humanitarian relief and assistance, and to try to find a negotiated way out of the situation.

To answer the hon. Gentleman's questions, I am not sure it is technically possible to track every air strike. Certainly we know when they have happened, but I am not sure how we would be able to find out from where they are being directed or anything like that. The obvious nature of the air strikes is very clear: they are from the Russian and the Syrian regimes. No one else is up in the air, so we all know where they are coming from.

The UN is actively considering any measure that might assist civilians. If there are corridors, there are questions to be asked about such things as how they would be made secure and policed, and we will give every consideration to that. No suggestion has been made for any military intervention in relation to that. If it were to be done with United Kingdom involvement, that would be a military intervention on Syrian soil, which would have obvious consequences. That has not yet been contemplated.

In terms of consequences and accountability, sanctions are already in place against Russian entities and that will continue to be the case. Last week at the Security Council, the permanent representative read through details of the units of the Syrian army that were involved in the Idlib operation, together with the names of their commanders, and made it very clear that accountability would follow. I think that that was a bold and necessary step.<sup>1</sup>

On the hon. Gentleman's question about the potential of chemical warfare, the truth is, of course, that we have seen it elsewhere. The permanent representative spoke about the failure to deal with chemical weapons usage, saying last week:

“As of March 2018, the OPCW”—

the Organisation for the Prohibition of Chemical Weapons—

“fact finding mission had confirmed 13 cases of likely chemical weapons use in Syria since it was established in 2014. And in terms of allegations, the fact finding mission have recorded at

least 390 allegations. After more than four years of work by the declaration assessment team, the OPCW still is unable to verify that the Syrian declaration is accurate.”

She continued:

“And we've heard many times that there are 'gaps, inconsistencies and discrepancies' in Syria's account of its declaration under the CWC.”

We can be fairly clear that those weapons still exist and are available in Syria. Of course, we have seen instances when conventional military action has been followed towards the end by chemical weapons usage. We have made it very clear through the UN and partners that appropriate action would be taken if that were the case. We are all also aware of disinformation campaigns being launched to say that such a chemical weapons attack is being prepared by other sources. There is no credibility to those accounts, they will not be used as a smokescreen should chemical weapons be used, and people will be properly held accountable.

**Mr Andrew Mitchell** (Sutton Coldfield) (Con): Will my right hon. Friend ensure that in all the international councils the immense moral authority that Britain has in this matter is exercised to the full? After all, we are, through our taxpayers, looking after more of the 11 million displaced people from this conflict than the whole of the rest of Europe added together. Will he also be sure to make it clear that the bombing of hospitals in Idlib, each of which is clearly marked with a red cross on its roof, is a war crime, and that the individuals engaging in those attacks will be held to account, however long it takes?

**Alistair Burt:** I agree with my right hon. Friend. The United Kingdom has spent some £2.71 billion on supporting those in Syria who have been displaced. We have provided food, healthcare, water and other life-saving relief to the internally displaced. Since 2012, we have delivered more than 22 million food rations, 9 million relief packages, 9 million medical consultations and 5 million vaccines to those in need across the country. The work of the Department for International Development is commended all round.

The determination was increased last week. On 17 August, I announced a further £10 million in additional emergency and medical support for Idlib. My right hon. Friend's point about health centres is well made—we have more documented evidence of recent attacks on health centres. This is unacceptable. The deliberate targeting of health centres is against international humanitarian law, as he said, and that should be spelt out every single time.

**Emily Thornberry** (Islington South and Finsbury) (Lab): I thank you, Mr Speaker, for granting this urgent question, and I congratulate my hon. Friend the Member for Cardiff South and Penarth on securing it. I can only echo what he said about the terrible bloodshed and humanitarian crisis that is looming in Idlib, the urgency for all sides to work to find some form of peaceful political solution to avert it, and the importance of holding those responsible for war crimes to account.

I want to press the Government specifically on how they intend to respond if there are any reports over the coming weeks, accompanied by horrifying, Douma-style images, suggesting a use of chemical weapons, particularly

1. [Official Report, 12 September 2018, Vol. 646, c. 4MC.]



because of how the Government responded after Douma without seeking the approval of the House and without waiting for independent verification of those reports from the OPCW. If that scenario does arise, it may do so over the next month when the House is in recess.

We know from Bob Woodward's book that what President Trump wants to do in the event of a further reported chemical attack is to commit to a strategy of regime change in Syria—and, indeed, that he had to be prevented from doing so after Douma. That would be a gravely serious step for the UK to take part in, with vast and very dangerous implications not just for the future of Syria, but for wider geopolitical stability.

In light of that, I hope that the Minister will give us two assurances today. First, will he assure us that if there are any reports of chemical weapons attacks, particularly in areas of Idlib controlled by HTS, the Government will not take part in any military action in response until the OPCW has visited those sites, under the protection of the Turkish Government, independently verified those reports and attributed responsibility for any chemical weapons used? Relying on so-called open source intelligence provided by proscribed terrorist groups is not an acceptable alternative. Secondly, if the Government intend to take such action, thus escalating Britain's military involvement in Syria and risking clashes with Russian and Iranian forces, will the Minister of State guarantee the House that we will be given a vote to approve such action before it takes place, even if that means recalling Parliament?

**Alistair Burt:** The co-ordinated action that was taken earlier this year with the United States and France was not about intervening in a civil war or regime change; it was a discrete action to degrade chemical weapons and deter their use by the Syrian regime in order to alleviate humanitarian suffering. Our position on the Assad regime's use of chemical weapons is unchanged. As we have demonstrated, we will respond appropriately to any further use by the Syrian regime of chemical weapons, which have had such devastating humanitarian consequences for the Syrian population. The right hon. Lady may recall that there are circumstances, depending on the nature of any attack, in which the United Kingdom Government need to move swiftly and to keep in mind, as their utmost priority, the safety of those personnel involved in a mission. I am not prepared to say at this stage what the United Kingdom's detailed reaction might be or to give any timescale, because the importance of responding appropriately, quickly and with the safety of personnel in mind will be uppermost in the mind of the United Kingdom.

**Tom Tugendhat** (Tonbridge and Malling) (Con): I pay tribute to the hon. Member for Cardiff South and Penarth (Stephen Doughty), who has done so much to stand up for the voiceless in this matter. Does my right hon. Friend the Minister agree that there is much that this country can and should do? Only recently the Prime Minister stood where the Minister sits now and talked of the attacks we had faced from Russian chemical weapons. Should we not also stand up to the Russians, who are financing this war, and to banks such as VTB that are trading on our markets and raising debt in this country? Is it not outrageous that these people are allowed to exploit our assets, property and laws to

finance a war in Syria that is leaving hundreds of thousands injured and many more millions displaced, and that is fundamentally destabilising not only our interests but those of our partners around the world?

**Alistair Burt:** Russia has an important role at this stage of what will likely be the end of the formal conflict in Syria. It is taking part in attacks that appear indiscriminate—in relation to targeting civilians—and all the fears are that the civilian damage and humanitarian distress that we have seen in other parts of Syria will be repeated. There is an opportunity to prevent that. The United Kingdom has called on Russia and Iran to do all in their power, with the Syrian regime, to prevent it. This is an opportunity for Russia to step forward, to do what is right on the international stage—even at this stage—and to assist in Syria's transition to something different. The United Kingdom remains determined to use any diplomatic measures and other sanctions at its disposal to ensure the conduct necessary to provide a more peaceful solution to the troubles in Syria and to end a conflict that has done so much damage.

**Peter Grant** (Glenrothes) (SNP): I am grateful to the Minister for his answers and I commend the hon. Member for Cardiff South and Penarth (Stephen Doughty) for securing the urgent question and for the well-informed and passionate way he set out the background. He reminded us of the humanitarian catastrophe that is happening even as we speak.

May I press the right hon. Gentleman on something about which I asked the Minister for Europe and the Americas on 24 July? When the House voted in December 2015 for military action in Syria, it was in expectation that that would help in the establishment of an interim Government in about six months. Clearly that prediction went badly wrong, and it is not enough for the Government to say, as they did last time, that these predictions are difficult. Will the Minister for the Middle East say what lessons we learning about the reliability, or otherwise, of such predictions, especially if, as now seems might be the case, we are heading towards a scenario where the House is once again asked to give its consent to military action?

Secondly, I welcome the Minister's mention of something else that I asked about in July: the UK following the lead of others in establishing a national mechanism for the prevention and prediction of, and the rapid response to, mass atrocities, chemical weapons attacks and so on? Will he give us more detail about, or at least an indication of, what he intends to do to keep Members updated and to improve on the response so far?

Finally, given the very clear evidence of the commission of war crimes, does the Minister agree that if there is an all-out, indiscriminate offensive in Idlib, the terrorists there will be able to get away, but the babies—as the Minister said, they outnumber the terrorists—will not? They are the ones who will be left behind to die. In those circumstances, should not such an all-out, indiscriminate offensive be classified as a crime against humanity, because it is clearly designed to cause civilian casualties? Will the Minister give an assurance that the pursuit of all those responsible for war crimes in Syria will also apply to members of the Russian military who are involved, including, if necessary, the commander-in-chief who has given the orders for these atrocities to take place?

**Alistair Burt:** The processes to try to bring about a political transition in Syria are still going on, led by UN special envoy Staffan de Mistura. Talks are continuing, and have been supplemented, to a degree, by talks that have taken place with those outside the formal process—Turkey, Iran and Russia. Efforts have failed because, on the ground, the regime has been successful, and the cost to it has therefore not been sufficient for it to want to make changes that would bring political reconciliation or political change. Those efforts are still being made through the United Nations. It is clear that a reimposition of the regime in its current form after the conflict is unlikely to bring stability to Syria, and to prevent the opportunity either for extremists to act again or for further civil unrest to occur. If the conflict is to come properly to an end, there will indeed have to be a degree of transition and change in the regime, and that will come through political efforts that are ongoing and will continue.

As for the prediction of events and military attacks, what the United Kingdom has been able to supply—the House will understand that I do not want to go into too much detail—is effectively an early warning system, which can be activated by electronic awareness of potential attacks. It can provide information through social media as well as by more conventional means, which enables people to take evasive action and to hide to the extent that they can. Of course, the best way to avoid civilian casualties is not to employ an early warning system, but to stop the bombing.

That leads me to the issue of war crimes. The designation of a war crime is not a political act, but a judicial act. Certain criteria are clearly laid out through international humanitarian law. There is an independent accountability mechanism—the so-called IIIM—that the United Kingdom is supporting in Syria. It is essential that, at some stage, the world is able to see accountability measures working. If there is impunity, there is injustice, and if there is no accountability, there is impunity. We will work with those systems. Whoever may be liable for war crimes, the United Kingdom will seek to ensure—through international and judicial means—that they are appropriately pursued.

**Mr Bob Seely (Isle of Wight) (Con):** I welcome the Minister's remarks about chemical weapons. I want to develop the point about the primary and priority targeting of hospitals in Syria—in Idlib, and also during early parts of the civil war—which is one of the most flagrant and obvious violations of the Geneva conventions since the Spanish civil war.

Seven or eight weeks ago, the hon. Member for Wirral South (Alison McGovern) and I met 20 Syrian doctors, some of whom had been in hospitals that were bombed 30 times by the regime and its Russian backers. The Minister talked of naming and shaming Syrian military units, but he said nothing about shaming Russian and Iranian units that are involved in the same flagrant breach of the Geneva conventions, along with their command chains. Will he confirm that as well as naming and shaming those Syrian military units, he will name and shame individual Russian and Iranian units, pilots and chains of command?

**Alistair Burt:** Russia has continued its close military co-operation with the regime in spite of the atrocities that it has committed, including the use of chemical

weapons. It has chosen to shield the regime's use of chemical weapons from international scrutiny. Its repeated blocking of the mandate of the UN-OPCW joint investigative mechanism sent a dangerous signal to the Syrian regime that it could continue to use chemical weapons with impunity.

Russia must change tack. It must end its destructive support for the regime's military campaign and instead support de-escalation and a political settlement. Of course, when information is available about those who may have taken part in war crimes, the accountability mechanisms that I have mentioned should, and must, come into play.

**Alison McGovern (Wirral South) (Lab):** As has been said by almost every Member who has spoken today, the bombing of a hospital is a terrible war crime, but it is worse than that: doctors in non-regime areas in Syria, including Idlib, lack basic supplies. The Minister has been working on that, so may I ask him about his conversations with his Turkish counterparts and that of the Prime Minister? Have they been asked to make sure that the route through to Syria stays open, and will they help make sure that no doctor in Syria lacks basic medical supplies to save lives?

**Alistair Burt:** We have indeed been working extremely hard to try and make sure the supplies are there, and I commend the hon. Lady on her consistent championing ever since the beginning of this business in Syria of the White Helmets, civilian workers and the medical teams who operate there. We have indeed been speaking to Turkey about the efforts that might be made should there first be a movement of population. Turkey recognises that it is the first safe border to the north of the Idlib area and is likely to be called upon to use its resources. We and other international agencies have done what we can to ensure that what is available in the area to support people who are moving will be available. I understand that it is at present still possible to get assistance into Idlib; those humanitarian corridors are still working in a way they did not in other parts of the area. We will do all we can and respond in any way to further pleas for what may be necessary. We are extremely conscious of this, which is why I added £10 million extra on 17 August to the support the UK is giving specifically for medical aid supplies, to make sure they are available to those who need them. Turkey is working extremely hard both diplomatically and practically to try to stop the humanitarian disaster, because as well as preparing for it, we must do all we can to prevent it in the first place.

**Jack Lopresti (Filton and Bradley Stoke) (Con):** Does my right hon. Friend agree that the continued use of the UN Security Council veto by Russia has hampered efforts to prevent atrocities, and how can the UN be reformed so we can avoid this situation in the future?

**Alistair Burt:** Yes, as we have discussed a number of times in the House, the issue surrounding the Security Council at the moment is quite severe and will be for so long as the major powers use their veto in a manner that prevents action on issues where others are agreed. The power of veto is there for a specific purpose and cannot be gainsaid, but if it is always used to prevent the sort of action the rest of the world deems necessary, there is a

risk the Security Council loses the moral authority it seeks to have. As we have seen in places where it has asked for ceasefires and humanitarian access in Syria and been denied, that problem still occurs, so I agree with my hon. Friend.

**Mr Ben Bradshaw** (Exeter) (Lab): I welcome the right hon. Gentleman's assurance that Britain will support a robust response should Assad resort to chemical weapons again, but the sad truth is that Syria represents the worst failing of the civilised world since Rwanda and Burundi, after which we said, "Never again," so does he think that, when all this is over, there may be a case for an inquiry in Britain into how on earth we allowed this to happen?

**Alistair Burt:** The right hon. Gentleman raises a wider question and the Foreign Affairs Committee published something on it today. Indeed, sitting behind him is one of the members of that Committee, the hon. Member for Ilford South (Mike Gapes), brandishing a copy of the report, and I know his feelings about it very clearly, and all of us who were in the House on 29 August 2013 remember the circumstances. It would be wrong to pin the blame for everything that has happened in Syria on such a vote and such actions that were taken at the time. The responsibility for the tragedy of Syria lies fairly and squarely at the hands of Assad, the regime and those who have supported it, and we should look in no other direction. None the less, the question about what needs to be found out is real. I am not sure whether an independent inquiry is the right thing to do; we have been over this many times, but the right hon. Gentleman is right that there are lessons to be learned about how we got where we are, and they are essential because the world cannot go on looking on at these dreadful situations and feel as powerless as often we do.

**Mrs Anne-Marie Trevelyan** (Berwick-upon-Tweed) (Con): I thank the Minister for his kind words and for reiterating the need to ensure that our military personnel are well protected from the disinformation that is being put out across the world. What can be done to stop the reported rise in attacks on medical facilities? Is the international community able to collect evidence so that we can hold to account these barbarians who are killing children and the sick?

**Alistair Burt:** To date, we have reports of some 37 attacks on medical facilities and health workers. These are being documented and detailed. As has been mentioned, deliberate attacks on such premises are a contravention of international humanitarian law. Every effort will be made, and our work with the accountability mechanisms such as the international, impartial and independent mechanism is designed to provide the necessary evidence, should accountability proceedings be held in the future, as we hope they will be.

**Tom Brake** (Carshalton and Wallington) (LD): Is the Minister able to give an indication of how many Syrians, Russians and Iranians are subject to asset freezes and travel bans and of how many cases are being built against those people for prosecutions for alleged war crimes? Would Mr al-Assad and Mr Putin fall into that category? Finally, would not the biggest contribution

that the UK Government could make be to expand the family reunion scheme so that we could support more vulnerable Syrian refugees?

**Alistair Burt:** The information on who sanctions have been ordered on is public and has been revealed in answers to questions, but I will ensure that it is reissued and made available to the right hon. Gentleman. I cannot remember the number at present. On individual sanctions, we carefully consider for whom they might be most appropriate and what the most effective method might be. What was the right hon. Gentleman's last point?

**Tom Brake:** Family reunion.

**Alistair Burt:** On reunion, the United Kingdom will see resettled the 20,000 refugees that were accepted by the United Kingdom, and that programme is proceeding well. We have done a great deal to settle people in the area and to see them returned. The big issue at the moment in Lebanon, Jordan and Turkey is not sending people to the United Kingdom; it is how safe they will be when they get back to Syria, which is where most of them want to go. There needs to be an adequate programme in relation to that. That is where the focus of our efforts is now, but that can come about only if there is a safe and secure Syria, where certain guarantees have been given by the state so that those who fled will not have reason to flee again.

**Mr Philip Hollobone** (Kettering) (Con): Idlib is the last major rebel and jihadist stronghold, so this could well be the military endgame as President Assad seeks to finish the job, as he sees it, of re-establishing his regime. I do not know anyone who believes that the rebel forces can possibly win this conflict, so the fighting will end only if they are defeated or killed, or moved out of Idlib. As I understand it, the two main rebel groups are Hayat Tahrir al-Sham and the National Liberation Front. The first is linked to al-Qaeda; the second to Turkey. Can the Minister tell the House whether both groups are being attacked by Syria with its Russian backers? It seems to me that plans need to be put in place to move those rebel fighters out of Idlib. The alternative is that the Syrian forces will go in and defeat and kill them.

**Alistair Burt:** I am grateful to my hon. Friend for his question, in which there is an awful lot wrapped up. As I indicated earlier, the assessment by the United States and ourselves is that the extremist terrorist groups in Idlib constitute perhaps 0.5% of the population—a very small number, about 15,000 people. There are other groups fighting against the regime that the United Kingdom does not designate as terrorist groups, although they are so designated by the regime. There may be another 25,000 to 35,000 people involved in those groups. As I said earlier, the number of civilians in the area is much greater than the numbers in either of those two groups.

The possibility remains for those groups to surrender, either to Turkish or UN authorities, but for those who continue to hold out against any peaceful or negotiated end, if that proves impossible, there is little doubt that military action or special operations may become part of the future. It is essential to civilians that that does

[*Alistair Burt*]

not happen, because they will inevitably be caught up in such activity if it takes place, so the determination is to try to find a way to negotiate an outcome.

My hon. Friend said that people could go elsewhere, but the problem is that Idlib is the end of the line. It is where people have been brought to now. Whatever the solution, it must be an Idlib solution, and we are pressing all the authorities to do all they can for a negotiated surrender solution, if that is possible, to spare lives. However, the most important thing is that those who have had no contact with extremist groups and the civilians who have been caught up in this should be safe and free from the risk of indiscriminate attacks, which should stop now.

**Several hon. Members** *rose*—

**Mr Speaker:** I call the man brandishing a report of the Foreign Affairs Committee, which he once chaired and of which he remains a distinguished ornament: Mr Mike Gapes.

**Mike Gapes** (Ilford South) (Lab/Co-op): The Select Committee's unanimously agreed report on "The Responsibility to Protect and Humanitarian Intervention", published today, says:

"There has been a manifest failure to protect civilians and to prevent mass atrocity crimes in Syria."

It calls for an independent inquiry to investigate the processes that lead to and the consequences of the Government's decision not to intervene in Syria. We could have intervened in 2011, with humanitarian corridors and no-fly zones, and the Minister referred to the 2013 debate and others. However, why are we quite happy to hold inquiries when we do intervene, such as with Iraq, but not when we do not intervene? As the Committee points out, the consequences of non-intervention by the international community can be worse than those of intervention.

**Alistair Burt:** It is obviously too early to give an official response to the Committee's report, but the hon. Gentleman and I know the circumstances well. There is absolutely nothing to stop a further inquiry by this House into the decisions that were made and why. Indeed, I can remember most of the arguments now. However, he is correct that Syria has demonstrated the consequences of non-intervention in a way that had not been made fully clear before. Many of the political arguments at the time were based on what happened in Iraq and Afghanistan, and I remember the public—it was nine to one—telling Ministers and Members not to do anything.

We now know that there have been consequences of that non-intervention. I do not know what the right forum is to learn still more of that, and I am not sure about the process, but now that the potential damage from non-intervention is established fact, the hon. Gentleman is right that the House needs to consider the consequences of non-intervention as well as intervention. I should add of course that there has been intervention since 2013, just not by the United Kingdom and its allies.

**Andrew Bowie** (West Aberdeenshire and Kincardine) (Con): My right hon. Friend has already spoken about Russia's gross dereliction of duty in its continued wielding of its veto on the UN Security Council. What can we, the Americans and the French—our allies on the Security Council—do to try to resolve this impasse to save the many thousands of civilian lives that will be lost as a result of this dereliction of duty?

**Alistair Burt:** Every diplomatic tool is being employed to demonstrate to those currently responsible for actions in Idlib the risk that they are taking—the risk to international humanitarian law, future accountability and the need to avoid both civilian casualties and the use of chemical weapons. That effort is being exercised by the international community as a whole. As I mentioned earlier, the UK was distressed by the fact that a ceasefire and other efforts promoted by the United Kingdom at the UN Security Council last week were not supported by Russia and the Syrian regime.

**Debbie Abrahams** (Oldham East and Saddleworth) (Lab): I am grateful to the Minister for all his responses to questions on such an important issue. Can he expand on his response about how and when action will be taken against those commanders who have been found to be responsible for these illicit attacks, for these war crimes? It is not good enough to say that it will happen at some stage. Will he reassure us that no stone will go unturned and that these people will be held to account, and held to account quickly?

**Alistair Burt:** In all honesty, it would be comforting, both to the House and to the hon. Lady, for me to say what the process will be and that it will be swift and so on, but I do not believe I can say that. Look how long it has taken for there to be accountability for serious crimes at Srebrenica. It depends on the gathering of evidence, and it depends on the willingness of authorities to take part and the willingness of the agencies to bring forward those within their own communities who might have been responsible.

We looked at the Burma fact-finding mission last week, and it is a scar on the world community that it can attribute blame, that it can demonstrate what has happened but that the processes of accountability are incredibly slow. We have done all we can at present to give people the tools they need to collect evidence. The United Kingdom has worked hard to explain to people how they can collect evidence and keep it safe to record crimes, but, ultimately, an accountability mechanism is still needed to bring that forward.

All I was able to say at the United Nations last year, when we moved the resolution on the creation of the accountability mechanism, was that the wheels of justice may grind slow but they grind exceeding small, and they get there. I wish I could say how much quicker it will be, but that tends to be the truth.

**Alex Burghart** (Brentwood and Ongar) (Con): I strongly welcome the Minister's statement that, if Syria should use chemical weapons again, we are ready to act. Is he confident that our allies would stand with us in that endeavour?

**Alistair Burt:** A joint statement issued by the United States, France and the United Kingdom made it clear that we will respond appropriately to any chemical

weapons attack. Nobody wants to do that, and the warning was intended to prevent it, rather than to give an indication of response.

**Thangam Debbonaire** (Bristol West) (Lab): I echo the comments of my hon. Friend the Member for Ilford South (Mike Gapes) on the Foreign Affairs Committee's report. I hope that, at some point soon, we can try to find a way out of this political and intellectual cul-de-sac whereby intervention seems to be seen as, *de facto*, the bad response and non-intervention as, *de facto*, the peaceful response. Let us look at the lessons we have to learn from Syria.

I have a specific question for the Minister. Will he update us on the possibility of safe exit and assessment points on the border with Turkey and on assistance with triaging people who have to flee so that we can provide more resettlement, possibly in this country?

**Alistair Burt**: As I indicated earlier, we are working very closely with Turkey on what the responses would be if a large number of people were to move. Preparations are already in place for the provision of support in safe areas on the Syrian side of the border. Turkey is cautious about a large number of people coming across the border, and we have offered assistance in relation to that. All this is currently being worked out to try to find the best ways in which humanitarian access can be safeguarded and to find how people can be protected. That work is ongoing, and I commit to updating the House whenever anything new is available.

**Tom Pursglove** (Corby) (Con): What difference is UK aid making on the ground in this crisis today?

**Alistair Burt**: I mentioned this earlier, but I am keen to repeat that the difference we have been able to make is in supplying food, humanitarian assistance and medical assistance to literally millions of people in Syria over a period. Specifically, between January and December 2017, our support in Idlib governorate provided approximately 653,000 people with access to clean drinking water, immunised 1,335,000 children under five, helped 321,000 children access education and provided 398,000 medical consultations. That is just in Idlib; that is the Department for International Development; and that is the United Kingdom's population getting behind our work.

**Jim Shannon** (Strangford) (DUP): I thank the Minister for his response to the urgent question. There is a strong and significant evidential base to show that Assad has given the green light to the gas attacks. I am certain that, as the Minister has said clearly, the Foreign and Commonwealth Office is doing everything diplomatically possible to prevent gas attacks, which would have an impact on innocent women and children. As the noose closes around Idlib, what additional aid and practical support will the Minister's office make available to deal with what will undoubtedly amount to massive casualties?

**Alistair Burt**: Without going into detail, I say to the hon. Gentleman that whatever preparation can be made is being made. We are conscious of the risk, and as I indicated earlier, we are also conscious of the fact that should there be an attack, disinformation would be spread about it. We want to make every preparation possible to save lives and treat people should it become necessary, and that is certainly being done by providing the supplies that are available in the area.

**Hywel Williams** (Arfon) (PC): What consideration have the Government given to using UK sovereign bases in Cyprus to provide a safe haven for refugees from Idlib?

**Alistair Burt**: As I indicated earlier, the issue is not necessarily moving people across the sea to areas either in Europe or elsewhere. We have already seen the difficulties of displaced populations. The effort is appropriately directed towards ensuring that people are immediately safe but then that they are returned to a safer Syria. What the area wants is not more refugees, either in Turkey, Lebanon, Jordan or elsewhere, but the means and mechanisms for people to be returned to their home areas safely. That will take further negotiation and the absolute commitment of the Syrian regime that people should be safe, so there is a lot to be done. I am not certain that there is any need to evacuate people to UK sovereign bases, because there will be other areas nearby where people would be safer, but it is much easier for people to return to their homes when they have been settled closer to home after displacement than when they have been overseas.

## Victims Strategy

4.27 pm

**The Parliamentary Under-Secretary of State for Justice (Edward Argar):** With permission, Mr Speaker, I should like to make a statement. Today, the Secretary of State for Justice and I are launching the Government's victims strategy, which sets out our vision for victims of crime in England and Wales. That vision is of a justice system that supports even more victims to speak up with the certainty that they will be understood, protected and supported, whether or not they report a crime and regardless of their circumstances or background.

However, no single Department, agency or emergency service alone can provide the services that victims rightly expect to receive, as shown by recent major incidents and tragedies such as the Grenfell Tower fire and terrorist attacks in London and Manchester. To truly deliver on our vision, we must all work together. That is why we have today published, for the first time, a cross-Government victims strategy, further delivering on this Government's commitment to ensure that victims of crime get the support they need.

This strategy is the latest milestone in improving that support for victims and builds on important progress over the past few years under Governments of both parties, such as the establishment of the first code of practice for victims in 2006; the appointment of the first Victims' Commissioner to champion the interests of victims and witnesses in 2010; and the publication of "Getting it right for victims and witnesses" in 2012, which set out the Government's approach to ensuring that victims and witnesses get the support they need.

The victims strategy consolidates and builds on that progress but recognises that more still needs to be done. I thank and pay tribute to all the victims, victims' groups and experts who have willingly shared their experiences and sat on the victims panel, and to my predecessor, my hon. Friend the Member for Bracknell (Dr Lee), who initiated this work. I also pay tribute to my officials and to my opposite number in the Home Office, my hon. Friend the Member for Louth and Horncastle (Victoria Atkins), for their work on the strategy. To achieve what we wish to, we must work together.

The nature of crime is changing and we must adapt our response to meet that challenge. Although overall crime has fallen, incidents of some of the most serious crimes have risen. Serious violent crime has increased and the reporting of sexual offending has also risen. In the year ending March 2018, there was a 24% increase in reported sexual offences, compared with the previous year.

The message from victims is clear: they want to be treated with dignity, humanity and compassion; they want clear, timely and accurate information about what is happening with their cases from day one; and they want the opportunity and support to make their voices heard as justice is done. To help to achieve that, the strategy sets out a system-wide response to improving the support offered to all victims of crime, throughout the criminal justice process, and incorporates actions from all criminal justice agencies, including the police, the Crown Prosecution Service and the courts. We must ensure that those who are victims of crime do not become victims of the process.

First, we want to strengthen the victims code and make it fit for the future. Our data tells us that fewer than 20% of victims are even aware of the code. Those who are often find it too lengthy and too confusing, with too many agencies involved. We will therefore revise the code, make it more user-friendly and reduce the number of contact points. We will also strengthen entitlements in key areas such as the victim personal statement and support for victims of mentally disordered offenders. We will test the proposed changes to the code in a public consultation in early 2019, and aim to have a revised code in place by the end of 2019.

We have reaffirmed our manifesto commitment to a victims law. The consultation will consider how best to enshrine victims' entitlements in law and the detail of the necessary legislation, and it will include boosting the powers of the Victims' Commissioner, who already plays a vital role in holding agencies to account. In that context, I pay particular tribute to Baroness Newlove for all her work over the past six years to promote and protect the interests of victims and witnesses.

The criminal injuries compensation scheme must reflect the changing nature of crime. We will therefore review the entire scheme, with a particular focus on how we treat the victims of child sexual abuse and terrorism. That will include examining eligibility criteria and abolishing the arbitrary and unfair same-roof rule, so that victims can get the compensation that they are rightly due.

From Hillsborough to Grenfell, there have been too many failures properly to support those affected by disasters, so today, in this strategy, we have set out our plans for an independent public advocate, and in tandem we have published a consultation on the detail of that role—supporting bereaved families so that those failures cannot be repeated and so that we can properly support victims from the beginning of a disaster right through to the application of justice and beyond.

Building on the work we commenced earlier this year to improve the parole process, the strategy sets out how we will improve communication and support for victims during what can be for many a difficult time, when memories of crimes committed years ago are relived. We will simplify the victim contact scheme and improve the quality of communication. We will make it easier for victims to make victim personal statements at parole hearings, and we will roll out revised training for victim liaison officers so that they are better equipped and prepared to support victims through parole hearings. That can and should help to ensure that past failings can never be repeated.

The strategy highlights the extra funding that we are providing for victims, including by increasing spending to improve services and pathways for survivors and victims of sexual violence and abuse. That spending includes £8 million on interventions to ensure that support is available to children who witness domestic abuse. Other measures include improved training for the police, including guidance on supporting victims through the interview process and collecting evidence; the trialling of body-worn cameras for taking victim personal statements, so that victims have a choice in how their story is heard; and expanding support for families bereaved by gang violence. The recent spate of gang-related violence, particularly in London, has shone a spotlight on the devastation that gun and knife crime

can cause to families. We will also bring in new funding for advocacy support for those affected by domestic homicide. New guidance on pre-trial therapy to reduce the perception that it will damage the prosecution case will also be brought forward.

In developing the strategy, we have engaged extensively with victims, victims' groups and the Victims' Commissioner. That has ensured that the strategy is informed by those who have had direct experience of being a victim, as well as by those with frontline expertise who have supported them.

This strategy is not a quick fix. It is about building on the work to date so that we can better support victims in the future. It is also about giving them the confidence that, no matter their background, their individual circumstances, or the crime that has been committed against them, the support they need will be there.

This is the first time that we have looked in such detail and in such a joined-up way at how we treat victims in the wake of crime. This strategy is a marker for the way we should see ourselves as a nation—one that offers dignity, empathy and compassion to people when they are at their most vulnerable. It is something on which there is broad consensus across this House. On this agenda, the Opposition have, in my experience, always been constructive and positive in their engagement with the Government and I hope that that constructive approach will continue as we deliver the strategy.

Delivery of the strategy will now commence in earnest, as we continue to progress towards a system that supports even more victims to speak up by giving them the certainty that they will be understood, supported and protected throughout their journey. I commend this statement to the House.

4.35 pm

**Gloria De Piero** (Ashfield) (Lab): I thank the Minister for advance sight of his statement.

Any progress to help victims is welcome, but the only thing that will cut the mustard when it comes to strengthening victims' rights is primary legislation and for that we are still waiting. We are still waiting for the delivery of the promise made by the Tories in 2015 that they would enshrine key entitlements for victims and witnesses in primary legislation. They mysteriously stopped making specific references to passing primary legislation just a year later. When Labour repeatedly pressed them on whether they still planned to do so, we received a series of fudges, talking about strategies and non-legislative options.

It has taken three years for the Government to produce the strategy that has finally been unveiled today. Why so many mentions of consultation—"consult" on a revised victims' code, "consult" on a victims' law, and "consult" on the establishment of an independent public advocate? We have consulted all this to death over the past three years, and have heard loud and clear from all quarters that these things are vital and urgently needed. Labour has campaigned on this for years. Have we not had long enough to talk about this? I would like to hear from the Minister just how much longer we will have to wait and why we have to wait.

We welcome the potential for improving court environments with victim-friendly waiting areas and an emphasis on accessibility for the most vulnerable, but with

more than 230 court closures since 2010 many vulnerable people cannot get to the court anyway. Victims having to travel for hours on several different buses will hardly have the calmest start to their court visit, even if they have a more suitable waiting area when they do arrive.

There are measures that aim to provide more support for victims of major disasters such as Grenfell; the Minister alluded to that and we know it is currently lacking. Judicial review is a key tool for victims of tragedies to be able to challenge unjust or unlawful decisions by the state or other public bodies. Labour has committed to restoring legal aid for judicial review. Will the Government now do likewise?

The Government say that an independent public advocate would help to guide bereaved families through any investigative process after a disaster "so their voices can be heard at inquest."

However, that is misleading. Although the title includes the term "advocate", the official will not represent bereaved families at inquiries or inquests. When will the Minister provide advocates to help victims to navigate a complex and intimidating system and lawyers for bereaved families at inquests? The document released today concedes that there is "some potential for confusion". That is not good enough for victims who are seeking clarity.

Let us be very clear: from a victim's point of view, our justice system is not fit for purpose. For too long, victims have felt like an afterthought in the criminal justice process. The Government can produce all the strategy documents in the world but victims need action now.

There is no indication of how the Government intend to fund some of the positive measures in the strategy, measures that Labour has been calling for—raising the amount for survivors and victims of sexual violence and abuse from £31million to £39 million; £8 million for children who witness domestic abuse; and £18.8 million on domestic abuse accommodation services in England. That is all crucial, but will the Minister tell us where the money will come from? Victims may well not have confidence that anything in these measures is being properly funded, given the Tories' failure to fund the female offenders strategy, which their own advisers say was underfunded by at least £15 million.

Just today, we heard the president of the Police Superintendents' Association say that policing will be in a "perpetual state of crisis" if the Government do not lay out a long-term vision for the stretched service. The entire justice system is crippled. It is time for the Tories to do as they promised and speed up the urgent work of creating a robust victims' law. Victims cannot wait for another year.

**Edward Argar**: I welcome much of the content and tone of the hon. Lady's comments. I am sure she will be extremely pleased to see the reaffirmed commitment to the consultation on the legislation to underpin this. She said that it has taken three years for the Government to produce a strategy. Well, I have been the Minister for three months and I hope that she is encouraged that I have published the strategy, in which that is clearly set out.

The hon. Lady is right that the victims code is very important but we do need the ability for victims to enforce and monitor that and the legislation underpinning

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it. We are consulting on that, which is the right thing to do. She asked about timescales. I pay tribute to her colleague, the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), for his work in this area. He and I have discussed this on many occasions.

The hon. Lady asked when this would happen. As I set out, we will be consulting on the independent public advocate from today. So there is action, which will be followed by consideration of that and steps forward. Consultation will follow on the criminal injuries compensation scheme and the consultation on the revised victims code and the necessary legislation underpinning it will come in 2019. Although I understand that the hon. Lady may be a little frustrated by consultations, I am very clear that what we are doing is hugely important and it is right that we consult widely, particularly with the victims of crime and others, who know best what will work for them in this context. Therefore, although I take her point, I make no apologies for the consultation; it is important that we get this absolutely right. It is also right that we ensure that people have access to justice, and this Government have a strong track record of ensuring continued access to justice.

The hon. Lady highlighted the money and the financing. As she will know, already, taken together, around £200 million is spent across Government and different agencies on supporting victims of crime. We seek with this strategy to ensure that that money is better spent, and better joined up in the way it is spent, to deliver the outcomes that victims of crime want and that this strategy is designed to deliver. This document is a very clear statement of intent by this Government, delivering on a clear commitment from this Government to support victims of crime.

**Sir Desmond Swayne** (New Forest West) (Con): But are we planning to continue to let victims down by persisting with inadequate sentencing and early release?

**Edward Argar:** Although I have the hugest respect for my right hon. Friend, I believe that this Government and previous Governments have a strong track record of supporting the victims of crime and that this strategy builds on that strong track record. As he will be aware, sentencing is a matter for our independent judiciary, and the Government always ensure that it has at its disposal a range of options to consider when sentencing an individual.

**Kirsty Blackman** (Aberdeen North) (SNP): I also thank the Minister for taking the time to provide a copy of the statement in advance.

This matter is devolved, and I want to talk a bit about what the Scottish Government are doing in this regard. The Scottish Parliament's Victims and Witnesses (Scotland) Act 2014 ensures that victims and witnesses have legal protection in primary legislation. Our own victims code was published in 2016, ensuring that justice agencies, including the police, the Crown, the courts and the Parole Board publish and report on shared standards regarding how victims are supported and on how those standards are being met. It is important to note that legislative context.

In Scotland, we are looking at improving the availability of information to victims by reviewing the victim notification scheme and consulting on how victims can best input into parole hearings. This is part of our programme for Government for this year. In relation specifically to homicide, Scotland is looking at developing a new model of victim-centred support, beginning with the Homicide Service but looking at other services after that. What work is being done, with regard to things that are being done in Scotland and the way that they are working, to ensure that lessons are learned about whether they would be applicable down here and could be broadened out to happen here as well?

Thinking about what happened in the Grenfell Tower tragedy, what action is the Minister taking to ensure that victims' voices are heard before a tragedy occurs, rather than afterwards, so that things like the horrendous tragedy at Grenfell can be stopped before they happen?

**Edward Argar:** I am grateful to the hon. Lady for what she said and for her tone. She is absolutely right—this is a devolved matter. Although it is devolved, and while I may not agree with everything that the Scottish Government do or all the policies they put forward, I assure her that in drawing up this strategy we have taken great heed of what is done in Scotland and looked at what the Scottish Government do. There is no reason to be dogmatic about these things. Where there is good practice elsewhere that may be applicable, we are always happy to look at it, and my officials have been looking at what is done in Scotland. Indeed, as the Minister in the Department who has responsibility for devolved Administrations, I take a particularly close interest.

In respect of reporting and shared standards, the hon. Lady will see in the strategy that we believe that transparency is extremely important. We set out our plans to consult not only on an expanded role and expanded powers for the Victims Commissioner, in holding people and criminal justice system bodies to account, but on an increased role for police and crime commissioners to monitor compliance in their local areas with the code and what is being done, and to send those reports upwards to the Criminal Justice Board and ultimately to me as a Minister.

In respect of Grenfell and what happened before the tragedy, I hope that the hon. Lady will forgive me if I am a little cautious in going into that while the inquiry is still going on. However, I believe that the IPA will play an extremely important role in ensuring that victims' voices are heard.

**Victoria Prentis** (Banbury) (Con): I thank the Minister for his statement. This really is a great day for victims. There is much to be very pleased with in the statement and the document that joins it. Let me focus on the same-roof rule—an issue on which I have been campaigning for many years. I was particularly pleased with the change to that rule in a world in which most sex offenders are known to their victims. This is very important. Will he give us greater detail as to when it is likely that the change will come into effect?

**Edward Argar:** I am grateful to my hon. Friend, who is quite right to highlight the importance of this change. She has campaigned very strongly on this issue, as has the hon. Member for Rotherham (Sarah Champion). Only recently, my hon. Friend the Member for Milton



Keynes South (Iain Stewart) highlighted the very important campaigning of his constituent, Alissa Moore, on this issue and the huge impact that that has had on bringing about change.

My hon. Friend the Member for Banbury (Victoria Prentis) asks about timescales. We will be responding to IICSA, the independent inquiry into child sexual abuse, which plays into this agenda, but at this stage we anticipate that we will be looking to consult early in 2019.

**Ms Harriet Harman** (Camberwell and Peckham) (Lab): I thank the Minister for his statement and say how much there is in it that is really warmly to be welcomed. I think it will get strong support from the agencies outside, from the voluntary organisations, and across this House. I commend his approach in dealing with it cross-departmentally. I share the concern of my hon. Friend the shadow Minister: we look forward to this proceeding to legislation.

May I put to the Minister an issue that has been omitted—victims in rape cases who, when they are in the witness box, are, in effect, put on trial by being cross-examined about their previous sexual history? Everyone in the House agrees that that should not happen. A defendant dragging out the victim's previous sexual activity in order to besmirch her reputation to the jury or to intimidate her out of giving evidence in the first place should not happen, but unfortunately, the law to protect victims from that is not working.

I know that the Minister will be able to get wise counsel from the Solicitor General and the Attorney General, and I know of enthusiastic commitment of the Minister for Women to justice for rape victims. If the Minister does not add this to the strategy, it will be a glaring omission, so will he include in his very commendable approach tackling this injustice?

**Edward Argar:** The right hon. and learned Lady has long been a doughty campaigner on this and many other important issues, and I pay tribute to her work. She is right that this is not explicitly in the victims strategy. I and my fellow Ministers, including the Solicitor General, have heard her make her point eloquently and forcefully, and we will reflect carefully on what she said.

**John Howell** (Henley) (Con): We have found that most victims want to play a strong role in parole. How will the Minister make victims' statements more comprehensive for that purpose and give them a role in the parole system?

**Edward Argar:** I am grateful for my hon. Friend's question. He has raised that issue previously, particularly in his work as a member of the Justice Committee. He will be encouraged to hear that there are a number of references to the operation of the Parole Board in the strategy, and we will see later this year the Government's response to the consultation about the operation of the Parole Board. On his specific point, the strategy sets out how the Parole Board will move towards a presumption that victims can, if they wish, read out a victim personal statement in that process.

**Sir Edward Davey** (Kingston and Surbiton) (LD): I warmly welcome the Minister's statement. Many of the promises the Government are making today have cross-party support. I am sure the Minister will recognise that

without adequate funding to put them into practice, many of those promises will be empty. In the 50 pages of the victims strategy, I counted what looked like a commitment to £60 million of new funding. Is that it, or is there any extra funding, to make sure that we are not just legislating but doing?

**Edward Argar:** I am grateful to the right hon. Gentleman for his kind words and the tone with which he approaches this important issue. As I set out in response to the hon. Member for Ashfield (Gloria De Piero), around £200 million of funding has already been spent on supporting victims of crime throughout the system. We believe that that can be better spent by joining it up more effectively and spending it in ways that reflect what victims say they need. The right hon. Gentleman will also see in the strategy a commitment, for example, to an additional £8 million to support children who have witnessed domestic abuse and domestic violence. That funding is already secured.

**Kevin Foster** (Torbay) (Con): I welcome the Minister to what I believe is his first statement at the Dispatch Box. He has certainly set the bar high for his many future statements.

The Minister probably noted yesterday that the police and crime commissioner for Devon and Cornwall, Alison Hernandez, spoke out about her own experience of being a victim in an abusive relationship over two years. Would he give us a bit more detail about what role he sees police and crime commissioners playing in supporting victims, particularly when some, such as my own, have personal experiences of abusive relationships?

**Edward Argar:** I begin by paying tribute to my hon. Friend's police and crime commissioner. She was incredibly brave to speak out, and by doing so, she has helped to make it a little bit easier for others to feel confident to speak out. I pay huge tribute to her for that.

As I highlighted earlier, we see an increased role for police and crime commissioners in this process, particularly in monitoring and ensuring compliance with the victims code in their local areas and improving transparency around that. Police and crime commissioners are probably the part of the criminal justice system who know their areas and localities best. I pay tribute to them for their work and believe that they have a huge amount more to contribute in this area.

**Sarah Champion** (Rotherham) (Lab): I really welcome today's announcement of a system-wide approach to supporting victims. I particularly welcome the review into the Criminal Injuries Compensation Authority, which seems to be focused on re-traumatising victims rather than supporting them. A recent study from University College London showed that 80% of 13 to 17-year-old girls who were sexually assaulted went on to exhibit mental health issues within five months. Rape Crisis has a waiting list of 6,000, and Rotherham Abuse Counselling Service has a waiting list of 260. To address this, will the Minister consider committing, as part of the victims strategy, to placing early support for victims of crime on a statutory footing?

**Edward Argar:** I am grateful to the hon. Lady for her contribution. As I said earlier, I pay particular tribute to her for the work she has done both in her constituency and in this House as a strong champion of the need to

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ensure that the support we offer, particularly through the criminal injuries compensation scheme, adapts to reflect the changing nature of the crimes the victims of which it is seeking to support. I know she will welcome the commitment to review the whole operation of the criminal injuries compensation scheme—eligibility, timescales for claims and of course the issues about the same-roof rule. She asked a specific question, and I am very happy to meet her to discuss it in more detail, whether in the context of this piece of work—this strategy—or, more broadly, about the consultation next year. I am happy, as ever, to meet her to talk about it.

**Rebecca Pow** (Taunton Deane) (Con): May I commend the strategy, and indeed the way in which my hon. Friend has delivered it? The strategy calls on everyone to work together, and it rightly puts the victim first. Will my hon. Friend offer further details about the trials of body cameras for victims, which he mentioned, because I can think of nothing worse than having to relive the crime in giving evidence? How will body cameras help victims in delivering evidence?

**Edward Argar:** I am very grateful to my hon. Friend for that question. There will be a trial of body cameras for giving a personal statement, which we believe has the potential to make a real difference. It means that victims will be able to give such testimony in a way that is as comfortable for them as possible in the circumstances, and it will minimise the need for them to have to do exactly what she says, which is having to relive the crime a number of times.

**Chris Bryant** (Rhondda) (Lab): One of the most depressing elements of a violent crime is that, quite often, the victim has to live with the damage for a long time afterwards. In particular, many young men who have been hit on the head have traumatic brain injuries from which they have never managed to recover because there has not been proper rehabilitation support. Will the Minister work very closely with the Department of Health and Social Care to make sure that we have neurorehabilitation prescriptions, so that justice is brought to those victims because they can properly recuperate?

**Edward Argar:** The hon. Gentleman makes a very important point, and I want to reassure him. As I look around the Chamber, I see my hon. Friend the Member for Bracknell. I paid tribute to him earlier, and I pay particular tribute to him for initiating this work and for working with the Department of Health and Social Care to ensure that we have a strong relationship. I regularly meet my opposite number, the Under-Secretary of State for Health and Social Care, my hon. Friend the Member for Thurrock (Jackie Doyle-Price). We have met to discuss this strategy, and I am very happy to discuss with her the point made by the hon. Gentleman.

**Mr Philip Hollobone** (Kettering) (Con): Given that the Minister said that £200 million a year is spent on support for victims, it is simply staggering, 12 years after it was first introduced, that only one in five victims are actually aware that the victims code exists. May I ask the Minister what demonstrable difference and what demonstrable improvements have been made to the judicial experience of victims and witnesses since the Victims' Commissioner was first appointed in 2010?

**Edward Argar:** My hon. Friend makes a very good point, and highlights the issue of awareness of the victims code. The fact that 20% of victims say they know about it and that 80% do not cite it does not, in and of itself, mean that the code is a bad thing. I believe that it means that we need to do more to promote awareness of it. We need to make it simpler, which is exactly what we are planning to do. We are actually planning—dare I use these words?—to simplify it almost to the point of being a pledge card that, up front and in very simple terms, will show victims what their entitlements are. We continue to develop and strengthen the victims code, just as we continue to make both the court experience and the support available to victims, pre and post-trial, better.

**Debbie Abrahams** (Oldham East and Saddleworth) (Lab): Liane Singleton was brutally murdered in 1998 by Paul Stowers. Her parents—my constituents Jacky and Gordon Singleton—have been trying to prevent the release of Stowers, including by petitioning this House two months ago. Today they found out that they have failed. They felt dreadfully let down by the criminal justice system, and totally powerless to influence the Parole Board. What difference will today's announcement make to Jacky and Gordon? Can the Minister give them any reassurance?

**Edward Argar:** I am grateful to the hon. Lady, who I know has highlighted this issue before. Her constituents are lucky to have her championing their cause as their Member of Parliament. It would be wrong of me to go into the details of that specific case on the Floor of the House, but I can say that the Parole Board will be taking steps to ensure that there is a presumption that a victim's personal statement can be read in hearings. We will have made changes to the victim contact scheme by the end of 2019, and we will have rolled out new training for victim liaison officers by the end of 2018.

On the hon. Lady's broader point, we have consulted on the detail of a mechanism for the reconsideration of parole decisions in certain circumstances. The consultation ran until the end of July, as she will be aware. We are carefully considering all the responses and will set out our next steps later this year. We are also carrying out a full review of all the Parole Board's rules, which will be completed by the end of this year. I will be happy to meet the hon. Lady once those reviews are completed, if that would be helpful.

**Eddie Hughes** (Walsall North) (Con): The £8 million to support interventions for children who have witnessed domestic abuse is to be welcomed. Can the Minister assure me that conversations are being held with the charities, which are often best placed to provide that support?

**Edward Argar:** I can give my hon. Friend exactly that assurance. I am grateful for the work that many charities have done to help us to prepare the strategy, and I look forward to them continuing to play a central role as we deliver it.

**David Hanson** (Delyn) (Lab): The independent advocate for major tragedies is an important and welcome development. Given the Minister's announcement today, could he indicate the proposed budget for that position?

**Edward Argar:** The right hon. Gentleman, a former holder of the office I now hold—if rather more senior and distinguished—is absolutely right to highlight that important role. We have launched the consultation on the independent public advocate today, in parallel with the publication of the strategy. We will await the results of the consultation to see exactly how the scope and nature of that role is determined, which will of course then inform the funding required.

**Helen Goodman** (Bishop Auckland) (Lab): One of my constituents who was abused as a child was told not to make a claim from the Criminal Injuries Compensation Authority because it might prejudice the trial, but the trial took so long that by the end of the process, she was out of time. Will the Minister's changes to the criteria for the Criminal Injuries Compensation Authority be retrospective?

**Edward Argar:** With regard to the criminal injuries compensation scheme, we have announced a review that covers eligibility and timescales. The hon. Lady highlights something that is an issue in some cases, particularly those involving child sexual abuse, because often the individual is not ready or able to bring forward a claim, either because of their age or because of the trauma they are still suffering. All those factors will be considered in the review.

**Thangam Debbonaire** (Bristol West) (Lab): Victims expect us to make the best possible use of risk assessment and management schemes. Obviously there is much in this strategy announcement to commend, but I wish to be a bit picky and ask the Minister whether he will meet me—this was part of my previous job—and/or other experts in the field who know far more than me, to discuss how to make the best possible use of the latest and best-tested risk assessment and management schemes.

**Edward Argar:** It is always a pleasure to meet the hon. Lady, and I will be happy to do so again on this occasion.

**Alex Norris** (Nottingham North) (Lab/Co-op): We know that the people who are most vulnerable to crime are those furthest from mainstream services. It is the woman suffering at the hands of her partner, the trafficked person who does not speak English or the child groomed in their community who the consultations detailed today must reach. Who do the Government intend to engage with to ensure that the voice of those who are heard the least is properly involved in this process?

**Edward Argar:** The hon. Gentleman makes a very important point. The aim of the strategy is to ensure that all those who are victims of crime, irrespective of background or any other factor, can access the support they need. We have worked extremely closely with not only individual victims of crime and experts in the field, but a wide variety of groups, covering individuals from all backgrounds and all ethnicities, on what they want to see in the strategy. I will continue to work extremely closely with them as we implement it. I am, of course, always happy receive suggestions from the hon. Gentleman.

## Points of Order

5.5 pm

**Marsha De Cordova** (Battersea) (Lab): On a point of order, Mr Speaker. On Thursday 6 September, the Minister for Disabled People released the Government's response to the UN committee report on the Government's implementation of the convention on the rights of persons with disabilities. The committee expressed serious concerns that many articles of the convention were being breached and gave recommendations for its implementation. Given the importance of the convention in promoting and protecting the rights of disabled people, the House should have the opportunity to scrutinise the Government's response. Could you therefore advise me, Mr Speaker, on how to ensure that this House has the opportunity to fully scrutinise the Government on this matter?

**Mr Speaker:** I am very grateful to the hon. Lady for her point of order. If the Government decide it is appropriate to make an oral statement, a Minister comes to the House for the purpose of doing so; otherwise material tends to be communicated in written form. The Government's response is a matter for the Government, not for the Chair. The Minister for Disabled People provided a written statement on this matter on Thursday, stating that she would place in the Library a copy of a report and letter the Government submitted to the United Nations outlining the UK's progress. In summary, if the hon. Lady is dissatisfied with the Government's response or the UK's progress—or, conceivably, with both—there is a range of avenues that she might wish to pursue that ordinarily would involve a journey to, or other contact with, the Table Office. I will leave it to her and her legendary perspicacity to decide what means to seek to bring greater attention to this issue.

**Chris Bryant** (Rhondda) (Lab): On a point of order, Mr Speaker. You may recall granting an urgent question on 23 July on foreign fighters and the death penalty. The key issue at the time was why the Government had decided not to seek assurances about the potential use of the death penalty before assisting United States authorities in two specific cases regarding foreign fighters to whom we had denied British nationality. The Security Minister suggested that this had happened previously, but the right hon. and learned Member for Beaconsfield (Mr Grieve) asked:

“When was the last time that we departed from these principles”, as he said he was not aware of it ever having happened before. When the Minister gave no answer to that question, I asked again:

“when did the Government last choose not to seek such assurances?” I also asked him to write to all of us. The Security Minister said:

“I will write to hon. Members and let them know on how many occasions we have done that.”

He added:

“It will be for their summer reading.”—[*Official Report*, 23 July 2018; Vol. 645, c. 730-731.]

I do not know if you, Mr Speaker, have had a letter on this matter. I know the right hon. and learned Member for Beaconsfield has not had a letter regarding this matter. I have not had a letter, and I presume that no other Member of the House has received a letter, so I just wonder what advice you could give me on the precise meaning of the word “summer” in the sentence, “It will be for their summer reading.”

[Chris Bryant]

It is almost two months since the Minister could have sent us a reply. I have a sneaking suspicion that he is trying to get away with not bothering to inform us that there have actually never been any such instances in the past. If so, he would be much better off, would he not, just coming to the House to tell us?

**Mr Speaker:** The concluding thought of the hon. Gentleman is uncharitable, but may nevertheless be justified. If that is the ambition of the Minister, I fear that it is destined to be frustrated, not least as a result of the hon. Gentleman's point of order. In summary, if a Minister errs, and to err is human, it is the responsibility of that Minister to put the record straight, preferably sooner rather than later. I do not regard myself as the arbiter of what constitutes summer, but if Members are told that something is going to be for their summer reading, the ordinary interpretation of such an assurance is that it will be available to Members to read during the period of the summer recess. Clearly, that has not happened in this case. I hope that the Minister will correct the record ere long, failing which I predict, with complete confidence, that the matter will come to be aired perhaps more fully on the Floor of the House.

## Yemen

*Application for emergency debate (Standing Order No. 24)*

**Mr Speaker:** In a moment I will call Stephen Twigg to make an application for leave to propose a debate on a specific and important matter that should have urgent consideration under the terms of Standing Order No. 24. The hon. Gentleman has up to three minutes in which to make his application.

5.10 pm

**Stephen Twigg** (Liverpool, West Derby) (Lab/Co-op): I seek leave to propose that the House should debate a specific and important matter that should have urgent consideration, namely recent developments in Yemen.

August was one of the deadliest months of the Yemen conflict, with an estimated 1,000 civilian deaths. On 9 August, for example, a coalition airstrike hit a bus, killing 40 children and 16 adults. Last week, a further 22 women and children were killed after an airstrike on the port city of Hodeidah. Last month, all parties in the conflict, the Houthis and the coalition, were condemned by the UN Panel of Experts on Yemen. The panel cited violations of international law by both sides in Yemen and reached the conclusion that those violations may amount to war crimes.

There remains some hope that the resumption of the Geneva peace talks might help to de-escalate tensions and put Yemen back on a path to peace. However, the talks were suspended last week after the failure of the Houthi delegation to turn up. The United Kingdom has an opportunity, as an influencer in the region, to bring the two sides together for meaningful talks on resolving the crisis.

The House has a good record of debating the Yemen conflict, with strong cross-party support. I am particularly grateful to the right hon. Member for Sutton Coldfield (Mr Mitchell) and my right hon. Friend the Member for Leicester East (Keith Vaz), who have repeatedly brought this issue to the attention of the House, as well as to the hon. Members for Glasgow Central (Alison Thewliss) and for Dundee West (Chris Law) for their support for my application today.

This conflict has already cost more than 10,000 lives and created a humanitarian crisis. Over the next month, the United Nations Human Rights Council and General Assembly both meet. A debate this week would enable the House to consider the latest developments in Yemen and to press for progress on all fronts—diplomatic, humanitarian and political.

**Mr Speaker:** I have listened carefully to the application from the hon. Gentleman. I am satisfied that the matter is proper to be discussed under Standing Order No. 24. Does the hon. Gentleman have the leave of the House?

*Application agreed to.*

**Mr Speaker:** The hon. Gentleman has obtained the leave of the House. I can advise the House that the debate will be held tomorrow, Tuesday 11 September, as the first item of public business. The debate will last for up to three hours and it will arise on a motion that the House has considered the specified matter set out in the hon. Gentleman's application.

## Legislating for the Withdrawal Agreement

5.14 pm

**The Parliamentary Under-Secretary of State for Exiting the European Union (Suella Braverman):** I beg to move,

That this House has considered legislating for the withdrawal agreement.

It is a great pleasure to open this debate. The Government published the White Paper on legislating for the withdrawal agreement in July, and the Secretary of State made a statement subsequently. Over the summer, we have made further progress in the negotiations, and the vast majority of the withdrawal agreement has now been agreed. Progress has been made across a range of outstanding separation issues. At the same time, we continue to work on backstop arrangements to deal with issues relating to the border between Northern Ireland and Ireland. Let me reiterate: it is unacceptable for a customs border to be drawn along the Irish sea, as that would be a direct threat to the territorial integrity of this country.

**Chris Bryant (Rhondda) (Lab):** On borders, can the Minister enlighten us? What passport queues will British citizens arriving in France, Germany and Spain next year use—EU ones or non-EU ones—and what passport queues will EU citizens use coming into the UK?

**Suella Braverman:** As the hon. Gentleman will hear in my speech, we are proposing an implementation period from March 2019 until the end of 2020 under which our immigration and customs rules will continue to operate broadly as they do now. I hope that that satisfies him.

**Chris Bryant** *rose*—

**Suella Braverman:** I will make some progress, and if the hon. Gentleman still has outstanding questions, he can raise them with me later.

The House will be aware that the Government have also taken steps to prepare for the unlikely event of being unable to reach a deal with the EU and have published a series of technical notices to inform people, businesses and stakeholders of the steps they would need to take in this event. We do not want a no deal outcome; the Government's priority is to achieve a deal with the EU, and I remain confident that a deal that the House can support is within our reach. That is what I am here to discuss today.

**Helen Goodman (Bishop Auckland) (Lab):** The Minister says that the Government have published notices. Last week, the Secretary of State for Exiting the European Union told us in this House that the medicine notices covered stockpiling. I looked at them and could see no reference to stockpiling. In which notice is the stockpiling of medicines set out?

**Suella Braverman:** I gently remind the hon. Lady that no deal planning and the technical notices are not the subject of this debate. We are here to talk about the contents of the White Paper published before the recess, which covers the implementation period, the proposals for EU citizens and the financial settlement. That is what I am here to talk about, and I ask her gently to keep to the subject of the debate.

**Several hon. Members** *rose*—

**Suella Braverman:** I am going to proceed.

The EU withdrawal agreement Bill is a vital part of our exit. Its purpose is simple: to implement the agreement we reach with the EU in domestic law. It is the means by which we will protect the rights of EU citizens in this country, pay the negotiated financial settlement and enter into an implementation period that is strictly time limited to prepare for the future relationship. If Parliament votes in favour of the deal, we will introduce the withdrawal agreement Bill to give the withdrawal agreement domestic legal effect.

**Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op):** The Minister has asked us to focus on the subject of the debate, and she has just mentioned the supposed deal to be put to Parliament. Can she explain how on earth that deal will proceed, given that 80, supposedly, of her own colleagues—including members of her own European Research Group, such as her former ministerial colleague, the hon. Member for Wycombe (Mr Baker), and others—have said that they will vote against it? Is not the reality that the Prime Minister's Chequers deal is dead, that we are heading for a disastrous no deal and that that is exactly why we need a people's vote on the deal?

**Suella Braverman:** I disagree with the hon. Gentleman about a second referendum—it would be a complete betrayal of the voters, because we had that exercise and it was two years ago—and I am optimistic that we will strike a mutually beneficial free trade agreement with the EU that honours the result of the referendum, retains the territorial integrity of our country and enables a smooth withdrawal from the EU.

**Several hon. Members** *rose*—

**Suella Braverman:** I will make some progress and then come back to hon. Members.

If Parliament votes in favour of the deal, we will introduce the withdrawal agreement Bill to give the withdrawal agreement domestic legal effect. Any parliamentarian who is truly committed to delivering the people's decision to leave the EU will, I believe, find cause to vote in favour of the Bill. The final content of the Bill will, of course, be subject to the outcome of the ongoing negotiations. We intend to introduce it as soon as possible after the negotiations have concluded and the deal has been approved by Parliament.

The Bill will need to be given Royal Assent before exit day if it is to give effect to the withdrawal agreement. It is precisely because this window of passage is constrained that we have published the White Paper. We want to maximise Parliament's ability to express its views on the Bill, and that includes the period before its introduction.

**Jonathan Edwards (Carmarthen East and Dinefwr) (PC):** Would the Bill need to be passed completely unamended? If an amendment were passed, would the British Government have to go back and renegotiate with the European Union?

**Suella Braverman:** The Bill will be introduced after Parliament has approved the terms of the final deal with the "meaningful vote". In that context, the Bill will have a normal passage, like all other legislation. Of course,

[*Suella Braverman*]

the views of parliamentarians will be welcome. The Bill can be amended, voted on and scrutinised in the normal way, but it will always be set in the context of Parliament's approval of the final deal, which includes approval of the withdrawal agreement. Members will, I know, have taken the time over the summer recess to review this substantial document at greater length. Views and questions will have matured and crystallised, and I am therefore delighted to return to the topic today and listen to those views.

The Government's objective in publishing the White Paper was to set out how we intend to legislate for the parts of the withdrawal agreement that have already been settled in negotiations: those relating to citizens' rights, the implementation period and the financial settlement.

**Mr Jacob Rees-Mogg** (North East Somerset) (Con): My hon. Friend has just referred to what has been agreed so far. Am I right in understanding that nothing is agreed until everything is agreed and that that remains an important principle?

**Suella Braverman**: My hon. Friend is absolutely right: nothing is agreed until everything is agreed. When I say that we have reached agreement with the EU on those sections—citizens' rights, implementation and the financial settlement—I am talking about the legal text of the withdrawal agreement, which is in the form of a draft international treaty. Members will be familiar with the screeds of text that have been shaded in green. Progress has been made since the March European Council, which indicates agreement on the legal text and substance between the EU and the UK.

It would not have been appropriate for the White Paper to attempt to cover the parts of the withdrawal agreement on which negotiations have yet to be concluded. We will seek to keep Parliament informed as we make further progress, but let me make it clear that the withdrawal agreement Bill will be the primary means by which we give effect to the agreement, including any backstop arrangements for Northern Ireland and Ireland.

**John Redwood** (Wokingham) (Con): Does the Minister agree that to help these very difficult negotiations with the EU, which does not like the Chequers proposals, it would be an extremely good idea, as a matter of urgency, to publish our tariff schedules for no deal, so that the EU can see what it would look like and so that those of us who want import substitution will know that they have a better opportunity?

**Suella Braverman**: I share my right hon. Friend's passion for the prospect of our country's leaving the EU and our prospects outside the EU, and he has considerable expertise on this issue. I hope that he will be heartened by the technical notices that have been published over the summer, which take a step forward in setting out how our preparations are evolving in relation to that aspect of a no deal outcome.

The Government are committed to working with the devolved Administrations to ensure that the Bill works for all parts of the UK. The Joint Ministerial Committee on EU negotiations has already discussed proposals for the Bill, and I look forward to continued engagement in

the run-up to the Bill's introduction and throughout its passage. Engagement has been constructive and positive, and we expect and intend that to continue.

We have also begun engagement with organisations and individuals on the Bill over the summer. I have held roundtables with academics, legal practitioners and civil society organisations, and I look forward to further engagement with a range of representative bodies this week. We will continue to work closely with all interested stakeholders to make sure that we get the legislation right, and I look forward to further hearing the views of Members tomorrow.

Let me now turn to the detail of the White Paper. Part 2 of the withdrawal agreement and chapter 2 of the White Paper set out the arrangements for EU citizens living in the UK and for UK nationals residing in the EU. A key step in the provision of a smooth and orderly exit from the EU is the provision of certainty for those individuals and their families. That is why reaching an agreement on citizens' rights was the UK's first priority in negotiating its withdrawal.

**Marsha De Cordova** (Battersea) (Lab): If no withdrawal agreement is reached, there will be no protection of citizens' rights. Does the Minister agree that she should take the lead from Labour and remove citizens' rights from the negotiations and instead make sure these rights will be protected regardless of the final withdrawal decision?

**Suella Braverman**: For this Government to take Labour's lead on anything to do with Brexit would be a serious derogation of our duty, because Labour does not have a plan and would completely let down this country if it was in charge of Brexit negotiations.

We have prioritised the position of EU citizens from day one of these negotiations. This agreement will safeguard these rights, and the withdrawal agreement will be the primary means by which the rights of EU citizens will be underpinned in the UK. Once enshrined in UK law, this agreement will give certainty to citizens on residency, access to healthcare, pensions and other benefits, so that EU citizens will continue to be able to live their lives broadly as they do today. Our message to EU citizens is clear: "We value you; we thank you for your contribution to our country, and we want you to stay."

Central to the citizens' rights agreement is the right for EU citizens to continue living in this country: EU citizens lawfully residing in the UK at the end of the implementation period will be able to stay, and I welcome the fact that, since the publication of the White Paper, the EU settlement scheme is now being piloted in the north-west of England. This is an important step in delivering certainty to individuals and their families currently living in the country.

The Bill will ensure that EU citizens can rely on the rights set out in the withdrawal agreement and can enforce them in UK courts. It will also establish an independent monitoring authority to oversee the UK's implementation of the citizens' rights deal, thereby providing further reassurance for citizens that their rights will be protected.

**Thangam Debbonaire** (Bristol West) (Lab): The Minister seems to be saying that everything is certain and everything is sorted out and EU citizens should be reassured.

Why then do EU citizens living in my constituency tell me that they do not feel so reassured? Could it possibly be the case that the Minister's engagements over the summer did not include meeting EU citizens living in this country?

**Suella Braverman:** Of course I am saddened to hear that, but I do feel that the Government have put this on the record, made it very clear and carried out extensive outreach with diaspora groups and EU citizens' representative bodies and have worked with our opposite numbers on the continent to ensure that both citizens residing in the EU and those in the UK affected by this are aware of their situations and what their rights are going forward.

The Bill, and the resulting piece of UK law, will cover only the arrangements applying to EU citizens in the UK; it is for the EU and its member states to implement these arrangements as they relate to UK nationals living in the EU. But let me reassure the House and the 800,000 UK nationals who have chosen to make their lives in other EU countries that both the UK Government and the Commission are clear that providing certainty for citizens is a priority. Once fully agreed, the withdrawal agreement will become part of EU law, and the reciprocal commitments and safeguards we have agreed with the EU regarding UK nationals will be upheld through legislation in member states.

**Stephen Kerr** (Stirling) (Con): Does the Minister share my hope and expectation that responsible Members would take every opportunity to reassure EU citizens living in our constituencies that there is a secure future for them living and working in this country?

**Suella Braverman:** My hon. Friend is absolutely right. The Prime Minister herself has said, "We value your contribution; we thank you for your presence in this country; and we want you to stay," and I am not quite sure which part of that Opposition Members fail to understand.

Under the withdrawal agreement, any administrative procedures introduced for UK nationals are required to be smooth, transparent and simple, to avoid unnecessary administrative burdens. The Government are working closely with the European Commission and individual member states to confirm the processes that will be in place. We will also be running an information campaign to let UK nationals know of any changes—for example, in how they should access services—and I would recommend that all UK nationals resident in the EU sign up for exit-related updates on gov.uk. They can also find a country-specific living-in guide for their member state of residence.

I should like to turn now to the implementation period. The Government are committed to providing certainty—

**Catherine West** (Hornsey and Wood Green) (Lab): I am grateful to the Minister for giving way before she goes on to her next paragraph. I want to ask a question about family rights. Quite rightly, EU citizens have asked, "If my mother is very ill, could she come to the United Kingdom to be looked after?" Can the Minister give us clarification on the question of elderly parents who wish to join their children here in the UK who are currently EU citizens?

**Suella Braverman:** I encourage the hon. Lady to read the contents of the White Paper, which sets out in extensive detail the exhaustive and wide-ranging provisions covering EU citizens. Any Member who has constituents who are worried or anxious should please direct them to that document. It is agreed with the EU, and it sets out the basis of the immigration status and people's access to benefits, pensions and healthcare. It should go far in reassuring constituents such as the hon. Lady's that EU citizens who are currently in this country have the right to stay under the provisions that are agreed and set out clearly in plain English in this document.

**Stephen Doughty:** I want to ask the Minister a specific question. She talks about the assurances that have been given and why so many people are worried. There are 3.5 million EU citizens in the UK, not including any other family members. The Home Office has told the Home Affairs Committee that the app for registering will be available only on Android and will not be available for iPhones, which half the people in this country use, and that the biometric permits, which are already seriously delayed in the Home Office, are being printed on the same printers that the DVLA uses and are miles behind. How on earth can EU citizens have any confidence, when the Government have not made even the basic practical provisions for registering and for ensuring that those people can get their documentation?

**Suella Braverman:** That is precisely why the Home Office is leading a pilot of the settlement scheme in the north-west as we speak, to identify what is working for people and what is not. So far, that is proving to be successful and showing that there is a good uptake of the scheme, but of course it is still in its pilot stage. The Home Office is very much in dialogue with the people who are directly affected, to ensure that we iron out the scheme and make it as simple, as user-friendly and as easy to use as possible.

**Hilary Benn** (Leeds Central) (Lab): One of the questions that the 1.2 million British people living in the EU are asking is what their entitlement will be to continuing medical care in the other member states in the event of there being no deal. What answer can the Minister give them?

**Suella Braverman:** We are working towards a mutually beneficial agreement. The terms of the withdrawal agreement are mutual, so they will apply equally to EU citizens in the UK and to UK citizens in the EU. In the event of no deal, we would make strenuous efforts to reassure the position of UK citizens in the EU so that they would be able to enjoy the rights that they enjoy today, but we would definitely have to work hard to agree that with individual member states in the EU.

I would now like to turn to the implementation period. The Government are committed to providing certainty and stability to businesses as part of a smooth and orderly exit, and we have been clear that they should only have to plan for one set of changes as the UK moves to the future relationship with our European partners. That is why we have agreed a strictly time-limited—

**Sir William Cash** (Stone) (Con): In the context of the exchanges that we had in the European Scrutiny Committee last Wednesday with the Secretary of State, can the Minister throw some light on how people will know,

[*Sir William Cash*]

when there are changes to the rulebook, what those changes are going to be? What certainty will that provide, when in practice those changes will be decided by 27 other member states behind closed doors and without even so much as a transcript?

**Suella Braverman:** My hon. Friend raises an important point. He will know as well as I do that Council directives and regulations that will come into effect in the UK during the implementation period are currently going through the scrutiny process in the EU, so we will have played a part in the development of many of those rules that might come into effect—

**Sir William Cash** *rose*—

**Suella Braverman:** If I may finish my point, I will then give way. For rules where we feel that there may be an adverse effect or on which we have not had sufficient say, we are committed to enabling parliamentary scrutiny, and we are looking forward to discussing those options with Members.

**Sir William Cash:** My hon. Friend has just conceded that there will be a joint committee. She did not specifically say that, but that is how things will work in practice. I am talking about changes to the rulebook. If the 27 member states decide something and we accept it by way of international obligation, I do not see how we can prevent it. The parliamentary lock will simply be a farce.

**Suella Braverman:** When it comes to the implementation period, the withdrawal agreement, in its draft treaty form, contains agreed provisions on a joint committee. That committee could be a forum for resolving the issue to which my hon. Friend alludes. I hope that that provides some reassurance that there is an element of governance that commands some confidence and legitimacy in this process.

Significantly, from March 2019 and during the implementation period, the UK will not be a member state of the European Union. As a result, for the first time in 40 years, we will have the freedom we need to strike new trade deals with global partners—a freedom that builds on our long and proud history as a great trading nation and a champion of free trade with all parts of the world. Important work is already under way to maximise such opportunities. In July, the Department for International Trade launched consultations to inform the Government's approach to trading with the US, Australia, New Zealand and potentially to seeking accession to the comprehensive and progressive agreement for the Trans-Pacific Partnership. I am excited that those opportunities for the UK are drawing ever closer.

To give effect to the implementation period in domestic law, the withdrawal agreement Bill must ensure that EU law continues to have the same effect in the UK as it does now for the duration of the implementation period. The House will be aware that the current mechanism by which EU law is brought into UK law is the European Communities Act 1972, which will be repealed on 29 March 2019 when we leave the EU as prescribed in the European Union (Withdrawal) Act 2018—a vital step in our exit. The Bill will require a strictly time-limited transitional provision so that the legal effect of the ECA is saved until 31 December 2020, at which point the implementation

period will end. That will reflect the UK's unique status as a country that has left the EU but which, for a strictly time-limited period, will continue to apply EU law as it does now, to the benefit of citizens and businesses.

**Jo Swinson** (East Dunbartonshire) (LD): The Minister is talking about an implementation period, but is that not a misnomer? It is far from clear what we will actually be implementing. She is going to ask Parliament to sign off on a process when there is no detail of what our future trading relationship with the EU or anyone else is going to look like and when we will be giving up our negotiating power within the EU. Is it not just a step into the unknown?

**Suella Braverman:** I am disappointed that the hon. Lady is not here to welcome the implementation period, which has been welcomed by many businesses not only in her constituency, but throughout the UK, because it provides time and certainty. It is part of the withdrawal agreement, which is part of the final deal package, which is intricately linked to the future framework on the economic partnership. Together, they will be put to Parliament for the meaningful vote.

**Rachel Maclean** (Redditch) (Con): Does the Minister agree that 90% of future global growth will come from countries outside Europe? Will she therefore clarify that we will be able to start to benefit from that potential growth by signing trade deals during the implementation period?

**Suella Braverman:** I welcome my hon. Friend's optimism. She is absolutely right. During the implementation period, the UK will be able for the first time in 40 years to design and develop its own independent trade policy, with the freedom to sign, negotiate and ratify trade deals with countries outside the EU. That is an important benefit precisely because, as she says, 90% of global growth will come from outside the EU, and we need to maximise that for our businesses and our citizens.

The provisions in the Bill in no way diminish the importance of the EU (Withdrawal) Act, which colleagues on both sides of the House worked so hard to scrutinise. That Act remains vital to the exit process, and any changes made to it by the withdrawal agreement Bill will not change its purpose. It was not appropriate for the EU (Withdrawal) Act to account for an implementation period, as the Act needed to be passed without prejudice to negotiations to ensure a functioning statute book on exit day. Now that we have secured agreement on the implementation period, we must ensure it is given proper domestic legal effect, which includes deferring the point at which some of the Act takes effect.

The negotiated financial settlement covering the UK's financial commitments to the EU and the EU's financial commitments to the UK provides predictability to current recipients of EU funding, including farmers, businesses and academics, with the UK continuing to get receipts due under the current EU budget plan. This is an issue of great importance to the House. We are a country that honours its international obligations, but it is important to recognise that the financial settlement was reached on the basis of both sides' commitment to reaching a deal. If one side fails to live up to its commitments, there will be consequences for the deal as a whole, which includes the financial settlement.



The withdrawal agreement Bill will include a standing service provision that allows the Government to make payments due under the financial settlement. Although the amounts to be paid will vary and are a function of the terms of the settlement, the Bill will only allow payments to meet the financial commitments required by the withdrawal agreement. Parliament will want to monitor those payments, and it will be important to ensure that the payment mechanism balances the Government's legal responsibility to pay the financial settlement with Parliament's duty to scrutinise.

**Tom Brake** (Carshalton and Wallington) (LD): On the question of the financial settlement, does the Minister agree that it would be more honest for the Government, at the same time, to set out what the UK's financial exposure to the European Union will be after the transition period? People would then be able to assess whether this actually represents value for money.

**Suella Braverman:** Characteristically, the right hon. Gentleman seeks to focus on the negatives and on the pessimistic view of Brexit for which he is well known. I do not sign up to his view of Brexit; I am very optimistic about the opportunities and the benefits that this country will stand to gain after we leave the EU and after the implementation period. I encourage him to put his pessimism aside and to get behind British businesses, to get behind British exporters and to get behind Britain.

**Chris Bryant:** Will the Minister get behind me? We are almost running out of time.

**Suella Braverman:** All right.

**Chris Bryant:** The Minister has just suggested that we might not end up paying the bill that has already been agreed, because nothing is agreed until everything is agreed. That therefore means there is no guarantee that there will be a transition period from next year. It also means that the Government must surely have some idea about which passport controls British citizens will use in Europe and which passport controls European citizens will use here. If not, they are completely irresponsible.

**Suella Braverman:** I admire the hon. Gentleman's doggedness and his interest in passport queues. That information will be made public and will be set out by the Government in due course.

When it comes to the agreement, of course both sides are entering into an international treaty. Under customary international law, and under the convention that regulates international treaties, both parties will be bound by the duties to which they sign up. If one party fails to adhere to its obligations, the other party will have legal freedom to take appropriate countermeasures, which is what the UK retains in this international treaty negotiation. Both sides are committed to agreeing the framework of the future relationship alongside the withdrawal agreement, but it is our firm view that the withdrawal agreement itself must include a commitment requiring the framework for the future relationship to be translated into legal text as soon as possible. I am pleased that is now something we are taking forward in the negotiations, and the Secretary of State for Exiting the European Union has raised this issue personally with Mr Barnier.

I hope that I have made it clear today that the withdrawal agreement Bill is vital in delivering our exit from the EU. It will protect the rights of individuals and families, give effect to the time-limited implementation period, ensuring continuity and certainty for businesses, and provide the appropriate means for paying the financial settlement.

**Ian Murray** (Edinburgh South) (Lab): In the trade section of her speech, the Minister talked as though the UK were completely excluded from world trade today, but in fact we are right at the heart of it through 65 bilateral trade deals between the EU and the rest of the world. Can the Minister tell us how many of those the UK will be involved in when we have left the European Union?

**Suella Braverman:** If the hon. Gentleman studies the legal text of the withdrawal agreement, he will see that we have agreed with the EU that its international trade agreements will continue to apply to the UK during the implementation period as though we were a member state. The reason that I am so passionate and optimistic about Brexit and proudly campaigned to leave the EU is that, once we leave the customs union and the constraints of the common commercial policy and the common external tariff, it will be for this Parliament and our country to determine the future of our global trade and build on our rich and prosperous history in that regard. I encourage the hon. Gentleman to support that opportunity.

We are committed to getting this right, and I am confident that Members in all parts of the House will be able to support the Government in delivering the next step in leaving the European Union.

5.46 pm

**Matthew Pennycook** (Greenwich and Woolwich) (Lab): It is a pleasure to take part in this debate, and I very much welcome the fact that we are having it.

I suspect that many right hon. and hon. Members, particularly those who took part in its Committee stage, will share my view that the year-long passage of the European Union (Withdrawal) Act 2018 was perhaps the most demanding legislative exercise that Parliament has undertaken in recent decades. The process of overlaying and amending that byzantine piece of legislation with the proposed EU withdrawal agreement Bill will be equally, if not more, complicated and onerous. That is why we welcome the publication of the White Paper before the summer recess and the opportunity for further debate today on the Government's early expectations for that Bill.

I want to touch on three distinct issues. The first is the relationship between the proposed Bill and the recently enacted European Union (Withdrawal) Act. The second is what is not covered in the White Paper: the parts of the withdrawal agreement that remain unresolved but which will need to be resolved if we are to avoid crashing out of the EU with no deal, which would be the hardest and most damaging of departures. The third is the political declaration on the future framework and the type of document that the Opposition believe will be required for Parliament to make an informed judgment about whether the final deal should be supported.

[Matthew Pennycook]

I know that many Members want to contribute, so I do not intend to cover all the parts of the withdrawal agreement made at the March European Council, such as the negotiated financial settlement or the issue of citizens' rights, which the Minister touched on. We will, of course, fully scrutinise the Bill as it applies to those issues when it is published and the technical details become clear.

**Chris Bryant:** There is an issue there, is there not? Drafting legislation normally takes time. There are only so many draftsmen and women in this country, and they tend to take their time. Even a very simple Bill can take months to draft. The idea that we would consider a Bill only days after the negotiation had been settled is for the birds, is it not? It is inconceivable that we will get legislation through both Houses before the end of March.

**Matthew Pennycook:** My hon. Friend makes a good point. It will be difficult, which is why it is imperative that the Government bring back a negotiated agreement at the earliest opportunity. I hope that Ministers will confirm that it remains the Government's intention to do so after the October EU summit. If the passage of the withdrawal Act is anything to go by, the Bill may be in trouble time-wise.

**Stephen Doughty:** My hon. Friend has set out some clear and important tests to be met. Will he join me in welcoming the news today that the general secretary of the TUC, Frances O'Grady, has been very clear about the TUC's position and that of trade unions across the country given the absolute shambles and chaos that we are seeing from the Government, let alone the time constraints that my hon. Friend the Member for Rhondda (Chris Bryant) rightly pointed out?

**Matthew Pennycook:** Yes, I do welcome today's announcement from the TUC. We have been clear that in the event of no deal, all options must be on the table. As I think I said in a debate just before the summer recess, we have to remember what no deal would mean: it would be a complete failure, in two years, of the Government's entire Brexit policy. In that situation, as I am sure my hon. Friend appreciates, we would be facing something akin to a constitutional crisis. At that point, every option must be on the table.

**Several hon. Members rose—**

**Matthew Pennycook:** I am going to make a little progress, if that is okay.

Let me turn to the relationship between the proposed withdrawal agreement Bill and the recently enacted European Union (Withdrawal) Act, which received Royal Assent on 26 June. Arguably, the most striking feature of the Bill that is the subject of the White Paper is the extent to which it will modify the European Union (Withdrawal) Act that this House and the other place spent more than 250 hours debating, and the fact that in many cases it will do so before the relevant provisions of that Act come into force. Of course, that partly reflects the degree of conditionality and uncertainty that any Government would face in attempting to legislate for Brexit, but in some cases it simply reflects the fact that

this Government, scrambling desperately to keep their extreme Brexiteers onside, chose on more than one occasion to prioritise political gimmickry over the dictates of common sense. Such choices were exemplified by the Government's decision last November to fix an exit day in the European Union (Withdrawal) Act, and in so doing to restrict needlessly the sensible and necessary degree of flexibility that they had originally proposed in respect of an exit day for the purposes of that legislation.

No doubt many Government Members, still intoxicated by the fact that a symbolic reference to 11 pm on 29 March 2019 has been written into UK law, will defend that decision, but the fact is that the proposed Bill touched on in the White Paper will strip that reference of any legal significance. As paragraph 56 of the White Paper makes clear,

"EU law will continue to have effect in the UK in the same way as now"

until the transition period ends on 31 December 2020. Even the most ardent Brexiteers on the Government Benches cannot fail to note the irony that the Government's flagship "great repeal Bill", as the European Union (Withdrawal) Act was initially labelled, will not only preserve EU law in its entirety as of 31 December 2020, but will only emblematically repeal the European Communities Act 1972 at the point at which the UK ceases to be an EU member state.

**Sir William Cash:** I do not know whether the hon. Gentleman was in the House at the time, but it may be of some interest to him that I made this very point on 18 July, just as the House was about to rise for recess, because there is a real inconsistency. After all, the White Paper came out on 12 July, yet the European Union (Withdrawal) Act, including the repeal of the 1972 Act in section 1, went through only around 14 days before.

**Matthew Pennycook:** The hon. Gentleman is right, but it is an inconsistency of the Government's own making, because they chose symbolically to repeal the ECA in the European Union (Withdrawal) Act, and in this new Bill they are going to unpick the very legislation that we passed because, as paragraph 60 of the White Paper makes clear, the ECA will be "saved" for the duration of the implementation period and will continue to be legally effective until 31 December 2020. What is saved is not merely select parts of the ECA, but almost all its key provisions. Chapter 3B of the White Paper makes it clear that the Bill will ensure that throughout the transition, the EU doctrines of direct effect and primacy will continue to apply, including with regard to EU law that comes into force after 29 March next year; the legal basis on which most EU-derived domestic legislation stands will be preserved; and, as paragraph 80 of the White Paper sets out, the full role of the European Court and the binding nature of its rulings will be preserved.

The White Paper argues that repealing the ECA in name only, while in practical effect preserving its effect throughout the transition, is the most effective way to provide continuity and certainty to business and individuals. With the European Union (Withdrawal) Act and its fixed exit day already enacted, that may well be the case, but it is difficult to see why the flexibility provided for in the original drafting of the European Union (Withdrawal) Bill, which allowed for Ministers to determine different

exit days for different purposes, would not have achieved the same end, with the added benefit of saving us all a great deal of parliamentary time. The whole farcical saga highlights how when it comes to Brexit-related legislation, the Government have an unhealthy tendency to indulge in short-term tactical gimmicky at the expense of what is sensible and what is in the best interests of the country.

**Vicky Ford (Chelmsford) (Con):** The hon. Gentleman has welcomed the White Paper and encouraged the Government to come forward and finish the negotiations as quickly as possible. Will he disclose whether, if those negotiations are completed, he will vote for the outcome? If not, is he not the person who is guilty of political gimmicky, rather than Government Members?

**Matthew Pennycook:** I am well used to the hon. Lady asking questions that are slightly out of left field, but I fail to see how the Opposition can give an opinion on whether we will back a deal about which we do not know the full details and which is still being negotiated. We will faithfully apply our six tests when the deal comes before us, as we all hope it will.

The political gimmicky must stop, and when we approach this next Bill, we hope that the Government will focus on what is the most effective way to legislate for the issues in hand, but there is good reason to fear that that same short-termism—a myopic approach driven by whatever will buy Ministers a few days or weeks of respite from the predations of the European Research Group—could stand in the way of a sensible resolution to those parts of the withdrawal agreement on which no agreement has yet been reached. It is to that issue that I shall now turn.

As Members will know, several aspects of the agreement remain unresolved, of which the two biggest are the mechanism for settling future disputes and the Irish border. It is on the second of these that I shall focus, because the issue of how we avoid a hard border on the island of Ireland is clearly now the major sticking point to concluding a withdrawal agreement. We can talk as much as we like today, and on future days, about how Parliament will legislate for a withdrawal agreement, but if the issue of the Irish border is not resolved, there will not be a final deal to legislate for.

**Catherine West:** Does my hon. Friend agree that it comes down to what happened last Christmas in relation to the Northern Ireland question, and that we are again getting obfuscation after obfuscation? We are never getting to the point of what the actual deal for Northern Ireland is.

**Matthew Pennycook:** My hon. Friend is absolutely right. As I shall come on to say, we need urgent, rapid progress on this issue, given the time constraints that we face.

Many Brexiteers—although, I must make clear, not all—continue to belittle the Irish border issue on the grounds that it is a problem that has been exaggerated by nefarious Brussels bureaucrats or those at home who seek a close future relationship with the EU. Having initially dismissed the issue as posing no threat to the peace process, they now seek to talk down the Good Friday agreement. Their behaviour is not only irresponsible, but misunderstands the significance of the open border

as the manifestation of peace on the island of Ireland. The border is a deeply political problem, not just a technical problem. It is about not merely how we avoid a hardening of the border, but how we ensure continued co-operation in a range of areas—economic and social as well as political—as set out in the Good Friday agreement.

Anxiety on both sides of the border and across all communities about the risk of no deal, or the failure to agree a legally binding backstop, is very real, and it is growing. Of course, the best means of solving the issue would be to secure agreement on a future relationship that is compatible with protecting north-south co-operation and avoiding a hard border, thereby ensuring that any legally binding backstop that might be agreed will never be used, yet the ideological red lines that the Prime Minister outlined in her Lancaster House speech are fundamentally incompatible with securing a future relationship of that kind.

**Peter Grant (Glenrothes) (SNP):** Does the hon. Gentleman share my frustration that although the UK Government agreed in December last year that their primary responsibility was to introduce specific proposals for the Irish border, in the intervening period we have seen next to nothing of substance from them? All they are doing is throwing stones at the partly completed proposal that the EU has had to introduce out of sheer desperation because the UK has offered nothing in return.

**Matthew Pennycook:** The hon. Gentleman is absolutely right. In fact, over recent weeks I have seen some of the most ardent Brexiteers—people who wanted to take back control of our borders, incidentally—saying that they would just leave the border completely open. They are not going to be the ones who erect infrastructure. I welcome the fact that the Prime Minister has made it clear that because we chose to leave, the onus is on the UK Government, as well as the EU27, to come up with a solution that avoids any hardening of the border.

The Chequers proposals were designed to move the negotiations on, but it is patently obvious that they cannot command a majority in this House and would not be acceptable to the EU without further significant modifications of the kind that the Prime Minister cannot deliver because of the bitter divisions in her own party. The negotiations on this issue are at an impasse. Despite a summer of talks, little progress has been made on agreeing a legally binding and operable backstop. It is imperative that progress on this issue is now made and made quickly. With the second week of October being the effective deadline for sign-off at the October EU summit, there are now only a matter of weeks before the issue must be resolved. Both sides have an obligation, based on the solemn commitments they have given, to defuse the tensions that have built up around this issue, and both sides must now redouble their efforts to deliver a solution. What would make a legally binding backstop easier to agree, because it would ensure that it would be less likely to be used in the future, is a very clear signal on what the future relationship is likely to look like. That point was made at the end of last month by the Irish Minister for Foreign Affairs.

That brings me to the final issue I want to touch on before drawing my remarks to a close—the framework for the UK's future relationship with the EU, or, more

[Matthew Pennycook]

specifically, the political declaration that will accompany the divorce settlement if agreement is reached across all outstanding areas. Arguably, it is the contents of that political declaration, more than the details of the withdrawal agreement itself, that the House will focus on when it comes to pass judgment on the deal that we all hope—genuinely hope—the Government are able to conclude and put before us later this year.

Madam Deputy Speaker, you may have noticed that the notion of a so-called blind Brexit has received a great deal of attention over recent weeks, yet it has always been a distinct possibility. That is partly because there is every incentive for the Government, practically and politically, to bring back a withdrawal agreement that contains a political declaration that is highly ambiguous. To do so would be unacceptable. A vague political declaration on the future framework would not be a solution to the problems that we are grappling with; it would be tantamount to avoiding those problems altogether. As the hon. Member for East Dunbartonshire (Jo Swinson) said earlier—she is not in her place now—that would leave the UK in a far weaker position during the transition than we would otherwise be, and we on the Opposition Benches would not accept that.

**John Redwood:** The hon. Gentleman is making an extremely important and interesting point. What does the Labour party think are the minimum strong clear commitments that would be required to make the political declaration acceptable?

**Matthew Pennycook:** I hope that the Minister will agree with us on this. We want a political declaration that is extensive, precise and substantive. When this House votes on the final deal, it must have a very clear signal of what the future relationship will be like—not a vague statement that allows us to crawl over the line to 29 March next year without any sense of where our relationship will end up in future. As I have said, the Opposition would not accept such a vague document.

When the withdrawal agreement and the political declaration are put before us, we will faithfully apply the six tests that we set out in March of last year. Let me be very clear: those six tests cannot, in our eyes, be met simply by failing to address them altogether. The political declaration on the future relationship must be sufficiently detailed and clear that hon. and right hon. Members are able to arrive at an informed judgment about whether the final deal and the future relationship are good enough for the country and for their constituents.

I appreciate that the negotiations are ongoing and that the drafting of the declaration is not yet under way, but in his summing up, I hope that the Minister will provide greater clarity on this matter. In particular, will he provide the House with a greater sense of the type of political declaration that the Government will be pushing for at Salzburg, an idea of the level of detail the Government believe that it needs to contain, and confirm, or reaffirm, that the Government still require a document that is both precise and substantive?

In conclusion, as I said at the outset of my speech, the Opposition welcome the White Paper as well as the opportunity to debate in more detail the legislation that we all hope will be laid before us later this year, but we urgently need a change of approach and pace from the

Government. When it comes to the forthcoming European Union (Withdrawal Agreement) Bill, we hope that we see less of the short-term political gimmickry that we have seen in the past and more serious consideration of what is the most effective way to legislate. To that end, we call on the Government to allow pre-legislative scrutiny of those sections of the forthcoming Bill that relate to aspects of the withdrawal agreement that have already been agreed.

When it comes to the crucial issue of the Irish border and the default backstop, we need the Government to do everything they can to defuse the tensions that have built up around the issue and play their part over the coming weeks in delivering a solution. Finally, when it comes to the political declaration on the future framework the Government need to press for a document of sufficient precision and detail to allow the House to make an informed judgment.

The clock is ticking. The Government must shift their focus away from the deep divisions in their own ranks and towards what is needed to secure a deal that will work for the country. Urgent progress is essential not only to secure a withdrawal agreement, but, as my hon. Friend the Member for Rhondda (Chris Bryant) said, to ensure that full and proper scrutiny of the legislation that will be required to enact it.

6.4 pm

**Sir William Cash** (Stone) (Con): I have made the point today—I have made it in previous debates—that it would not be satisfactory at all to accept the Chequers proposals. I shall explain why in relation to the particular arrangements under the White Paper.

First, while the White Paper contemplates saving the European Communities Act 1972 only during the implementation period, there are some very specific instances in which EU law will continue beyond the implementation period. The Government have already conceded in principle that some specific European Court jurisdiction will continue after the end of the implementation period, and that, of course, includes citizens' rights. The withdrawal agreement, however, also includes other areas for which that would be the case, such as in relation to pending cases in which the facts arose before the end of the implementation period. Furthermore, continuing participation in EU agencies could entail automatic acceptance of the European Court's decisions.

The Government say that they are going to save the European Communities Act in part. That is all very well but, as I said in my presentation of the arguments last Wednesday during the European Scrutiny Committee's proceedings with Mr Olly Robbins and the Secretary of State, the reality is that within a mere 14 days of the European Union (Withdrawal) Act 2018 receiving Royal Assent, a White Paper was introduced on saving parts of the 1972 Act even beyond the implementation period in circumstances that I find not just weird but thoroughly unacceptable.

**John Redwood:** Paragraph 89 in chapter 1 of the future partnership White Paper says:

“The UK will seek reciprocal arrangements on the future rules around some defined elements of social security coordination.”  
Does my hon. Friend share my fear that that may also involve jurisdiction over our banking system?

**Sir William Cash:** That is part of the same problem. I am afraid that there are some really very difficult questions that Ministers and the Government have to answer. I put all this to the Prime Minister immediately after 6 July, when the Chequers proposals came through. I questioned whether we could in fact reconcile the Chequers proposals with the European Communities Act 1972, and the reality is that we cannot. We may then say that we have an agreed implementation period to give certainty to businesses. However, as I pointed out in an intervention, it does not create certainty for business on product standards, for example, because anyone who knows anything about the workings of the European scrutiny system knows that decisions are quite often taken by officials in such things as working groups and then are effectively rubberstamped by Ministers. Furthermore, under the existing arrangements, decisions are taken behind closed doors without any transcripts of the proceedings.

Businesses need to wake up to this. They are told that they will have greater certainty, but do they really know and understand anything about how the system functions in practice? In practice, decisions are taken by consensus, because everybody knows what the outcome will be before they even walk in the room, but we will not even be there in relation to the common rulebook, so how can the Government provide business with certainty when they do not know what changes might be made to that rulebook? Moreover, people in business will have absolutely no idea why changes are being imposed on them because there is no transcript of proceedings.

Furthermore, a problem exists in relation to the scrutiny that will take place, because the so-called provisions of the joint committee represent no more than consultation. There will be no right for us to refuse to do something—I will come to the parliamentary lock in a moment—as the reality is that consultation means no more than saying, “We will listen to what you say,” but it does not mean that anyone will act. Anyone who is foolish enough to believe the European Union, given its background, its bullying tactics and the way in which it has operated over the past months and even before, needs to realise that the decisions will be taken by the other member states and that we will effectively have no real control over them whatsoever. That is a really serious problem.

**John Redwood:** Is not it also the case that, far from ending business uncertainty, the Chequers proposals create another 21 months of perpetual renegotiation, thereby maximising uncertainty?

**Sir William Cash:** That is completely true. I am very concerned about the suggestion that the Chequers proposals somehow or other end up creating more certainty—it is just not the case.

**Peter Grant:** When I was in the Netherlands with the Exiting the European Union Committee a few months ago, we had the opportunity to meet members of the Dutch Parliament’s equivalent committee. Halfway through that meeting, we had to stop because the Dutch Members were called to a vote. The Dutch Parliament had an absolute, binding vote on how its fisheries Minister would conduct himself or herself at an EU Fisheries Council vote later that week. The equivalent process in the United Kingdom is that the European Scrutiny

Committee expresses a view, and then the Minister ignores it and does what he or she likes, and nobody can touch a Minister as a result. Is not it the case that the reason why so much EU legislation appears to be done over the heads of the people in the United Kingdom is because it is done over the heads of those in this Parliament? Other EU countries have much better parliamentary oversight of what their Ministers are up to than the United Kingdom.

**Sir William Cash:** I am bound to say that the system in this House involved much more transparency. For example, we do not have decisions taken by Parliaments that are determined by proportional representation. We do not have a system under which there are no transcripts of the proceedings. In this House, the Bills that go through Parliament set out all the provisions, and all legislation is subject to amendment by both Houses. Everything is printed. *Hansard* is available. Proceedings are filmed and shown on the parliamentary channel. People know where and how decisions are taken. The proposed joint committee will be no more than a consultative operation, and that does not mean that anything will come out of it.

A letter from the Secretary of State was put before my Committee on 5 September—more or less as we sat down that morning—regarding the discussions that we were going to have with Mr Olly Robbins and the Secretary of State. The letter says that there will be a “working assumption that we would continue with the current model for providing written evidence to the committees through Explanatory Memoranda”.

My Committee is quite clear that that will not be anything like early enough. We want to know that we are going to get an explanatory memorandum at a very early stage. With regard to the scrutiny of the EU’s legislative proposals during the proposed joint committee procedure, the Secretary of State goes on to say:

“we will work closely with Parliament to agree upon a scrutiny system which, in the first instance, facilitates Parliament’s role in scrutinising EU proposals that may affect the UK during the implementation period.”

There is nothing, of course, about the fact that the process will go on afterwards. This is a pig in poke. We do not know what the scrutiny system will be, but we are being asked to approve it. Today’s debate is just a foretaste of what is to come. Working closely with Parliament to agree a scrutiny system but not actually telling us how the joint committee will work in practice is absolutely fundamental in this debate.

In the letter, the Secretary of State goes on to say:

“Given the way the EU’s legislative process works, most Council directives and regulations which will come into force during the implementation period have already been agreed or are being negotiated now, while the UK is still a Member State.”

Now, I know that the Minister referred to that point in her opening statement but, unfortunately, this does not deal with changes to the rulebook.

Let us suppose that it is the case that the 27 member states—with us not even at the table—will be able to make changes themselves and then effectively impose them on us, and that we are going to have a committee system. That system has not yet been agreed with us, and the details of it are extremely obscure but involve no more than consultation. If that is the case, when the negotiation of treaty obligations has been completed

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and we have entered into international obligations, which is what this will amount to, how on earth are we supposed to accept it when we—or the Committee or Committees scrutinising those questions—are then told, “Oh, this has all been agreed by international obligation behind closed doors”? We will have accepted the fact that that something will happen, but we will not actually be in a position to do anything about it at all. We are not merely buying a pig in a poke; we are also being bound and shackled by European law, and I have not even touched on the question of the arbitration arrangement.

Although I am in favour of arbitration in principle, the real question is whether it will be subject to European Court of Justice interpretation. I do not have time to go into all that today, but I simply put it on the table that that is a really serious problem. I know that the matter is currently under discussion, but it looks very much as if we will be buying into a reshackling of our Parliament and our businesses. The certainty that is being offered would be absolutely catastrophic if, in fact, the process went wrong and rules were imposed on us. That is what I am most concerned about in this context.

As for the parliamentary lock, the Prime Minister herself, in a pamphlet published by Politeia in 2007, was very explicit about the failures of the European system of oversight in the UK Parliament. Anyone can read it for themselves. All I am saying is that it is absolutely catastrophic. I have been on the European Scrutiny Committee for 33 years, and not once in all that time—and certainly not at any time before that—has Parliament ever overturned an EU decision that has been taken in the Council of Ministers. What confidence could we possibly have that that would ever happen, particularly as the Prime Minister said herself in her pamphlet that parliamentary sovereignty in this context was a fiction?

It is all very well to fall back on the concept that under our constitution we have the power to overturn legislative arrangements by Act of Parliament—that no Parliament can bind its successors and the rest of it. However, if, in practice, as with the European Communities Act in the first place, we voluntarily agree that we are going to accept what is being done, that situation is made worse by the context—a referendum in which the British people agreed by common consent that we will leave the European Union, with the Government accepting that; and the fact that the European Union Referendum Act 2015 was passed by Members of the House of Commons by six to one and the withdrawal Act was passed by 499 to 120, or whatever it was. It is crystal clear that we should be in control of making of our own legislation on our own terms, not supplicants to the European Union.

What this is all about is that we are supplicants to the European Union, and I put that to the Secretary of State and Mr Olly Robbins. We are going to the European Union and saying, “What is it that you are prepared to give us?” And that is just not good enough. I say that because, apart from anything else, under this White Paper, the scrutiny process—during the implementation period and even afterwards—leaves us extremely exposed. That is the problem. It leaves us in a position whereby we are effectively engaging in a form of legal re-entry into the European Communities Act 1972. I do not

believe—I have to say this in all candour—that the Government did not know that. I believe that they did know it, unequivocally, before the repeal of the ’72 Act was passed via the withdrawal Act’s Royal Assent. No one is going to kid me that the White Paper, which was produced 14 days later, did not get written in anticipation that we were going to repeal the ’72 Act through section 1 of the withdrawal Act at the end of June but then end up undermining that repeal within a matter of 14 days. I find that absolutely extraordinary. It was Chequers that did it. Up until Chequers, I was 100% behind the Government. Chequers ended up undermining the basis of the collective responsibility, as I understand it, of members of the Cabinet, because they did not know about that either.

I come back to the simple point: this is an unacceptable arrangement. We do not know how the joint committee will operate. We have no confidence whatever that it is going to be more than a mere consultation, and what is COREPER going to be doing about all this in the meantime?

There is much more that I could say, but others want to speak. I regard this as a very, very serious breach of trust. I am afraid that that is the basis on which I approach this debate. I think that a lot of people outside—the punters; the real people of this country—know and understand this. We decided on 23 June 2016 that we would leave the European Union. We did not agree that we were going to come back with some form of legal re-entry to satisfy the whims of the European Union, and particularly the country that dominates it most—namely, Germany.

6.21 pm

**Peter Grant** (Glenrothes) (SNP): I am pleased to be able to contribute to this debate. First, I invite Members to spare a thought for our good friend, my hon. Friend the Member for Motherwell and Wishaw (Marion Fellows), whose husband passed away recently and his funeral is taking place today. I have no doubt that otherwise a lot more of my colleagues would have been here. Certainly, my thoughts are very much with Marion and her family today.

We are talking about legislating to leave the European Union, but I find it very difficult to know how even the best drafter of legislation that we have—and there are some pretty good ones in this place—can have a chance of drafting legislation when the Government still have not quite decided what they are legislating for. The first thing that anybody asks if they are asked to draft something, whether legislation or a legal contract, is, “What do you want it to say and what do you want it to do?” The Minister talks about the overwhelming majority of the draft agreement now being in place. That overwhelming majority is 80%; it has increased from 75% about three months ago. Even if we accept that it is the hard bits that are still to be done, if it takes us three months to do 5%, we can see that 20% before the end of March is pushing it a wee bit. Even if the Government knew what they wanted the legislation to say, it would be difficult; when they cannot decide what they want the legislation to achieve, it is a potential recipe for disaster.

That is not talking down Britain. I thought it was quite funny that when the right hon. Member for Carshalton and Wallington (Tom Brake) spoke earlier, the Minister

suggested that he was failing to get behind Britain and told him to get behind British businesses and British institutions, because he was highlighting some of the not only potential but now very real and present-day difficulties, problems and downsides to Brexit. Although I disagree with quite a lot of what he says about Brexit, I would suggest that his comments are a lot closer to the comments of British business, British universities and British civic society than some of the platitudes that we continue to get from Government Front Benchers—let alone some of the stuff we get from their so-called allies on the Back Benches.

**Tom Brake:** I echo the hon. Gentleman's comments about his colleague. Is he aware that British businesses are already finding that when they are dealing with EU suppliers with a lead-in time for orders of six months, those suppliers are saying, "Well, of course we can sign a contract with you, but you're going to have to bear all the risk of things like no-deal tariffs and delays on the border, and we're not going to carry any of that risk."? That is already happening to British businesses.

**Mr Deputy Speaker (Sir Lindsay Hoyle):** If Members are down to speak, I do not want to hear their speeches in interventions. Can we please just stick to interventions?

**Peter Grant:** The right hon. Gentleman touches on something that Members on both sides of the House have referred to in the past. We know that a lot of very significant businesses right across the whole spectrum of the UK economy have serious concerns. They are telling Ministers in private what their concerns are. They are bound to be saying it in private, because they do not feel that they can go public for various reasons. Obviously, businesses do not like to go public about things that they think might bring down their business. That is how the Government can get away with simply pretending that there is not really a problem, or claiming that anyone who highlights a problem is somehow being unpatriotic or not getting behind British business.

The Minister talked in glowing terms about all the trade deals that we will be able to negotiate in the blink of an eye after we leave the European Union at the end of a transition period—or implementation period, or whatever it is being called this week. Of course, an implementation period does not give us certainty; all it does is extend the period of uncertainty by a year or so. It is bit like someone who is heading towards the edge of a cliff thinking that maybe it is good if they can prolong the uncertainty about just how high the cliff is until the last possible moment, but who does not use that period to back away from the worst potential consequences of their decision. An implementation period that causes a cliff-edge Brexit at the end of 2020 is not really much better than a cliff-edge Brexit at the end of March 2019.

The Minister talked about all these trade deals that somehow we cannot do just now. I cannot understand how Germany manages. Germany seems to manage to trade very effectively and very profitably with a lot of countries that the United Kingdom does not trade with or trades with on very poor terms. What are the Germans doing right? What are the German Government good at, with regard to running their economy, that this Government are not good at? I do not have time to give all the answers.

**Sir William Cash:** Of course, there is a simple reason for that. First, Germany calls all the shots in the European Union; and secondly, it hides behind the euro currency and therefore has an enormous trade advantage, as Mr Trump has identified. That is demonstrated by Office for National Statistics figures that show that we run a deficit with the EU27 member states of about £80 billion, and Germany has a surplus of £104 billion a year.

**Peter Grant:** An alternative explanation might be that Germany has had a succession of Governments who actually believe in investing in the long-term stability and sustainability of its economy, whereas the United Kingdom, for decades, has not had Governments with the ambition, the imagination or the long-term vision to do so.

In answer to a question from an Opposition Member about the 65 trade deals that we are currently party to, thanks to our membership of the European Union, the Minister suggested that the European Union has already agreed that all those 65 deals will be extended to a non-EU member after we have left. Well, the European Union might have agreed to do that. However, it does not have the right to do it unilaterally, because every one of those 65 deals has got somebody on the other side of the table, so the second signatories to all those 65 deals will have to be asked if they agree as well. Some of them will agree, but if any one of the 65 says no, we are immediately in a worse bidding position than we are as part of the European Union. Anyone who suggests that we can replicate all those 65 trade deals by March 2019 or December 2020, or at any time when most of us are still active in politics, is being wildly optimistic. It is almost as ridiculous as suggesting that these negotiations will be the easiest trade deals in history and it will be all done and dusted within six months.

We hear all the platitudes from the Government. The latest buzzword is "broadly". It used to be that EU nationals living in the UK would have "approximately" the same rights as they currently have; now they are to have "broadly" the same rights as they currently have. I do not want them to have broadly the same rights; I want them to have exactly the same rights. In fact, I want them to have at least the same rights, because in some areas they should have more rights than they have just now. The Minister did not give way when I wanted to ask a question earlier, so I hope that her colleague will tell us explicitly, without any prevarication, what the Government mean when they continue to say "broadly" the same rights. Will he give us the specific areas in which EU citizens currently living in the UK will have fewer rights after we leave the EU than they have just now? These people are entitled to know which of their rights they will lose that are being hidden behind the word "broadly", which the Government have started using all the time.

There has been mention of the question of the Irish border. Like other speakers, I find it astonishing that the only way that some people, including a growing number on the Government's hard Brexit side, can reconcile what is happening is just to pretend that the problem does not exist. We are told that people are using false concerns about the Irish border to play out some kind of clandestine political agenda.

I remind Members about a couple of things that this Government willingly signed up to in December last year, as part of the joint report with the European Union—namely,

[Peter Grant]

that the United Kingdom will accept in all regards that the Republic of Ireland will continue to be a full and integral member of the European Union for as long as the Republic of Ireland wants to and that the United Kingdom will accept that the Republic of Ireland will and must comply with all aspects of European Union law. The United Kingdom has already committed itself to accepting that the Republic of Ireland is bound by European law as it applies to the enforcement or the observance of the European Union's external borders.

The Republic of Ireland would love to get an agreement endorsed by the rest of the European Union that allows the border to be kept as it is now. The Republic of Ireland does not have the option of doing what so many Government Members blithely suggest, which is to sweep aside EU border legislation unilaterally, by keeping an open and uncontrolled border, contrary to European law and contrary to the commitments that this Government have already made. Let us have no more of this nonsense of trying to blame the Republic of Ireland for a mess that has been wholly created by the UK Government. Let us have no more of this nonsense of saying that somehow the European Union is usurping British sovereignty over Northern Ireland by trying to force a backstop agreement that the Government do not want.

As I said in an earlier intervention, the UK Government undertook in December last year to bring forward specific proposals for a solution to the question of the Irish border that would comply with all the requirements of Ireland's continued membership of the European Union and with all the requirements of the Good Friday agreement and the peace process. In the intervening period since December 2017, the UK Government have utterly failed to live up to that promise. That was why the European Union brought forward a solution that I do not think it thinks is particularly good, but it was a desperate attempt to get the UK Government to put their money where their mouth is and bring forward one of the specific sets of proposals that they had willingly promised to produce as a basis for discussion.

Again, let us have no more of this nonsense of claiming that somehow there is a conspiracy between the Irish Government and the EU to take Northern Ireland away from Britain against the wishes of the people of Northern Ireland. The European Union will support the Republic of Ireland because the Republic of Ireland is a member of the European Union, in exactly the same way as the European Union would support the UK in a trade dispute, border dispute or customs dispute with any non-EU member if we asked it to.

I am asking the Minister who sums up to confirm in terms that the UK Government still respect absolutely and unreservedly the sovereignty of the Republic of Ireland and its position as a full and integral member of the European Union, because too much of what we have heard being supported by Conservative Members appears to undermine that position.

Let us not forget that the people of Northern Ireland have spoken twice on this issue. When they spoke in 2016, they said, "We want to stay in the European Union." When they spoke in the referendum on the Good Friday agreement—which did not bring peace to Northern Ireland, let us not forget, but it certainly brought peace

a lot closer than it was before—the agreement reached at that point was that nobody could take Northern Ireland out of the United Kingdom against the wishes of the people of Northern Ireland and that nobody could force Northern Ireland to stay in the United Kingdom against the wishes of the people of Northern Ireland. How on earth is it within the spirit of that agreement for anyone to take Northern Ireland out of the European Union against the wishes of the people of Northern Ireland, especially when it is becoming increasingly clear that it is difficult, if not impossible, to deliver the kind of Brexit the Prime Minister is obsessed with without having to go back on some of the promises that have saved so many lives on both sides of the Irish border over the past number of years?

The Irish border question cannot be easily solved if Northern Ireland is out of the EU and the Republic is in. It can be very substantially solved within the terms of the question that was on the referendum ballot paper if the Prime Minister is prepared to see sense, listen to sense and listen to the businesses and so on that the right hon. Member for Carshalton and Wallington was accused of not supporting. Those businesses are saying to us, "Why in the name of goodness are we coming out of the customs union and the single market?" Customs union membership makes the solution to the Irish border question so much easier and so much more achievable. If that was the only benefit of being in the customs union, I would say to the Government that they should at least think about it.

People did not vote to leave the single market or the customs union. They voted to leave the European Union. [Interruption.] I still have a photograph of the ballot paper at home, if Members want to see it; it does not say anything about the single market or the customs union. We do not really know how many of the 17 million people who voted to leave wanted us to leave the customs union and how many wanted us to stay in it. How does the Minister think Members should vote on the deal, assuming a deal is brought back, if they want to respect the wish of the majority—the majority being the 16 million who wanted to stay in the whole package and the unknown but undoubtedly significant number who wanted us to leave the European Union but not the customs union and the single market? Which option is the Minister saying we should support? Should we vote for a proposal from the Government that will involve us leaving the customs union and the single market on a rotten deal, or should we vote for a proposal that says we will leave the single market and the customs union on no deal at all? That is not a choice that respects the sovereignty of the people or, indeed, the alleged sovereignty of Parliament.

If the Minister is as confident as she appeared that the deal brought before the House will be one that we can all enthusiastically get behind, why do the Government not commit to make that vote a proper, meaningful vote, with alternatives for those who do not want the Prime Minister's deal because it is too destructive and who do not want no deal? If the Government are so confident that we will accept the deal anyway, why not offer to put a third option to Parliament, which is to let the people decide? If we cannot agree what the people really meant about leaving the customs union, borders in Ireland, passport queues at Brussels and all the rest of it, why not ask them again what they really meant?



**Debbie Abrahams** (Oldham East and Saddleworth) (Lab): I wonder whether the hon. Gentleman has any views about the conditions before there would be an opportunity for people to determine whether they support the terms of a deal. For example, we heard this weekend that two out of three members of the three biggest unions support having a say on the deal. Are those the sort of conditions?

**Peter Grant:** I come from a tradition where the people are sovereign, and if Parliament cannot decide what the people actually meant when they voted, Parliament should ask the people. I am not that bothered about going back to ask the people in my country what they wanted, because they made it perfectly clear by a majority of almost 24% that they wanted to stay.

**Stephen Kerr:** The hon. Gentleman comes from a political tradition where accepting referendum results is a philosophical problem.

**Peter Grant:** I love it when somebody who hardly knew I existed 18 months ago knows more about my political philosophy and political motivations than me. I suspect that I have lived in this body for longer than the hon. Gentleman has. I want to make this quite clear to him yet again, although I cannot say that I will only use words of one syllable, because “syllable” is too big a word to use. The Scottish National party is founded on the principle of the sovereignty of the people of Scotland. That principle has been unanimously endorsed by this House during this Parliament. If he did not agree with the sovereignty of the people, he could have spoken about it and voted at the time. He did not, and therefore, according to the rules of this most sovereign of palaces, he has endorsed the principle of the sovereignty of the people of Scotland. The people of Scotland said that they want to stay in the European Union. That creates a difficulty, but ignoring the will of the people when it does not suit is not a solution to the problem.

**Dr Philippa Whitford** (Central Ayrshire) (SNP): Is the problem with the people’s vote not the talk about having a vote on the deal but the fact that if the vote involves the same Hobson’s choice that we will get here—a rubbish deal or no deal—it will not help to put that to the people? If there is no option in that vote to not do this, that will give it a false legitimacy and actually weaken the fight against Brexit, not strengthen it.

**Peter Grant:** My hon. Friend makes a very good point. One of my concerns about the growing campaign for a people’s vote is that if it is as meaningless and as flawed a process as the 2016 referendum, it will not bring us any further forward, regardless of the result.

What the Government can be in control of is the wording of the motion that they bring forward and demand we give our unanimous support to, otherwise they will say that we are failing to get behind British businesses, British institutions and all the rest of it. We will be given the option to vote for a deal of some kind, and we will be given the option—by implication, if no other way—of opting for no deal, but we should be given a third option. I remind the Minister and the Government again that, as far as the people of Northern

Ireland are concerned, constitutionally and by international treaty, they do have an option, and the indications are that more and more of them are seriously considering that option. *[Interruption.]* The Minister can tut all she wants. One of her colleagues admitted last week that she did not know that people in Ireland vote on unionist and nationalist lines, and if that is the depth of the Government’s ignorance about how politics in Northern Ireland works, it really does not surprise me.

The people of Northern Ireland are guaranteed that they will always have a third option before them, and the people of Scotland always have a third option before us. I would like the people of England and the people of Wales, and their elected representatives, to have another option as well. I do not want the MPs representing constituencies in England and Wales to be forced to decide between a catastrophic deal and a catastrophic no deal. My very real worry is that the political games—the musical chairs and musical Cabinet offices—being played within the Conservative party just now are leading to a position where the deal offered will be so different from no deal that it really will not make any difference, and we will end up with a result that fewer than 17 people in these islands, never mind 17 million people, would really have wanted.

6.40 pm

**John Redwood** (Wokingham) (Con): The British people voted, by a large majority of over 1.25 million votes, to leave the European Union. We had all been told, by means of leaflets sent to our homes by the then Government, that this was a once-in-a-generation opportunity to vote on this—not a series of votes until people got the answer they liked—and that we, the people, would make the decision. It was a very clear issue. The leave voters I met, and I met a good number of leave voters, took it very seriously. They understood the arguments, they considered them and they meant their vote. I do find it most curious that some Members of Parliament are still saying that it was not clear that we voted to leave the single market and the customs union. One of the very few things that the two official campaigns agreed on was that point. Remain said that we would obviously have to leave the single market and customs union—remainers regarded it as a kind of threat—and leave said that we would want to leave the single market and customs union, as well as having to, because we saw it as an opportunity. So there was happy agreement and everybody voted accordingly.

I was a very strong supporter of this Government because they were elected, in the recent general election, on a ticket of getting on with implementing Brexit. That was pretty popular around the country. The Conservatives got a much higher percentage of the popular vote than in all the previous elections since Margaret Thatcher. We did not get as many seats as we would have liked because there were interesting surges in the popularity of the Labour party, which also fought the election on getting on with implementing Brexit. The bit of the Labour manifesto I most enjoyed was the rather long piece in it about how Labour wanted an independent trade policy. It was not in every respect the policy that I would have designed, but Labour made it crystal clear that it wanted a completely independent trade policy and that would of course be totally incompatible with staying in a single market and a customs union.

[John Redwood]

I was very happy with the Lancaster House speech, which I thought was beautifully crafted. It set out exactly the vision that most leave voters and many moderate remain voters who accepted the democratic verdict of the people could buy into.

**Debbie Abrahams:** The right hon. Gentleman said that he appreciated the Lancaster House speech and that everybody who voted to leave did, too, but how does he know that?

**John Redwood:** From conversations, watching opinion polls and listening to the national conversation. I do not know about the hon. Lady, but I take my politics seriously and I regard it as my job to listen, to read, to understand and to consult colleagues. I find that coming into the Chamber is quite a good way of judging the mood because sometimes Members of Parliament, even those on the Labour Benches, know the mood in their constituencies.

**Sir William Cash:** Will my right hon. Friend remind the hon. Lady and the House that a pamphlet was put out by the Government during the referendum campaign that explicitly said, “This decision will be yours”? There was no question of its being decided by Members of Parliament. We operate by a system of parliamentary government, not government by Parliament.

**John Redwood:** Indeed, but let us press on.

My worry is about the Chequers proposal—and it is only a proposal; it is not a deal or an agreement—which was set out in the future relationship White Paper, and the consequent White Paper about how such an agreement, were one to arise, would be handled and implemented by this Parliament. My worry, and I think it is the worry of many leave voters and some remain voters, is that, having voted to get rid of treaty law—to dismiss the European Union treaty because we had not enjoyed living under its tentacles—the Government now suggest we need another two European treaties to replace the one that we are getting rid of. We are mightily suspicious of treaty law. Why are we so suspicious of it? Because the original treaty, the treaty of Rome, masqueraded as a free trade agreement, which is how it was sold to the British people in the long-distant 1975 referendum, but by accretion and development, over which the British people had no control, it changed—through Nice, Amsterdam, Maastricht and Lisbon—into a massive panoply of laws and controls and completely changed our constitutional structure, without the people ever having a proper vote on that process until the most recent referendum.

We know from our experience here that this became what I call a puppet Parliament. In dozens and dozens of crucial areas where we might like to legislate, we had no power to legislate independently of the European Union whatsoever. In all those massive areas—not just trade and business, but the environment, social policy, employment policy and even foreign affairs—we had to legislate in the way the European Union laid down. Quite often, many Members of Parliament and many members of the public disagreed with that way. Quite often, it was an area where the Government had either

lost a vote or did not bother to hold one because they knew they were going to lose as they were in disagreement with other member states. It was that above all else that the British public rejected in the historic vote in 2016. They said to Members of Parliament, “Collectively, you often make a mess, we don’t always approve of you and we are very critical of you, but you are our MPs” and the joy the public have is that they can fire us if we really annoy them or we get it wrong, whereas the European Union often strongly annoys them and gets it wrong and there is absolutely no one they can, directly or indirectly, have fired because it is a system that the UK cannot control and has to receive. We are, therefore, very suspicious of the idea of more treaty law.

One of the things that makes this debate very difficult for a neutral observer to come to a sensible view on is the abuse of language and the scare stories that seem to characterise most of what passes for debate on these important issues. I do not for one moment believe that there is a cliff edge and I do not for one moment believe that we would leave the European Union with no agreements. There will be lots of agreements. We have always had lots of agreements: there are lots of business-to-business agreements, business-to-individuals agreements, business-to-Government agreements and even Government-to-Government agreements. Once we have left the European Union properly, I am sure that there will be a lot of diplomacy, discussion and joint action, but we want it to be bilateral and based on the merits of the case as we proceed each time. We do not wish it to be multilateral through the EU, where the EU has special legal powers that mean that it has duress over us or can prevent us from having a weighted dialogue with the EU and reaching an agreement if we wish and not if we do not.

The structure of what the Government are now proposing is quite alarming. The EU withdrawal agreement would take the form of an international treaty, which would of course need full ratification by Parliament in the way that has been laid out. However, if it was agreed with the EU and then subsequently ratified by this Parliament, we would be back in the position where European law had more significance and for the whole of the transition period we would of course be completely back under the control of the European Union. As my hon. Friend the Member for Stone (Sir William Cash) has pointed out, we would be even more vulnerable than we are today because the EU could legislate in our absence. At least we can see them annoying us at the moment around the same table, whereas we would be in the position where they could simply do it without consulting us or taking into account our views.

Therefore, that is not a good idea, but even worse is the proposed legal form of the so-called future partnership agreement. The UK Government call it a partnership agreement, but I think what the EU proposes, and would call it, is an EU association agreement. Such agreements are normally very comprehensive, and we can see exactly what they look like when we read the one for Turkey or for Ukraine. They have been designed by the EU to lock in countries that would like to become members but are not yet fully compliant with all its legal requirements, standards and so forth. They are used to drag those countries gradually into compliance—usually willingly, because they want to join.

We want something completely different. We want agreements on how to proceed in various areas, but we are going in the other direction. We do not want an agreement that drags us into closer compliance; we want the freedom and flexibility to have our own trade policy, our own fishing policy and our own business policy as time evolves. I am very worried that an association agreement model, rather than allowing that, would reintroduce the powers of the European Court, over which we will obviously have no control, and we would again be under strict control in a number of wide-ranging areas from which the British people wish us to liberate themselves.

**Martin Whitfield** (East Lothian) (Lab): In the right hon. Gentleman's vision of the future, how does he see the nature of the devolved Governments here? There was clearly a very different relationship before we went into the EU. What influence does he see them having on the trade deals that the Government seek?

**John Redwood**: In the model that I am describing, we would get much more power back and we would keep it, and that would then be shared with the devolved Administrations, so they too would be winners. That settlement will be sorted out in the usual democratic way in a unitary country that has recently had a very important democratic event. The Scottish people decided by a decent margin in a referendum that they wished to stay in the United Kingdom, so their way of influencing the trade deals will be through this Parliament. Had they chosen to leave the United Kingdom, they would be having their own trade deals—or more likely they would be having the EU's trade deals, because the Scottish National party does not seem to want an independent Scotland; they want a Scotland that is dependent on the EU, rather than a very important partner in the United Kingdom enterprise.

My other worry about the two prospective treaties that the Government are mulling over is conditionality. The Government have told us that nothing is agreed until everything is agreed, and I fully approve of that. They also seem to understand that, unless they are prepared to say to the European Union, "We will leave without signing the withdrawal agreement," they have no negotiating position. We now know that the Government are quickly preparing to be able to leave without signing a withdrawal agreement. I think that that would be a very attractive option for many leave voters because the withdrawal agreement itself is mainly about the United Kingdom paying an extremely large bill. The Government are saying, "Yes, but you need to look at the whole package. You need to see what is in the future partnership"—the association agreement treaty to come, because they think that might persuade Parliament and people to accept the rather unpalatable withdrawal proposal. The Government's problem, as we have just heard from the Opposition, is that there will not be a majority in this House to put through the current kind of withdrawal proposals the Government have without a very clear, bold and good-looking association agreement/future partnership and we might be looking only at rather vague heads of terms. I suggest that the Government need to introduce rather stronger conditionality than they have done so far in their negotiations. They need to make it crystal clear that there is no £39 billion unless something really impressive is available.

I do not know about the Government—I sometimes worry about how they might go shopping—but when I go shopping I do not go into a shop, put £39 down on the counter and say, very politely, "By the way, I have £39 there for you, which I thought you might like. Do you have something that I might like so that I do not leave the shop as a loser?" It seems to me that that is what the Government did. They put down £39 billion—they have rather more money than I have, lucky them; some of it is money that they took from me, actually—on the counter and said, "By the way, EU, we have these dreadful Eurosceptics back home who want value for money, so it would be quite nice if you could offer us something that might be suitable for us."

When I look at what the EU has in its shop, I am afraid, oh Government, that I do not see anything that I would pay £39 billion for. Yes, I would like a free trade deal, which I think would be a perfectly good answer in the current situation, but I do not remember Canada paying anything for its free trade deal. A Canada deal would be just fine, with a few extra knobs and whistles—we start from complete compliance with the EU, so it will be easy to have a few extra knobs and whistles—but I do not think that is the kind of thing I would pay £39 billion for. Indeed, the tariff saving would be a small fraction of £39 billion, so it would not make a lot of sense financially. The Government, therefore, have a bit of work to do to persuade friendly, reasonable people like me that the two treaties they have in mind represent a good deal for the British people.

**Jonathan Edwards** (Carmarthen East and Dinefwr) (PC): I am listening to the right hon. Gentleman's point about the divorce payment. Is he making the case that Nigel Farage should be deprived of his pension pot?

**John Redwood**: I am not suggesting that at all. That gentleman's pension pot is a liability of the European Union. They entered into it, so I think it is something that they need to sort out. I do not think that the European Union should be the kind of body that stops people getting their pensions. I do not remember when we joined the European Union being given a big pot of money to reflect all the liabilities we inherited, so it is a bit difficult to understand why the reverse has to happen when we leave and we have to pay for the others. We simply were not given a whole load of money at the beginning to reflect the fact that we were going to have to pick up some of the pensions of civil servants who had been working in the EU before we arrived.

**Peter Grant**: It is interesting that the right hon. Gentleman thinks that we went into the European Union on the basis of a referendum in which people did not understand the question but we are not allowed to use that argument now. Is it not the case that when new members join the European Union, they become liable for liabilities that occur only after they join? In the same way, if any member is daft enough to leave, they are liable only for those liabilities that occurred before they left.

**John Redwood**: No, I think that the hon. Gentleman is wrong. I think that he will find that we were responsible for the existing pension liabilities jointly and severally with the other members. We cannot really complain about that; we were joining the club, so we had to help

[John Redwood]

pay the club bills. When we leave the club, the remaining members pay the bills—it is a fairly straightforward operation.

**Dr Whitford:** I would have thought that when someone leaves the bar in the golf club, they pay their tab before they go. That is what the £39 billion is; it is not shopping for a trade deal. If the right hon. Gentleman is suggesting that no deal is better, so as not to pay the £39 billion, I would be interested to hear what he thinks will happen to the EU citizens who have settled here and to British citizens who have settled in Europe, because they are also part of the withdrawal agreement.

**John Redwood:** I have always said that someone should pay for the drinks they have just ordered in the bar while still a club member, and once they have ceased to be a club member they cannot order drinks anyway, so there is no problem. I do not think that the hon. Lady has really got that one. As for EU citizens, I am very keen that we reinforce the Prime Minister's assurances. I have always thought that if we do the right thing by its citizens, it will end up doing the right thing by ours. It is very important that we do not forget that our citizens have rights and need support as well, but I do not believe that the EU is as nasty as some remain voters seem to believe. I do not believe that this group of democratic nations would start evicting people from their countries after they had settled there legally under its rules. I hope that the hon. Lady is not suggesting that. If she is, why does she wish to belong to the kind of organisation that throws people out when they are legally entitled to be there?

**Dr Whitford:** It was the right hon. Gentleman's colleagues sitting on the same Benches who talked about EU citizens as bargaining chips and playing cards. One of them stated in the newspapers only recently that EU citizens would not be allowed to stay—someone not very far away from him at all.

**John Redwood:** I suggest that the hon. Lady addresses those remarks to whoever she thinks said that, but I did not.

**Mr Rees-Mogg:** I was asked a different question, which was about the rights of EU migrants who come after we have left. I have always thought that those who are here before we leave should maintain full rights.

**John Redwood:** Indeed. I would not have expected anything else. I think that it is always better if people speak for themselves.

I am very worried by this drift. I am also worried by this whole so-called implementation period or transitional period. It is clearly not an implementation period, because there is nothing to implement as of today. Even if there is a moderately detailed political agreement, it will not be something we can go off and implement. I have become very nervous about the idea that we need another 21 months of uncertainty. I have heard a lot from remain about the dangers of uncertainty. I can see that going on for too long with arguments about our future is not terribly helpful. I think 33 months is probably quite long enough to have a good old argument

and see whether we can get a decent set of agreements from the EU or not. I remain to be persuaded that there is something our talented Ministers can achieve in negotiations on 1 April next year, to pluck a date out of the air with no particular significance about it being April fools' day. What is it that could be agreed on April fools' day next year that could not be agreed now or in December? We still have seven negotiating months left. We have already had two years or more of negotiations. I would say that that was a fair enough test. I would also take the view that if there is not something at the end of 33 months that we like, then we should just say, "Fine, it is not to be. We will go off and do bilaterals on a regular basis on the things that are of mutual interest." I suspect we would get along just fine.

That is, of course, how the 160 other countries around the world get on with the EU. They do not have a special trade arrangement. They are certainly not bound by EU treaties in most cases. There are those who are terribly worried about the fate of the trade deals the EU has with 60-odd countries. I can reassure them that I still have not heard a single one of those countries say they wish to lose that trade deal with the UK. Of course, in law it novates to both the UK and the rest of the EU, but it needs to be agreed with the other party to the agreement. I do not know of any country that does not want to allow us to novate. Of course, some say we could improve it and make it better—why not? It is a good idea to have a look at it, but until I am told of a country that has actually ruled out taking on one of these trade deals I think they are there for us to continue to enjoy.

What is more important is that if we got on and left, we could sign trade deals and implement them from April next year. There are a number of countries friendly to us who would like early trade deals. There are off-the-shelf trade deals that they might be interested in developing, which they have developed with others, that would get us off to a good start. I do not like the provision in the White Paper—I think perhaps the Minister did not quite grasp it—that says, as I understand it, for the 21 months they are proposing for transition we are not allowed to implement a trade deal with anybody else. I think we could discuss them and get them ready for signing—that kind of thing—but they could be brought into effect. I think it would be rather nice to get on with it and bring things into effect.

There are plenty of other things I would like to talk about, but there are many others who would like to join in. Let me sum up by saying that my worry about the EU withdrawal proposal is that I do not think Parliament will be very willing to put the legislation through without great clarity, as Labour has said, on the so-called partnership—the association agreement. For myself, I am going to need a lot of persuading, because I think the money is far too great and the transition delay, so-called, is far too long. I am also extremely concerned that we will give up one EU treaty only to sign up to another two, which look to me as if they will have many of the problems that we had from the original.

7.3 pm

**Martin Whitfield** (East Lothian) (Lab): It is a pleasure to follow the right hon. Member for Wokingham (John Redwood).

This House finds itself, 18 months after article 50 was triggered, with the Government having no credible Brexit plan, no viable solution for avoiding a hard border in Northern Ireland, and apparently no majority in Parliament for the Chequers proposals. This debate comes on the same day as an e-petition debate in Westminster Hall on rescinding article 50 if it is found that the vote leave campaign broke electoral laws. The petition attracted 398 signatures from my constituency of East Lothian. My constituency voted, on a turnout of over 72%, 64.6% to remain and 35.4% to leave. The petitioners are of the view that if laws have been broken the validity of the referendum is questioned and article 50 should be withdrawn. The Government's response to the petition included a quote from the Prime Minister:

"This is about more than the decision to leave the EU; it is about whether the public can trust their politicians to put in place the decision they took."

The Government's response went on to state:

"The British people can trust this Government to honour the referendum result and get the best deal possible. To do otherwise would be to undermine the decision of the British people."

I raise that as a warning about the proposed legislation for the withdrawal agreement. Our law, like our paper currency, works only because there is universal agreement and consensus to follow and obey it. The confidence of the British people has been undermined. None of us here will be forgiven: neither those who seek to undermine the public's confidence nor those who allow it to be undermined unchallenged.

The White Paper intends to give legal clarity to people and businesses, along with a political declaration, on the future relationship. To understand the significance of what is required, I want to look at my constituency's relationship with Europe. East Lothian has many links with Europe. There are thousands of EU citizens who live and work in and around East Lothian. They work in education, the NHS and agriculture, from co-ordinating sheep-breeding programmes across Northern Ireland and the Republic of Ireland to the provision of saplings, vegetables and grain. Whisky is exported from my constituency, both as a single malt and blended, to France. Thistley Cross cider travels around Europe and the world.

Chapter 2C of the White Paper discusses the mutual recognition of professional qualifications. There is a clear assertion that the Government wish them to be honoured and represented, but will the Minister say whether there is a guarantee that we will have access to the databases that hold that information? This will cause problems in Scotland, particularly with registered teachers, and for the safety of our children in relation to access to police databases regarding people.

East Lothian's interconnection with Europe is complex and nuanced. It is vital to the future of my constituents, from the European workers who tend the fields with skill and expertise to the hospitality sector that makes our "golf coast" a success. Musselburgh racecourse relies very heavily on horses bred and trained in southern Ireland. The interconnections run at family and community level dating back to migrations from the previous century and earlier, from the manufacture of ice cream to modern cutting-edge IT companies that rely on today's European students. Will the Minister tell us what consideration has been given to the avenues of enforcement for EU citizens here, as compared with UK citizens in

Europe, regarding their rights and obligations? What will happen when there is a conflict in judgment between an EU country and the UK?

The disarray of the Government is causing distress, worry and fear for families and individuals. There is talk about having just one set of changes to the rulebook to stop any panic. I would like to look at that in relation to a constituent, Scott Sutherland. He runs an extremely successful chemical coatings company in East Lothian, Marott Graphic Services, which has been family-owned for over 30 years. It develops, produces and sells lithographic pressroom chemistry: high performance additives to put into machines to make sure corrosion is prevented. In 2011, it established XCP Corrosion Technologies, which sells successfully across Europe.

Scott is a classic example of an entrepreneur who is developing and growing his small and medium-sized enterprise. He is a practical man who welcomes technical and market challenges. He has more concern about the governmental challenges that are being put in his way. His view of Brexit is harsh, but based on facts. He read the initial technical papers put out in case of a no deal. They basically confirmed his fears that moving to a no deal will result in an immediate 6.5% tariff on his products, as well as other associated costs relating to delays, customs controls and the bureaucracy of form filling. His conservative estimate is that it will hit his margins by between 10% and 15%, which is the difference between his family business being viable and not being viable.

Scott is making active plans and preparations to transfer production to continental Europe. The loss of highly skilled technical jobs, the loss of personnel, and the possible loss of the business's potential for East Lothian is devastating. It is an SME, and if that is replicated across the UK it will be a devastating blow to our economy.

The responsibility of those making the decisions is crucial. The withdrawal legislation we are debating today and provided for in the article 50 notice will implement an agreement we have not seen, proposals or a no deal—or some chimera of all—reached for political reasons rather than the benefit of the UK and Europe. The new legislation must amend earlier legislation, as we have heard, and it must deal with the question of a meaningful vote, either here in Parliament or a people's vote on the deal. I was glad to hear the hon. Member for Glenrothes (Peter Grant) say that the SNP Government now agree on the need for a meaningful people's vote.

**Peter Grant:** The hon. Gentleman may have misheard me. I said that we could not have a meaningful vote here until we knew what the terms of any supposed people's vote would be. I do not think anyone could sign up to that. We certainly want to see a meaningful vote in Parliament, not the Hobson's choice that the Government intend to impose on us.

**Martin Whitfield:** I apologise: my understanding was that the hon. Gentleman spoke about a meaningful vote for the people as a third option, if there was no agreement here. I am grateful for the clarification.

The majority of people in East Lothian and I believe that the original decision to leave Europe was wrong, but there is a variety of solutions, from a no deal, WTO, hard Brexit through the Chequers agreement to what is

[*Martin Whitfield*]

looking less like a deal for the country than a deal to keep the Conservative party together. The proposals from the Government will damage the UK—the whole of the UK—and, in particular, they will damage our young people. That damage will last for generations.

There is another solution, which would protect our United Kingdom. I look to Conservative Members representing Scottish constituencies to stand up and ensure that the United Kingdom remains so. It is a deal that would protect the staff and users of our NHS, protect our chemical industry and our manufacturing industry, protect the Northern Ireland border and the Good Friday agreement, and protect our reputation abroad as a law-abiding society, and it must involve staying in the single market and the customs union. It does not really matter what we call it, but what does matter is that it preserves our relationship with the EU and our stance as an open, outward-looking, supportive partner.

History gives the opportunity to review, consider and analyse. Leadership gives the privilege of decision making today, even if that decision begins with an admission that this might not be the best route for our journey after looking at the map.

**Dr Whitford:** The hon. Gentleman mentioned staying in the single market and customs union. Has he discussed that with his party's Front Benchers, and has he managed to convince them that staying in the single market would be a good idea?

**Martin Whitfield:** My Front Bench has six tests that will give us exactly the same relationship that we have with the European Union, and that is a defensible position.

**Dr Whitford:** The hon. Gentleman mentioned the single market. That is not part of the six tests of the Front Bench of the Labour party.

**Martin Whitfield:** The six tests intend to keep us in a close relationship with exactly the same benefits that we exercise now.

If the decision making damages our United Kingdom and the future of our young people, our leaders today will not be forgiven. Scott Sutherland says:

"I sincerely hope it will not come to that."

If it should, I suggest there is a case for a people's vote.

7.13 pm

**Mr Jacob Rees-Mogg** (North East Somerset) (Con): It is a pleasure to follow the thoughtful speech made by the hon. Member for East Lothian (*Martin Whitfield*), although I confess that I have many different thoughts.

Today's debate on legislating for the withdrawal agreement is obviously covered in the White Paper, and it seems to me that it includes three key points. The first is the obvious issue of EU nationals. I have always thought that it is really important that people who are here lawfully, and who we allowed to come and invited to come, are protected in every possible way as if they were British citizens. We are not the sort of country that applies retrospective legislation, and as Conservatives we should have a particular admiration for people whose motivation is to improve their standard of living, and who

have travelled halfway across a continent, legally and lawfully, to come to a country where they do not speak the language so that they can work hard to send money back to support their families. If that is not an admirable and Conservative thing to do, I do not know what is. It is not their responsibility that we have voted to leave the European Union. They came here under treaties we had agreed, and they will be entitled to remain here, because that is the type of country that we are.

**Dr Whitford:** Does the hon. Gentleman recognise that settled status does not confer exactly the same rights that those people have at the moment?

**Mr Rees-Mogg:** The rights that they have should be no better or worse than those of British citizens. We should not have a special category of people under EU law. The extra rights they have under EU law have been a mistake, and they have been granted by the European courts contrary to our intention. It is absurd that it is easier to bring in a dependant under EU regulations as an EU citizen than it is for a British citizen. That is not a fair law and, once we have left, it should not continue. People should have the same rights as the British, not better ones.

**Dr Whitford:** Does the hon. Gentleman recognise that the initial settled status offer meant that a European citizen who went abroad to work for two years would lose that status? The period has now been extended to five years, but that is not what applies to a British citizen.

**Mr Rees-Mogg:** We can be more generous. I am in favour of generosity to people who are legally here and who have made their lives in the United Kingdom. There must be some point at which, if they separate their lives from the United Kingdom and have not applied for British citizenship, the status might not be perpetual, but they should be looked after and protected, and we should always remember that they came here legally and that we are not a nation of retrospective legislation.

Like my right hon. Friend the Member for Wokingham (*John Redwood*), I think that other continental countries will reciprocate, because they are civilised nations. We are dealing with allies and friends, so this should never have been a topic of negotiation. We should simply have set out our stall and said what we would do. I am glad that it is now clear that in the event of our leaving on WTO terms, we will protect the rights of EU member state nationals who are living in this country. That is the first point on legislation on withdrawing from the European Union, and I am all in favour of generosity.

The second point is law, which was covered by my hon. Friend the Member for Stone (*Sir William Cash*), who has great experience in these areas. We were lucky that the Henry VIII clauses in the European Union (Withdrawal) Act 2018 were, by and large, removed, as they would have allowed all European law to have been brought back through the back door. It would have gone out through the front door and returned through the back door. Now, primary legislation will be needed, but that primary legislation is dubious, because it will produce a vassal state—Gulliver tied down by the Lilliputians; this great nation state tied down by petty bureaucrats, running all over us, tying us down with ropes—because we will have to do whatever the European

Union says during the implementation period. Our senior law will be made by a foreign body in which we have no say and no vote, and with which we have no association. Our money will go to—

**Peter Grant:** Which Europe are we dealing with: the one that is all friends and civilised countries that would never knowingly do anything bad to us; or a lot of miniature people who want to tie us down and, presumably, leave us to drown when the tide comes in? Or does the hon. Gentleman have a way to prevent the tide from coming in?

**Mr Rees-Mogg:** The hon. Gentleman is confusing me with the much-maligned late King Canute, who was accused of trying to hold the tide back when, in fact, he wanted to show that it was not possible to do so. The bureaucracy of the European Union is something to which I am strongly opposed, but that does not mean that I do not admire the individual member states and think of them as great countries and friendly allies. The two are completely different. Even if they were the same, while I may have a great friend, I would not want him to rule my life. There is no logical connection.

**Sir William Cash:** If we look around the European Union—at Italy and, most recently, Sweden—many if not most of the other countries are voting with their feet against the restriction on their right to make their own decisions in their own Parliaments.

**Mr Rees-Mogg:** As so often, the United Kingdom is leading by example. To paraphrase that great quotation from Pitt the Younger, we have saved ourselves by our exertion and we will save Europe by our example. We should always remember that as we make this great exertion—this worthy and noble exertion.

To have a period of 21 months, however, during which our senior law in this country cannot be stopped and our senior court is the European Court of Justice is a great mistake. It is an aspect of the legislation for which I, for one, will find it extremely difficult to vote, because there was another way—an alternative route. In terms of the courts, it is what we do with our own courts in relation to human rights challenges.

If the domestic court—the Supreme Court—decides that a bit of primary legislation fails to meet the requirements of the Human Rights Act 1998, there is a fast-tracked way of amending legislation through statutory instrument. That means, however, that if the House of Commons is against the change and wills to make the move that is against the Act, it is free to do so. That maintains control under our democratic processes, and that is how the Government should be proceeding in relation to judgments of the ECJ—or the CJEU, if you prefer—during the implementation period. We would, in the normal course, want to accept them, because we would still have treaty obligations, but they should come to Parliament to be passed into our law by statutory instrument. That would give us a straightforward reserve power not to act if we felt that the proposal was not the right thing.

Equally, the same should apply to new laws. New laws being made by the European Union, over which we will have no say, could do specific damage to areas of our interest. There could be laws affecting the City of London,

in which I have certain interests—I draw people's attention to my relevant declarations in the Register of Members' Financial Interests. They are not just my interests, however; they are the interests of the nation at large, and we want to protect them and to prevent unfavourable legislation over which we have no control from being passed.

What is Her Majesty's Government's best defence of this ability of a foreign set-up to make laws for this land, which is something that I cannot think any country has ever voluntarily agreed to before? Countries have become colonies, but normally that is after a little encouragement, usually at the end of a bayonet, spear or some such. It is most unusual—unprecedented, in fact—to volunteer to allow a foreign organisation to make one's laws.

**Peter Grant:** Scotland did it.

**Mr Rees-Mogg:** No, that is not quite true. The hon. Member for Glenrothes (Peter Grant)—a great seat for which I once stood, in 1997, although not with enormous success—says that, but Scotland did not do that. Scotland became part of a greater whole, and how many Scottish Prime Ministers have we had who have led this country with great distinction? We became one, rather than simply farming out legislation to somebody else.

What is the Government's best answer? It is that the EU is so slow—so slothful and sluggish—that in a period of 21 months, it could not institute any new laws and therefore we should not worry our little heads about it. This is a really unsatisfactory answer. It is not impossible for the EU to move swiftly, and it has done so the past. This is a golden opportunity for the EU to legislate in a way that we do not like, and we will have no say at all. I go back to the solution I have suggested for the courts: no new law without a vote in Parliament—and not a scrutiny vote. Although it is a very important Committee, the European Scrutiny Committee has never been able to stop any directive or regulation from coming in, and regulations have direct effect without any vote or scrutiny in Parliament anyway. There needs to be a vote as if for a statutory instrument. It is an abnegation of democracy to allow our law to be changed in this way, and this is a part of the White Paper that must be rejected.

**John Redwood:** Would it not be much easier if we did not have the so-called transition period and just got on with it?

**Mr Rees-Mogg:** That is very tempting—I would be delighted to talk about that proposition—but the title of our debate is “Legislating for the Withdrawal Agreement”, so I feel I have to stick to those terms because otherwise Mr Deputy Speaker, who I understand has had a very nice holiday in France, showing our continental cousins that we still send them our finest and best—

**Mr Deputy Speaker (Sir Lindsay Hoyle):** Order. For clarification, I was actually looking around a first world war battlefield, and I went to see the grave of a Victoria Cross recipient from Chorley. It was essentially not a holiday.

**Mr Rees-Mogg:** I do apologise, Mr Deputy Speaker, although I understand there was a haircut while you were abroad that was reported in the national newspapers and should be brought to the attention of the House.

[Mr Rees-Mogg]

The third point is money. Money is really important. The hon. Member for Central Ayrshire (Dr Whitford) intervened earlier on my right hon. Friend the Member for Wokingham to say that we were the sort of country that pays its bills—that is absolutely true—but the question is: what do we owe under international law? On this point, the most authoritative report is “Brexit and the EU budget”, published in March 2017 by the House of Lords EU Committee.

One may say that an EU Committee will be stuffed full of Eurosceptics and would be bound to come out with a report unfavourable to the EU, and that could perhaps be true in the House of Commons. I used to serve on the European Scrutiny Committee, and it would only be fair to confess that most of us were followers of that great gentleman, my hon. Friend—not right honourable, sadly—the Member for Stone, but in the House of Lords that is simply not true. The Lords Committee is made up of former Law Lords, a former Cabinet Secretary and others who, by and large, were in favour of our membership of the EU.

The case explained in that very powerful document is that if we leave under the terms of article 50 without a withdrawal agreement, we will owe no money, and the reason is that our obligation to pay any money would in normal circumstances depend on the 1968 Vienna convention on the law of treaties. If we leave under those terms, without anything in the Lisbon treaty or other EU treaties, we would indeed be liable for our share of the liabilities, but that convention says that if the treaty of the organisation to which one belongs makes a different provision for leaving, that provision is authoritative. And then we go back to article 50, and the provision of article 50 is that if we leave after two years without a deal, that is it—there is no financial provision at all. In those circumstances, this £40 billion of our constituents’ money, which could be spent on other pressing needs—every Member could identify a pressing need in their own constituency, or for their own constituents or the nation at large—is not a legal obligation, but a charitable donation, unless it comes with a very clear quid pro quo.

The hon. Member for Greenwich and Woolwich (Matthew Pennycook), the Opposition spokesman, made an excellent point on this in his very considered speech. He said that the Opposition would be expecting a good deal of detail on the second stage. What are we moving to? A report last week said that we would have a 10-page document on a political agreement saying that motherhood and apple pie was all fine and dandy. That would be £4 billion a page for waffle. Well, Members may like waffles—they may prefer Belgium waffles—but £4 billion a page for waffle is not something that any responsible Member of Parliament could vote for. For what, after all, is the job of this House and its power? How do we control the Executive? It has always been through the provision of money, and if the Executive wish to waste British taxpayers’ money, we must say no.

The answer, then, is that we are generous and say yes to people who are living here, but that we say no to being a vassal state, no to being tied down by Lilliputians, and no to squandering taxpayers’ money.

7.28 pm

**Mike Hill** (Hartlepool) (Lab): It is a privilege, as a north-east MP myself, to follow the hon. Member for North East Somerset (Mr Rees-Mogg).

I voted to trigger article 50 in accordance with the will of my constituents. Forgotten communities, worries about immigration, promises of more cash for the NHS—whatever their reason, the people of Hartlepool voted for Brexit by the highest margin in the north-east. They are a tenacious and aspirational people who, despite having benefited from millions of pounds of EU investment over the years, somehow lost faith in Europe. Instead, they put their faith and hopes in a future outside the EU—one that gives the UK autonomy and the freedom to trade with the rest of the world and to award contracts to local businesses without forced competition. They wanted financial security, prospects for their children and the right to self-determination without interference from EU laws. They wanted all that, and quickly. My constituents are level-headed. They expected some difficulties along the line, and they knew that negotiations had to happen; what they did not expect, and rightly should not have had to expect, was that six months before leaving the EU, we would face a hard Brexit.

Negotiations are negotiations. People should not go in there empty-handed and expecting nothing. They should fight for what is right by the people. They should not promise jam tomorrow to those whose jobs and livelihoods depend on a well-managed outcome. They should not ask people to have blind faith in the future if they have nothing credible or tangible to show them that such faith will be rewarded in the long run. My constituents want proper checks and balances to be put before them. They want to see that all the right mechanisms are in place and that the negotiations will have outcomes that will protect them. That is why I am not against the idea of putting the final deal to them. No deal will cast the people of Hartlepool and the UK into darkness. It will cast them adrift. It will leave them rudderless and with no faith in those whose job is to chart their future.

**Alex Sobel** (Leeds North West) (Lab/Co-op): My very good friend and I have slightly different views on this issue, but at a conference on Saturday, I spoke about the north-south divide and the left-behind communities in our cities and towns. How can we have a Brexit that would cause those left-behind communities to be even more left behind? Manufacturing plants would have to close, because we would have no customs arrangements to meet their requirements. Does my hon. Friend not agree that we need a deal that will keep jobs in the north?

**Mike Hill:** I absolutely agree, especially as my coastal community feels that it is one of the forgotten communities.

I am on record as saying that in the north-east, Hartlepool will be the true barometer for change. On that basis, I say no to a second referendum, but I also say no to no deal, and I expect to see true leadership from now on.

7.32 pm

**Colin Clark** (Gordon) (Con): It is an honour to follow the hon. Member for Hartlepool (Mike Hill). It was great to hear about his admirably level-headed constituents; my constituents in Gordon are equally level-headed.



I was inspired by the paper on the withdrawal Bill that the Secretary of State published in July. He expressed a very positive view, referring to

“a smooth transition to a comprehensive future economic and security partnership for business and citizens”.

I could not agree with him more.

Fundamentally, the Government have, in good faith, prepared for an amicable Brexit. They have reached out; they have bent over backwards; and they have pushed colleagues to the limit to work with the EU. We need a sustainable plan, welcomed by the EU and by this Parliament. We need an agreement that would lay to rest the divisions on both sides of the House. The paper states that

“it remains our firm view...to reach agreement on a good and sustainable future relationship.”

That agreement must be legally robust.

The Government are publishing papers in preparation for no deal. I am a pragmatist—a long-time business person—and I know that we cannot afford a cliff-edge no deal. As the Minister said in her opening speech, the withdrawal agreement recognises that a deal is still being negotiated; but can we explore existing EU and international rules-based agreements? They are numerous and have been signed up to by major economies—valued trading partners of the EU.

This is a balance. Is the EU willing to accept a proposal that it claims undermines its founding principles—it does not look like it—or can we cut and paste from existing, tested free trade agreements such as the comprehensive economic and trade agreement and the Transatlantic Trade and Investment Partnership to facilitate a deal honouring article 50, respecting the right to withdraw, upholding World Trade Organisation rules, recognising regulatory equivalence, protecting the union of the United Kingdom and, fundamentally, respecting the will of the people of Britain, the EU’s closest trading partner and historic ally?

We must debate the merits of a hybrid deal. I do not accept that there can be no deal. I believe that there is time—within the timetable that has been specified—to agree a framework modelled on proven free trade agreements, allowing withdrawal as laid out in article 50 and outlined in the July 2018 exit document, and leaving 18 months in which to negotiate the detail. That could be welcomed by the EU and embraced by the British Government. It would be in line with their stated aims, and it would be vastly superior to a cliff-edge so-called hard Brexit.

My right hon. Friend the Member for Wokingham (John Redwood), who is no longer in the Chamber, mentioned a super-Canada, CETA-plus arrangement, which would be a comprehensive free trade deal. An enhanced basic Canada deal could deliver 99% access to the EU single market, with no fees and no free movement. President Tusk himself mentioned it.

As the Minister said, we have made significant progress in protecting the rights of EU citizens. The oil and gas industry in Gordon values them very highly.

**Peter Grant:** Everyone knows that one of Scotland’s major challenges is the fact that the age profile of our population is all wrong. Can the hon. Gentleman explain why the free movement of people is such a bad thing for his constituency?

**Colin Clark:** It is worrying that free movement into the rest of the United Kingdom has continued strongly during the Brexit debate but has fallen in Scotland. That prompts us to ask what it is about the Scottish economy and the Scottish Government that is putting people off coming to work in Scotland. It is deeply worrying that people are not moving from the south, from other countries, to work in our NHS. We are still bereft of doctors. But I will not go into that further, because to do so would diverge substantially from the subject that we are discussing.

An FTA would mean customs declarations, but let me respond to the issue raised earlier by the hon. Gentleman. The British people did vote to leave the customs union, and they did vote to leave the single market. They did that in the full understanding that it was in exchange for the return of sovereignty and self-government, and a proven free trade agreement would respect that.

We must remember that other countries that do not have FTAs do more exporting to the EU than we do. Only 12% of the UK economy and 5% of UK businesses even trade with the EU; 60% of our trade is with the rest of the world, and most of the world’s fifth largest economy—ours—is domestic. The reality is that even the EU single market for services barely exists. The European Commission’s 2014 single market integration report shows that trade integration stands at only 5% for services, compared with 22% for goods.

When the transition period begins, we will have 18 months in which to negotiate the details of an FTA or CETA-style deal. That will be mostly in the area of services, and financial services in particular. TTIP contained advanced provisions for services: the framework is there. We have an opportunity to cut and paste what already exists. As the Minister said, the purpose of the transition period is to provide certainty and consistency, and that is what my constituents in Gordon and businesses in the north-east of Scotland want to see.

**Sir Hugo Swire (East Devon) (Con):** There has been much talk of a second referendum. I think that it would take Parliament eight or nine months to legislate for that, and would it not just mean a further negative in terms of inward investment and confidence in the British economy? Would it not be the worst possible outcome of all those that are being discussed?

**Colin Clark:** I could not agree more. The last thing that the country needs is more doubt about its politicians. The same applies to the referendum in Scotland. The people vote and trust us to represent them in a democratic system, and that is what we are here to do. We are here to make the difficult decisions, and we must be brave enough to do that.

Non-trade agreements can be made for aviation, customs and security. They can cover non-trade items such as Horizon 2020, Erasmus, or the European Aviation Safety Agency. North sea helicopter operators are a subject close to my heart, because the airport from which they fly is in my constituency. EASA needs associate access. The Government have already proposed that, but it requires an agreement, not a no deal.

A CETA-style FTA is not backward looking. It could free the UK to do its own free trade deals throughout the world. As has been said, 90% of growth over the

[Colin Clark]

next 10 to 15 years will be outside the European Union, and the Minister recognised that. We can build on those 65 bilateral deals the UK supported in the EU.

No deal is not an alternative; an internationally-tested FTA would be. It is said that the EU has never signed an FTA containing significant liberalisation in financial services, but the point is that it has; it has had deviations in the past, and therefore we should be ambitious about having them in the future.

**Stephen Kerr:** In fact, Michel Barnier himself has said:

“We are prepared to offer Britain a partnership such as there never has been with any other...country.”

That is exactly the kind of situation my hon. Friend is describing.

**Colin Clark:** I could not agree more. The UK’s aim of a deep and comprehensive trade agreement is a matter of degree, not principle, so this is surmountable.

**Chris Bryant:** But Mr Barnier’s comment is just a statement of the bleedin’ obvious, because of course the outcome will be different from anything there has ever been before because nobody has ever left the EU before. I do not think anybody should get over-excited by some mistranslated words from Michel Barnier.

**Colin Clark:** I thank the hon. Gentleman for his intervention, and I am glad he was intervening on the intervention on me.

We are either inside or outside the single market. Pragmatism shows derogations are possible, and in the latter case there have been many concessions. So is it in or out? The British people voted out; they expect us to deliver, not drive them into a cul-de-sac.

The EU has a record of FTAs—off-the-shelf agreements based on international trading rules that could protect the EU and UK industry and jobs, and that is paramount in what I want to see from this process. But without article 50 and £39 billion focusing EU negotiations, we cannot revisit this; we have to get it right the first time. The impediments are not insurmountable; we should stick to the transition timetable laid out in the withdrawal agreement, with a clear framework.

7.41 pm

**Jonathan Edwards** (Carmarthen East and Dinefwr) (PC): It is especially apt that we are having this general debate today as undoubtedly Brexit will be the major issue facing us as Members of Parliament over the coming weeks and months. We are about to enter a huge parliamentary moment when it comes to the withdrawal agreement meaningful vote, and today is an opportunity for Members to outline the way ahead as we see it. Having pondered the current state of play over the summer recess, I can honestly stand here before the House and say anything could happen over the next few months. I will therefore refrain from making arguments on the type of deal required and will instead concentrate on my interpretation and how I see matters at the moment.

Future historians will not be kind to this generation of politicians for getting us to where we are now. Former Prime Minister Cameron will be judged for holding the referendum in the first place as a means of easing party management. The current Prime Minister will be judged for wasting the first two years of the leaving process by basing her policy on extreme red lines only to change her major strategic objective late in the day, as I will explain later. And the Labour Opposition will be judged for a lack of coherence in policy and playing political games with the biggest political issue of our time. Labour knows that its six Brexit tests can only be met by staying within the single market and the customs union, specifically test 2 of ensuring the exact same benefits of our current membership, yet its policy is to leave both frameworks. It is a completely cynical position to take, with its only goal being to try to use Brexit to force another general election.

I for one saw the Prime Minister’s Chequers statement of July as a significant moment. Leaving aside the near collapse of her Government due to the resignations of the Brexit and Foreign Secretaries, it outlined for the first time that the driving force of policy would be protecting the economy, not dealing with immigration. The natural development of that policy would be to come to the same conclusion as Plaid Cymru, the SNP, the Greens and the Liberal Democrats: the objective of the British state should be to stay within key European economic frameworks. Unfortunately, of course, the British Government continue to be wedded to a “have your cake and eat it” scenario, which obviously the European Union will not entertain. The French European Minister Nathalie Loiseau clearly told in the *Evening Standard* last Wednesday:

“We will not redefine our basic principles because the UK doesn’t want to belong to the European Union anymore.”

Much of the media attention over the summer recess has surrounded the potential for no deal as we approach the October, or what now seems to be the November, deadline in Brussels. However, while it may come to pass that talks collapse, I believe that some fudge will be agreed and that it will then come to this House for approval to trigger the necessary withdrawal legislation. At that stage, as I put it to the Brexit Secretary during his statement of 24 July, I find it difficult to see how the Prime Minister will be able to get a majority of the House to support her position.

As I said earlier in this speech, Labour’s policy is basically to use Brexit as a means of forcing a general election, and it will therefore oppose the fudge, although how that will solve the problem I do not know, because essentially Labour’s policy is not that far removed from that of the Conservative Government. The Brexit buccaneers in the Prime Minister’s party whose objective is no deal will also vote down the fudge as that would make a no deal more likely, unless they make the more nuanced calculation that the only thing that is more important for them is getting to the 29 March deadline, because after that date and once we are outside the EU anything negotiated beforehand is not worth the paper it is written on. Considering that two Secretaries of State resigned on the basis of the Chequers announcement, however, it is difficult to see how they and their supporters can back the Prime Minister.

Those of us who believe that staying within European frameworks is the only way to safeguard jobs and wages will also vote against. I am sure that the British Government will say their aim is to stay within regulatory alignment—the adoption of the so-called common rulebook—thereby easing our economic concerns. The Minister might want to correct me when summing up, but my understanding of the situation is that currently the rules governing the single market are made in Brussels and then every member state, and in some states sub-regional Governments such as Wallonia, have to endorse those changes before they become part of the European single market regulations. What the British Government are proposing is that Europe would come up with new regulations for the single market and then we would have to adopt them via statutory instrument in this place—no mention of the devolved Governments of course, but that is a separate issue. The question then arises: what happens perhaps three or four years down the line if this Parliament decides not to adopt one of those SIs? Does the whole thing collapse at that moment? I do not see how the plan currently envisaged by the British Government can be sustainable in the long term.

I will also vote against because, essentially, supporting the fudge that I envisage would mean supporting what is now being termed as a blind Brexit, which means the fine detail of the future economic relations between the British state and the European Union determined being only after the British state has left the EU. How could responsible Members of Parliament with concerns about the economic impact of Brexit make that leap of faith? I should add that the previous argument of the British Government was that the transition and the final deal would have to be negotiated together, because it was impossible to transition unless we knew what we were transitioning to, but that argument has now been long forgotten.

My final reason for voting against the expected fudge is that, by leaving the detail until after the British state is no longer a member of the EU, the balance of power in the negotiations will move even further in favour of Brussels. The current pathway to Brexit by the Prime Minister seems completely naive. The future economic partnership with the European Union will be by far the most important trade deal the British state will ever make—it will dwarf any other the British state ever makes. It is therefore beyond my comprehension why the British Government want to give further leverage away in those negotiations. Furthermore, leverage within the Conservative party at this stage will swing decisively towards the European Research Group of Brexit extremists after 29 March next year.

If my analysis is correct and the meaningful vote does not gain the approval of the House, as I said during the Brexit Secretary's statement on 24 July, the British Government will face four choices. First, they could seek to extend article 50 to renegotiate with the European Union. That would seem sensible to me as leaving the business end of the negotiations to after the British state is outside the EU seems completely bizarre. Secondly, the British Government could call a new referendum, possibly a multi-choice one, including the Prime Minister's proposal and, vitally, the option of staying in the EU. Thirdly, if the meaningful vote does not gain the approval of the House the Labour party will move a motion of no confidence in order to force a general election but,

as I have already said, this will not offer a solution to the Brexit paralysis unless Labour drastically changes its position. Equally, the Government might move one against themselves, resigning the Conservative party to defeat and leaving the Labour party to deal with the resulting pandemonium. In fact, an option for the Government might be to include a motion of no confidence in the meaningful vote, as that would be a manner for them to deal with the challenge set by the hon. Member for North East Somerset (Mr Rees-Mogg), who is no longer in his place. He said that he would not vote for the final fudge that comes back from Brussels, but he also said that he would never vote against the Government on a motion of no confidence, so that would be a way of placing him and his political followers in political difficulty.

At that stage, the likelihood is that a motion of no confidence would be carried, resulting in another election, unless an alternative Government of sensible MPs were to come together within the 14-day deadline under the Fixed-term Parliaments Act 2011 and steer the British state on to a more sensible course. In the past, I have floated that idea as a pragmatic solution, and I put it on record that I do so again today.

The last likely scenario is that no deal would become inevitable by default, as opposed to by design. Over the summer, writing for *The Times*, I called on the British Government to remove no deal from the political theatre. As a negotiating tactic with the European Union, it has failed miserably. It has also failed to bribe this House into supporting the Prime Minister's position. All it has done is to embolden the kamikaze side of the Conservative party. Far be it from me to offer political advice to the Prime Minister, but if she were acting rationally, she would disempower the European Research Group wing of her party by taking no deal off the table.

Politics is not a game, and our actions as Members of this House over the next few weeks and months will have far-reaching consequences. The position taken by me and my colleagues has been consistent from the day after the referendum—namely, that the economic wellbeing of our constituents has to come first and last. The British Government are eventually moving in the right direction, but they will have to move far further and far more quickly if they are to avoid the approaching slow-motion train crash.

7.51 pm

**Rachel Maclean** (Redditch) (Con): It is a great pleasure to follow the hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards). I rise to speak about this issue from the point of view of the people of Redditch, who are always at the forefront of my mind in this place. I remember clearly the expression of their sovereign desire to leave the EU, which they expressed in the referendum with 62% in favour of leaving. I have not found anyone in Redditch who has changed their mind during the ensuing period, even though we have been grappling with a series of extremely difficult and complicated technical issues.

We spend a lot of time in this place dealing with incredibly complex legislation, some of which has been eloquently explained tonight by hon. Members on both sides of the House. However, my constituents always come back to talking about three basic things. They voted to leave the European Union in those numbers because they wanted to take back control of their money, their borders and their laws. That brings me to something

[Rachel Maclean]

that we have not heard mentioned at all tonight. It is something that is very hard to put into figures, and it is called sovereignty. It is an emotional concept for people in my constituency and in constituencies across the United Kingdom, including Hartlepool, which we heard about earlier.

People in Redditch and across the midlands are very level-headed. They know very well that we are reliant on jobs in the manufacturing industry and in the supply chain. The excellent Mayor of the West Midlands, Andy Street, makes this point on a regular basis. I declare an interest in that I helped him to win that election, and I am very proud that I did so. He is a businessman, and he understands the need for a deal so that those jobs can be protected. I also understand that very clearly from the businesses in my constituency, including GKN and a number of other businesses, large and small.

I come back to a point that I have made before in this House, which is that we are sometimes misled by listening to the voice of the very large corporate businesses and failing to heed the voices of the small and medium-sized enterprises. I know those SMEs intimately, because I ran one for 26 years before I came to this place. I can tell the House that there are many things that stand in the way of businesses. They face obstacles every single day as they grapple with trading conditions, whether at home or around the world. The great genius of our British entrepreneurs is that they are able to turn those obstacles into challenges and to innovate and be entrepreneurial. They are able to seize the opportunities that are provided by any state of affairs or economic situation that they face. That is why we have such a thriving and dynamic economy in this country, and why we have given rise to some of the best businesses in the world.

I asked the Minister earlier whether she believed we would be in a position to take advantage of the 90% of trade outside our European borders in the future, and she assured me that we would be in a position to start signing those deals and that we would shortly be able to move quickly to ratify them. That is why I welcome this withdrawal agreement. We have all been calling for certainty and clarity; I hear it from my constituents in the business sector all the time. This agreement will start to put in place some of the things that we have been calling for. It is not perfect, of course; there have been vigorous debates on these subjects and they will continue.

When I think about being the Prime Minister, I think, “My goodness me! Who would want to do her job?” At the end of the day, she just cannot win, can she? She cannot ever please everybody, either on our side or on the other side of the House, or in the country. We had a vote in which some people voted to stay and some people voted to leave, so she is never going to be able to please anybody. However, I hear people in Redditch saying, “Good on her. She is just getting on with it. She is facing down criticism on all sides.”

**Chris Bryant:** The thing is that the Prime Minister will have to please more than half the Members of this House. If she does not do so, she will not have an agreement, the whole thing will fall apart and she will be done for, won't she?

**Rachel Maclean:** I have absolute confidence that the Prime Minister will continue to do what she is doing, and I for one certainly support her. If she can bring back a deal that is in the interests of my constituents, I will support her. I take heart from the way in which she has been able to make such significant progress in the face of all the criticism and of people saying, “You won't be able to get this far. You won't be able to make a deal. You won't be able to settle these incredibly complicated issues. You won't be able to unpick all these decades of agreements.” But actually, she has. She went to Africa over the summer and, again, she was in a position where she was damned if she did and damned if she didn't. She was faced with people demonstrating their dancing skills. If she had not joined in, everyone would have said, “Oh, that's terrible. She's awful. She isn't spontaneous.” What did she do? She got stuck in, and she got so much admiration from people for her dancing skills. I really think she should be on “Strictly Come Dancing”, and I would certainly vote for her to do that.

**Chris Bryant:** I think the Prime Minister would probably have to leave the House if she went on “Strictly”, so the hon. Lady would be voting for her to leave office.

**Rachel Maclean:** I thank the hon. Gentleman for his point. I hope that he will take my comments in the spirit in which they were intended; they were somewhat light-hearted. Of course I would not wish the Prime Minister to leave the House. I want her to get a great deal and to enable us to leave the European Union. I hope that the hon. Gentleman will see that I have put that on record.

**Chris Bryant:** It takes two to tango.

**Rachel Maclean:** It certainly does, but the hon. Gentleman is making me lose my place.

I shall return to the negotiations, where we have seen considerable progress not only on the business-related issues that I have referred to but on the question of European citizens.

**Jim Shannon (Strangford) (DUP):** As an example of the negotiations that we can do, the Minister for International Trade was able to negotiate on behalf of one of the companies in my constituency, Lakeland Dairies, a £50 million powdered milk contract with China—worth £250 million over five years. Is that not an example of the good things that we will be able to do when we are outside the EU?

**Rachel Maclean:** I thank the hon. Gentleman for highlighting some of the examples that we will see when we are out of the EU. I have seen some of the benefits in my area, too. Worcestershire is benefiting from the Department for International Trade's forward-thinking policy of going out to the rest of the world and making the case for investing in the county, and Redditch in particular, and I hope that some of our international companies will take advantage of that.

**Stephen Kerr:** My hon. Friend was interrupted from a sedentary position by the hon. Member for Rhondda (Chris Bryant), who said, “It takes two to tango.” We have evidence of the EU's willingness to tango, particularly with the Trump Administration. At the suggestion of tariff changes from Washington, the German Chancellor

was immediately on to Jean-Claude Juncker, and he was on the next flight to Washington, and they made an agreement in the same day. Is that not an example of what is possible when there is a willingness to reach an agreement?

**Rachel Maclean:** I thank my hon. Friend greatly for that intervention. If we all embrace the optimism that he has just demonstrated, I am certain that we can do some great deals in the interests of the British people and of Redditch.

I return to my point about the status of EU citizens. It is a matter of great concern. We all have EU citizens in our constituencies. I have been approached by EU citizens who live in Redditch, such as those who work at the Alexandra Hospital in Redditch, and we rely upon them to deliver the caring services that we can all need. That is why I welcome the details already set out in the withdrawal agreement, but there is more work to be done on that and we must ensure that the processes are working properly and that people get the security they need to be able to stay in our country, because that is exactly what we want. As my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) said, we invited people to come from the EU, and they have contributed and we want them to stay.

My final point is about women and Brexit. I am a proud feminist and agree with campaigners on many issues, but I cannot bring myself to agree with the suggestion by some notable feminist campaigners over the weekend that women do not want to leave the EU. Newsflash: women are able to make their minds up based on the issue, not their body parts. We are able to consider an issue without basing it on our gender. Amazingly enough, I feel entitled to say that because I am in a minority in this House. I have some hon. Friends on my side who are also women. I do not have any on the other side at the minute. I actually do want to leave the EU, and I am a woman, but I recognise that I do not speak for all women—women, just like men, will have a variety of opinions. However, to try to say that all women do not want to leave the EU is a lot of nonsense that I utterly refute.

**Chris Bryant:** Who said that?

**Rachel Maclean:** The hon. Gentleman is speaking from a sedentary position, and I am going to conclude my remarks. This Government have done more for women since being in office in terms of bringing women into work, strengthening women's rights, bringing in policies that support women back into the workplace, such as on childcare, and a whole raft of other issues. I put it on the record that I refute that ridiculous stance about women and Brexit, which should be rejected out of hand.

In summary, I of course have some questions about the withdrawal agreement. Naturally, I expect to scrutinise the final deal that is brought back in great detail, as any Member should. I would not like to see us spend hard-earned taxpayers' money—the £39 billion or whatever it is—unless we get something good in return. That is absolutely essential, and I would not be doing my job and would be failing my constituents if I did not hold the Government to account on that. In the negotiations so far, we have demonstrated to our international partners that we are a reliable negotiator and that we can be

trusted to keep our promises, and we are sending out a signal so that they can come back and negotiate with us. That is how we will continue to build the scaffolding to deliver on the will of the people and their sovereign desire to leave the EU.

8.4 pm

**Tom Brake** (Carshalton and Wallington) (LD): I will begin by commenting on some of the earlier contributions. It is a pleasure to follow the hon. Member for Redditch (Rachel Maclean). I am not aware that anyone has said that all women are against Brexit, but I am aware that recent polls suggest that women have switched in large numbers from leave to remain. Clearly, that does not mean that all women support remain, but there has been a switch.

I was going to suggest that the hon. Lady should perhaps get out more, but that would have been rude, because I am sure that she does get out among her constituents. However, I am rather surprised that she has found no one who has changed their mind on Brexit. There are people who have switched from supporting leave to supporting remain, but equally others have gone in the other direction. I am not quite sure about the circles in which she has been moving—perhaps they are particularly set in their ways—but I suggest that, even in her constituency, there are people whose thinking has changed in both directions.

I corroborate the analysis of the hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards) of where the Government are at. However, he was far too generous about the legacies that David Cameron and the Prime Minister are going to leave us and about the assessment of their contribution to history, because I think things will be even bleaker than the situation that he portrayed.

The hon. Member for Glenrothes (Peter Grant) said that he did not support a people's vote due to his worries about how badly the first vote was conducted. However, something is significantly different now. Over the past two years and three months, we have had the debates that we should have had in the run-up to the referendum. Issues such as no deal meaning that Health Ministers will require pharmaceutical companies to stockpile medicine is something that should have been in the debate before the EU referendum took place. The current debates about the impact on the economy, the pharmaceutical sector, the automotive sector, aviation and so on should have happened before the vote. I therefore hope that there will be a final say on the deal or a people's vote and that it will be better informed debate. I accept that some players will seek to muddy the waters, but at least some of what we should have been talking about two years has been aired.

I am sorry that the right hon. Member for Wokingham (John Redwood) is not in his place, because he said—I have heard him say this often—that the people he spoke to during the referendum campaign only talked to him about the single market and the customs union and understood perfectly what they both meant. Well, he and I actually shared a platform during the campaign and, although I do not have perfect recall, I am reasonably certain that the people in that exchange focused on immigration, which was clearly a major factor. Yes, there may have been some who referred to the single

[Tom Brake]

market and the customs union—I suspect that the right hon. Gentleman referred to them many times during that debate—but for the audience it was about immigration. People were not saying that they wanted to come out of the customs union because that would enable us to do trade deals. I appreciate the irony of the Prime Minister going to Nigeria, which is trying to negotiate a customs union with its neighbouring countries. We are leaving the customs union while Nigeria and the countries in that region are trying to establish a customs union, but such is the illogicality of much of what we are doing at present.

The Under-Secretary of State for Exiting the European Union, the hon. Member for Daventry (Chris Heaton-Harris), was present for the earlier debate in Westminster Hall about article 50, but he came and sat here in the Chamber too. I was hoping that he would answer the question that I put to him during an exchange in Westminster Hall about whether article 50 was revocable, because the House is entitled to know the Government's view. Even if the Government are not willing to reveal their hand—although they should, because Members of Parliament are entitled to know something that will be key to some of the decisions that we might be taking—I hope that the Wightman case in the Scottish courts may lead to the matter being decided by the Court of Justice of the European Union, which will determine whether article 50 is revocable. I think it will determine that article 50 is revocable, and I hope it can do so on a timescale that is pertinent and helpful to this debate. Of course if that happens, at least we will have demolished one of the Government's arguments, that they cannot revoke article 50. Hopefully the Under-Secretary of State for Exiting the European Union, the hon. Member for Worcester (Mr Walker) will be able to clarify whether the Government are now willing to take a position on this or whether they will simply run with, "We are not going to answer this question, because it is not something we intend to do."

**Peter Grant:** Does the right hon. Gentleman think that possibly the reason the Government will not tell us their view is that they know perfectly well that article 50 can be revoked and that the European Union would be quite willing to talk on those terms? It is not a question of legality; it is a question of obduracy and obstinacy on the part of Her Majesty's Government.

**Tom Brake:** I agree entirely with the hon. Gentleman, who has of course provided the Minister with an opportunity to get rid of that obduracy by providing some transparency so that we all know the Government's view on this.

I will speak briefly, which I am sure Conservative Members, and possibly some Opposition Members, will welcome, in part because I have a nasty feeling that we may have all this debate about a withdrawal agreement that is not then secured. We are having this debate, but the evidence from Conservative Members who are no longer in their place is that they are not going to support the Chequers agreement, and therefore we are very unlikely to have a withdrawal agreement to discuss or to vote on at some point in the future.

I hope that one thing the Minister will do in his response is to go on the record again on the question of whether, when the Government table the motion on the

withdrawal agreement and the future relationships, Members of Parliament will be able to amend it to enable us to insert a people's vote. In the same vein, I hope he will say whether, in fact, it would be in order for the withdrawal agreement Bill itself to be amended to allow a people's vote, if Members choose to table such an amendment. I put those two specific points to the Minister, and if he has not made a note, I know that people elsewhere will have so that he is able to respond to those questions directly. If he fails to do so, I suspect I will be writing to him to require that he does respond.

The withdrawal agreement includes a transition period or, as the Government prefer to call it, an implementation period—I agree with my hon. Friend the Member for East Dunbartonshire (Jo Swinson) that it is not entirely clear what the Government will actually be implementing during the said transition period. In many ways it is just a standstill period, as opposed to a transition period or, indeed, an implementation period.

With the transition period and with the fact that we are going to be rule takers, the Government have succeeded in uniting hard-core Brexiters and remainers. Congratulations, because there has not been much unity so far, but on that point the Government have found a way to unite two very different, opposing wings. On the one hand, nobody wants to be a rule taker; on the other, although we might want to accept rules from the European Union, we want to participate in that decision-making process, as opposed to being excluded from it.

On EU citizens and UK citizens, I am pleased with something the hon. Member for North East Somerset (Mr Rees-Mogg) said—I am rarely so—because he called for the rights of EU citizens to be ring-fenced. We have also heard that from Labour Members, and Liberal Democrat Members support it, and I am sure Plaid Cymru and SNP Members do too. We need to park this issue. The Government could do so by saying that they are going to legislate unilaterally to provide full rights to EU citizens, regardless of what happens and regardless of whether we end up with no deal. The Government would then not have to say that nothing is agreed until everything is agreed. They could say, "Nothing is agreed until everything is agreed, but we have actually agreed the rights of EU citizens."

I hope that would provide some reassurance to UK citizens in the EU. I am not sure what other Members are finding, but I am on the receiving end, perhaps because I am my party's spokesman, of a steady stream of emails from people across the EU who might have lived in, say, France for 15 or 20 years but are now being asked to do things they have never been asked to do before. In some cases, elderly people are being told to drive 30 miles to a particular office to get their paperwork, which is causing them some concern. If the Government were unilaterally to agree those rights, the issue could be addressed more quickly and the concerns of many, often retired, UK citizens in the EU would be addressed.

Documents often have pages in the middle saying, "These pages are left deliberately blank." Well, clearly that is what has happened in relation to Ireland and Northern Ireland, because, after two years and three months, we are still no closer to getting a solution to the Ireland-Northern Ireland border, unless of course the solution is, as outlined in the technical note, that if any

business trading across the border has any problems it should talk to the Irish Government. It is an interesting approach from the British Government to advise British businesses that if they want answers to questions about cross-border trade, they should talk to the Irish Government. I have not previously heard of that approach, and it is not one that I would commend, but it neatly sums up the difficulties the Government have got themselves into on this question.

I am sorry that he is not in his place to hear this, but the hon. Member for North East Somerset has previously referred rather glibly to

“our ability, as we had during the troubles, to have people inspected.”

That rather neglects the impact that that might have on peace in Northern Ireland, about which Northern Ireland’s police chief, George Hamilton, has expressed great concern.

George Hamilton revealed the level of chaos surrounding preparations for the border in Ireland after Brexit, claiming that no one is in charge. He told Members that no go-to co-ordinator is actually taking responsibility for the project, which does not sound very positive. I hope that since 27 June a go-to person has been identified.

I made an intervention earlier on the divorce bill, and I was accused by the Under-Secretary of State for Exiting the European Union, the hon. Member for Fareham (Suella Braverman) of not supporting British business. Well, I talk regularly to British business, which is why I went, long before any DExEU Minister did, to talk to the port of Dover authorities about the impact on that port and on all the business that goes through it.

It would perhaps be more honest of the Government if they were to set it out that not only will there be the £39 billion divorce bill, give or take a little, and that European leaders, contrary to the words of the right hon. Member for Uxbridge and South Ruislip (Boris Johnson), are not going to “go whistle,” but that there is no doubt we will be making ongoing payments for a number of years thereafter—one report suggests we will be making payments until 2064. People are entitled to know that, because it slightly changes the parameters of the criteria on which people based their decision two years and three months ago. If at that point people had been told, “Well, it is a down payment of £39 billion, and then an ongoing payment, which will probably continue, certainly in relation to pensions, until 2064,” I think the outcome might have been different. Certainly people would not have swallowed or taken at face value the rather glib statements of the leave campaign.

I have a real worry, as other Members, including the hon. Member for Carmarthen East and Dinefwr, have expressed, that what we will get in the framework, and perhaps Mr Barnier will facilitate this, is an almighty fudge—something that enables the UK Government to come back and say, “Peace in our time,” and wave a bit of paper, and that enables Mr Barnier to go on and pursue other interests that he may have. I have written to Mr Barnier and to the Secretary of State for Exiting the European Union asking some very precise questions about what criteria this political agreement will have to hit so that we can have some substance, a point made by the hon. Member for Greenwich and Woolwich (Matthew Pennycook). We want a very precise agreement that sets out the terms. What we do not want is a vague undertaking that achieves our getting out of the European Union

and then, for the next 15 or 20 years, leaves future Governments the responsibility of trying to unpick the mess caused in seeking to achieve that exit. I hope that that will not happen and that the House would reject it. If the agreement is just the equivalent of a couple of sides of A4 with a lot of clichés and a lot of nice words about how we are going to work closely together in the future, I hope that Parliament will say no to it.

There has been a lot of reference to how EU trade deals will simply be rolled over, and how the EU has said that is fine. I have asked the embassies of the countries involved—I have also asked Ministers in parliamentary questions, but they have not really answered—how many of those countries have written to the UK Government saying that they are happy for their trade deal to be rolled over without any change. I imagine that Members can guess how many have written back to me saying that they have confirmed that: zero. Not a single embassy that has responded has been willing to put it in writing that they will allow their deal to be rolled over. Some have said that they want to reopen aspects of the deal. Good luck to the Government if they think that all 65 trade deals will simply roll over just like that, lock, stock and barrel. That is not the feedback that I have got from the countries involved.

I conclude by putting on record again the questions that I have asked the Minister, so that he really cannot escape answering: whether the Government consider that article 50 is revocable, and whether the motion that they will bring forward or the withdrawal agreement Bill itself will be amendable to allow a people’s vote. I am sure he has listened carefully twice to me asking him those questions, so I am absolutely confident that I will get simple yes/no answers when he responds.

8.21 pm

**Stephen Kerr** (Stirling) (Con): It is a great honour to follow the right hon. Member for Carshalton and Wallington (Tom Brake), who speaks with great passion and experience on these subjects, even if I cannot agree with much of what he says. I begin in the same vein as the hon. Member for Glenrothes (Peter Grant) by extending condolences to our fellow Scottish Member of Parliament, the hon. Member for Motherwell and Wishaw (Marion Fellows), who recently suffered a bereavement.

As we heard earlier, it was inevitable that this Session would be dominated by the method of our departure from the European Union. The conversation taking place both inside and outside the House has left the country with the distinct view that there is little consensus about the details. I have always been clear that I voted to leave the EU, and my constituents knew that. My political opponents in Stirling, where 67% of people voted to remain, often ask me on what basis I can speak up for Stirling in the House as a Member of Parliament who voted leave. My answer is simple: the people of Stirling sent me here on the basis of our manifesto commitment. All Conservative and Unionist candidates at the election stood on a manifesto commitment to deliver Brexit, and to leave the customs union, the single market and the jurisdiction of the European Court of Justice.

**Peter Grant:** I respect that fact that someone who gets elected is expected to implement the manifesto commitment on which they stood, but two years earlier the hon. Gentleman stood in the same constituency on a manifesto

[Peter Grant]

promise of keeping us in the single market. What caused his personal journey to Damascus from 2015, when he was determined to stay in the single market, to 2017, when he was determined to get out? Or did he just change his mind because he had to so that he was allowed to stand as a Conservative candidate?

**Stephen Kerr:** The hon. Gentleman is quite mistaken. In 2015 I stood on a manifesto commitment that the Conservative party, should it be elected with a majority and form the Government of this country, would hold a referendum on our membership of the European Union. The then Prime Minister, David Cameron, said that he would go to Brussels and negotiate a better arrangement with the European Union. In the event, sadly, he came back with much less than he had promised and, in my opinion, tried to oversell it to the British people. The British people will not be sold a pig in a poke, and the inevitable consequence was that they voted to leave the EU.

**Peter Grant:** I am a bit surprised to have to remind a Conservative MP of what was in his own manifesto in 2015. Admittedly it is no longer available on the official Conservative party website—I wonder what the party does not want us to see—but I can assure him that it said:

“We are clear about we want from Europe. We say: yes to the Single Market.”

I ask him again: what changed his view from wanting to stay in the single market when he stood in 2015 to wanting to get out when he stood in 2017?

**Stephen Kerr:** The simple answer is that we fulfilled our election commitment by holding a referendum in June 2016, when the people of this country voted to leave the European Union. That is clearly what changed. The hon. Gentleman was a little thin-skinned in his response when I intervened on him earlier but, unlike his party, the Conservative party honours and respects the outcomes of referendums. We did so in 2014 when the Scottish people voted to remain in the United Kingdom. We stand firmly on the side of the Scottish people in that judgment, as we stand on the side of the people of the United Kingdom who voted in June 2016 to leave the European Union. I have committed to the people of Stirling to come here and deliver on the outcome of that referendum, and I believe it is my responsibility to them to ensure that we in this House get the best possible Brexit for the United Kingdom. That remains my first and foremost consideration.

The electorate expect their politicians to negotiate, finalise and deliver a deal that will have their best interests at heart. I spent most of Saturday in Callander, which I recommend all right hon. and hon. Members pay a visit to—it is the most beautiful place. I was in Stirling Road, Campbell Court, Menteith Crescent and Willoughby Place, and when I knocked on doors, the people there were universally adamant about one thing, regardless of how they voted in June 2016: they want us to pull together and deliver Brexit. The people of our country have become incredibly fatigued by the squabbling and division, and they look to Members of all parties to unite and deliver the result of the referendum with a deal that is in the best interests of people in all parts of the United Kingdom.

Global Britain did some polling in my constituency last month—I am sure it will be covered in the *Stirling Observer* when it comes out on Wednesday—and the outcome was exactly as I have just described: people want to see us do the best we can for our country, and that we must do. That is why I continue to support the leadership of the Prime Minister. There was some scoffing earlier when my hon. Friend the Member for Redditch (Rachel Maclean) talked about how people see our Prime Minister, but I can tell Members that she is admired even by our political opponents, at least in my neck of the woods, because she has stuck to her job and shown a sense of duty and devotion to public service. Whether or not one agrees with her direction of travel, that is deeply admirable in her as a person. I honestly believe—in fact, I have no doubt whatsoever, and nor can any rationally-motivated person—that the Prime Minister is doing everything in her power to secure a Brexit arrangement that fulfils the instructions of the British people that were delivered through the referendum.

The Prime Minister is also dealing with the complexity of leaving the European Union. Despite the comments of Opposition Members, the British people fully embraced that complexity in a pretty full and protracted debate surrounding the EU referendum. The right hon. Member for Carshalton and Wallington said that the fact that people spoke in a public meeting about one particular issue but perhaps did not dwell on another logically proves—although this is actually illogical—that people did not give any consideration to whether we were leaving the single market, even though that fact was said repeatedly at the time by those on the remain side. In fact, the remain campaign even stopped calling the EU the European Union for a while and simply referred to it in those terms. The situation was well understood.

I admire my right hon. Friend the Prime Minister for what she is trying to do, and I wish to make it absolutely clear that my support for her includes my support for what she set out in her speeches about Brexit at Lancaster House and the Mansion House. The Conservative party was united in its response to her Mansion House speech because the principles that she set out in it were founded on pragmatism. At the end of the day, I am a Conservative because I am a pragmatist. The difference between the Conservative party and the ideologies of other parties is that we will do what will work. That is what the Conservative Government are being guided by.

**Tom Brake:** Given that the Conservative party was united at the point of the Mansion House speech, can the hon. Gentleman explain what has gone so badly wrong since then?

**Stephen Kerr:** I will. I am grateful for that intervention because it leads me nicely on to my comments about the Chequers agreement and the White Paper that followed. I think that all Conservative Members—I should really only speak for myself—are more than happy to give fair consideration to the Chequers agreement and the White Paper. The clear majority of the White Paper's contents constitutes something to which I could readily sign up, because it talks positively about our future relationship with the European Union, which will be the subject of the process that we are discussing. It talks about co-operation and partnership, and that is the kind of future relationship with the European Union that I



want. We cannot say too often from the Government Benches that while we are leaving the European Union, we are not leaving Europe.

We are not going to cut ourselves off—far from it. This is a time when we need to renew our commitment to engage with our friends and neighbours in Europe, but the British people simply no longer have an appetite to participate in the European Union project. The United Kingdom should and must continue to play a full part in the defence and security of the continent, and in the common values that bind us together as an alliance of like-minded nations that stands four-square for freedom and the rules-based international order. That was seen vividly in the response of our allies to the events in Salisbury and the Prime Minister's statement last week.

What continually concerns me—it has come out again in this debate—is how we talk ourselves down from the strength of our negotiating position. At the weekend, while reading a magazine for investors, a paragraph caught my attention. In describing why the United Kingdom remains such an attractive place to invest in relative economic terms, it said:

“One of the most competitive tax rates in the developed world, labour market flexibility, excellent universities spawning research and development, and an innovative and industrious people, our language and the rule of law are just some of the reasons the world is knocking at the U.K.'s door”.

I must say to Ministers that my concern is that in our negotiating position with the European Union we sometimes appear—perhaps through the prism of the media, I should add—to act from a position of weakness. I say that because from listening to some people, we would imagine that we were a weak, small and poor nation that does not have a past to be proud of. We are the sixth-richest economy in the world, but we are somehow shunted off the coast of Europe, some poor island somewhere—the Russians once described us in those kind of pejorative terms. That is not how we should be behaving. The way in which some people paint us as enfeebled and a shadow of our former selves is not helpful.

I spent some of the summer in the United States. Our friends and admirers around the world are perplexed by our totally unnecessary public display of self-doubt. Why should this country behave that way? This is not the Britain I recognise.

**Tom Brake:** I thank the hon. Gentleman for giving way again. Does he not think that the thing that sends the strongest possible message about self-doubt is the Foreign Secretary and the Secretary of State for Exiting the European Union walking out of their jobs? What does he think that says about self-doubt in the Government?

**Stephen Kerr:** The Prime Minister said in relation to the Chequers agreement that she was restoring collective Cabinet responsibility. Let me tell the right hon. Gentleman what I genuinely think: I admire people who have principles. I admire him for his principles, and I admire my right hon. Friends who decided to give up positions at the Cabinet table because of their principles. As someone who has principles that he holds dear, that must be something that the right hon. Gentleman can relate to.

As I said, this is not the Britain that I recognise. My right hon. Friend the Prime Minister's visit to Africa has been mentioned. Possibilities exist not just for those nations that she visited—I also had the privilege of visiting Kenya at the start of the summer recess—but for us to work with those nations and to see their development. These countries, particularly Kenya, have fast-developing economies, and they would be new consumers and trading partners for our businesses. By trading and working with our African allies—this is an example of the growth in world trade that we will see as we leave the European Union that will come not from the European Union, but from the rest of the world—we will show that we can be not only participants in this renaissance of Africa, but a force for good in the world while helping our own economy in the process.

I recognise that Britain is ready to grasp these opportunities. I want our country to be a global player in the fullest sense of the word. I recognise the Britain that our European friends want to be partners with. I refer the House to a statement that was made by Donald Tusk in March:

“I propose that we aim for a trade agreement covering all sectors and with zero tariffs on goods.”

That was a very significant statement. Europe does want to make a deal with us, whether it be French wine producers, German car manufacturers or Spanish holiday companies. The prospect of a no deal is as bad for them as it is for most of us in the House. There is a mutual interest here—a win-win possibility. I want the Government to conduct these negotiations from a position of strength.

I hope that the Government will not persist in trying to sell the unsaleable with those bits of the White Paper that the European Union will not accept. The Prime Minister has played a canny hand so far, and I sincerely hope that she and the Government will now pivot away from the unsaleable elements of the White Paper, especially in relation to the common rulebook and the facilitated customs model, and refocus our future commercial relationship around what is possible, namely this unprecedented bespoke free trade agreement between the EU27 and the United Kingdom.

I cannot conclude without saying something more about Scotland, but before I do, let me say that I associate myself with many of the comments that have been made by Conservative Members about the £39 billion that we have seemingly committed. We should definitely question the value for money behind that kind of exchange of currency.

It has been said by people from all parties that somehow or another Brexit presents a moment of stress for the Union of the United Kingdom of Great Britain and Northern Ireland. The truth is that that is the Union that matters the most to me. I often say that I did not sleep very much in the weeks leading up to the referendum in 2014. That was a time of intense worry and concern for me, and I felt nothing like that before the June 2016 vote. The Union that matters the most to me and to millions of Scots is the Union that we have with England, Wales and Northern Ireland. Here are the realities to stem any thought—other than the flight of imaginative fancy that we hear from nationalist politicians in Scotland and in this place—that there would be any desire to break up this hugely successful Union of nations that we call the United Kingdom: Scottish exports to the United Kingdom are worth £46 billion;

[Stephen Kerr]

Scottish exports to the rest of the world are worth £17 billion; and Scottish exports to the EU27 are worth £13 billion. According to the Fraser of Allander Institute, 125,000 Scottish jobs are related to EU exports—I do not want to lose one of them—but 529,000 Scottish jobs are related to business with the rest of the United Kingdom. These are the economic facts of life.

I was sent here by the people of Stirling to help to deliver a deal that will make the best of Brexit, which is an issue of paramount importance. If we get this wrong, it will haunt British politics for a generation and do lasting damage to our standing in the world and to our economy. This is a time for self-confidence, not self-doubt. We have good cards to play in these negotiations, and it is time for our Government to play them and play them well.

8.39 pm

**Chris Bryant (Rhondda) (Lab):** It is enormous delight to follow the hon. Member for Stirling (Stephen Kerr). One of my earliest memories is of dancing the highland fling in Stirling castle many, many moons ago. That is a dance, of course, that can be done entirely on one's own. The trouble is that, as with most dances, when it comes to Europe, it is not just a question of it takes two to tango; there are 27 other member states, plus the Commission, let alone the negotiations that have to be done in this House and in Parliament.

I find this really difficult because I think that this country is making a monumental mistake. We are cutting off our nose to spite our face, sticking a pen in our eye—I do not know how to describe it. I just think that it is a monumental mistake that will be catastrophic for our future relations with other countries and for the trade that we do with other countries. All the new trade that we are talking about with all these other countries does not add up to the trade that we do with France and Germany. And that will continue to be the case in the future. It is especially true for Wales, whose single biggest trading country is not the United States of America, Australia, or any of these countries in Africa or Latin America; it is Germany.

I worry that this country is perpetrating an enormous own goal. Of course, I know that people voted for it, but I think that it is a massive distraction. My constituents in the Rhondda do not want me to be debating this tonight. They want us to be debating: why people who work 40 hours a week still might not be able to put enough food on the table for their children to be able to eat; why children from poor backgrounds still do not have the same opportunities as children from rich areas of the country; and why on earth Westminster manages to get vast amounts of money from the Government to subsidise its council tax, whereas Rhondda Cynon Taf gets barely a penny. Those are the things that my constituents are worried about. They are worried about their jobs, whether there will be houses for their children and what the future holds. I honestly think that they just see all this as a massive distraction.

I feel so angry with David Cameron, because in the end he appeased the far right in this country. Of course, lots of people are always tempted by appeasement of the far right, because it makes a lot of noise. Historically, there has always been a temptation to say, “Yes, all right,

we'll give you a little bit of ground and try to quieten you.” But, actually, the message that we have known for centuries is that if we try to appease somebody, all they do is consume us. That is exactly what happened to David Cameron and that is why we had the referendum in the first place.

I also worry that the Labour party sometimes wants to do similarly. We do not call it appeasement, of course; we call it triangulation. We used to say, “The Tories are massively Eurosceptic and the Liberal Democrats are ludicrously pro-European, but we are the sane, sensible people going down the middle.” But if we triangulate in politics, all we actually do is give up on our own values and principles and surrender a piece of political territory to somebody else. So I say sorry to the Liberal Democrats; I warn hon. Members, I will not say that very often.

I enormously respect how people voted, including in my own constituency, but I have no respect whatever for the people who lied to the country in the referendum. I am not saying that the remain campaign was pure—far from it. It tried to rely on fear far too often and created bogeymen who never really existed. But the lies on the leave side were just spectacular.

“Absolutely nobody is talking about threatening our place in the single market”,

said Daniel Hannan, and now we have heard countless Government Members and the Prime Minister say, “Oh no, everybody voted to leave the single market.” Well, which was the truth?

We were told, “Turkey is joining the European Union and we cannot prevent it.” There is no prospect of Turkey joining the European Union. We were told, “We can get net migration down to the tens of thousands,” as if to suggest that the European Union provided more of the net migration than the rest of the world—that even with all the rules that were brought in in 2010 curtailing migration visas for families, for people bringing in their spouses and all the rest of it from outside the European Union, the number of people coming by those routes, where we have complete control, was still higher than the hundreds of thousands. It was a completely fallacious argument, and, again, part of the appeasement of the far right.

We were told, “Health tourism costs us billions in the European Union.” There is absolutely no evidence for this whatsoever. Indeed, Spanish politicians will say, “Actually, there is quite a lot of health tourism from the UK to Spain.” That has yet to be sorted out. “The Irish border will be unaffected,” we were told. This is the bit I really do not understand. How can we take control of our borders if we do not have border controls? That is basically what the Government are trying to work out. They have been pursuing that unicorn for quite a while now, and I suspect that they will still be pursuing it when we get to Christmas and they start looking for Father Christmas instead.

We were told:

“There will be no downside to Brexit, only a considerable upside.”

Yet every single estimate that the Government have made has shown that they know that there will be considerable downsides to Brexit. They may argue that there are upsides as well, but nobody in the Government is arguing that there will be no downsides. We were told, “Every single penny that Wales gets from the European

Union will be guaranteed by the Government.” We still have to hear anything about providing that amount of money for Wales.

It is not just lies, though—some of the comments were just delusional:

“The day after we vote to leave”

a Cabinet member said,

“we hold all the cards and we can choose the path we want.”

That is not quite how it has worked out over the past two years, is it? We were told:

“Getting out of the EU can be quick and easy—the UK holds most of the cards.”

We were told:

“The free trade agreement that we will have to do with the European Union should be one of the easiest in human history”, yet there is still no prospect of anything of the kind. The Government said:

“We’re not really interested in a transition deal, but we’ll consider one to be kind to the EU.”

Yet only weeks after they made that statement, the UK suddenly realised that we were in real danger of a completely chaotic collapse out of the European Union and went begging to the EU for a transition. Finally, we were told that the UK would owe no money to the European Union after it left in March 2019. Yet we know perfectly well, as even the Minister has admitted today, that we have debts and we will end up having to pay them.

I mention all those things because I think that when we triggered article 50, we were far, far too precipitous. The Government had no idea of what they wanted to get out of the negotiations; they had not even started the process of putting together their negotiating strategy. *[Interruption.]* That is why I voted against triggering article 50, before the Minister says anything. At the time, I said, “I realise that this is the opposite of the way that my constituents have voted, but in honesty I can only vote according to my conscience. I believe that this will be bad for my constituents, and if they choose to throw me out at the next general election, then I’ll have to live with it.” I had not quite expected that the next general election would be six weeks later, but I doubled my majority, so all is well that ends well, I suppose.

The problem remains for us that there is not then much in the Venn diagram. If we want to make a Venn diagram of what the European Union treaties will allow, what the ERG grouping within the Conservative party will allow, what sane and sensible members of the Conservative party and the Conservative Government will allow, what the Labour party will vote for and what Parliament will vote for, there is simply no space in the middle. That is why Opposition Members who are remainers keep on saying that the danger of no deal—and a chaotic no deal at that—is very real. That is why I ask questions of the Minister. I have asked two Ministers now about something that every single British holidaymaker or businessman or woman who has to work elsewhere in the European Union fully understands: which passport queue—the British people know all about queuing—will we get in when we arrive in France, Germany, Spain or Greece next year? It is a very simple question, and so far, no Minister has an answer.

The attempt at an answer that was provided earlier by the Under-Secretary of State for Exiting the European Union, the hon. Member for Fareham (Suella Braverman), is useless. It just does not wash—as she perfectly well knows, which is why she is smiling so elegantly—because nothing is agreed until everything is agreed. There is no transition period until we have agreed all three different stages of what we have to go through. That is why the Government should have a policy now on where British passport holders will queue when they arrive in other countries of the European Union next year and where EU citizens will queue when they come here, because someone will have to start recruiting passport officers to staff those control points.

One thing that particularly bewilders me about the way that the Government are choosing to do their business is that, yet again, we are debating a theoretical Bill—a piece of legislation that does not exist. Of course, the Under-Secretary of State for Exiting the European Union, the hon. Member for Worcester (Mr Walker), is sucking his pen and thinking, “Well, that’s always the basis when you have a White Paper.” That is true, but this is a very theoretical Bill. There is no certainty that there will be such a Bill. There is no certainty about what will be in it. The White Paper even admits that the Government have referred to some things but are not yet certain whether other things will be included.

The Government’s chosen course of action in relation to residence rights is quite disturbing. I suspect that we will have an immigration Bill at some point. If this country is leaving the European Union, we will have to have a new immigration policy. Unless I have missed it, we still have not even had a White Paper on an immigration Bill. The Government, as far as I understand it, have no policy at the moment on what our future immigration rules should be.

When making very significant changes to the way that we conduct our business that affect thousands if not hundreds of thousands of people living in this country and our citizens, it is a mistake to rely on secondary legislation. But that is precisely what this White Paper says we will do in relation to residence rights. Government Members will say, “Oh yes, but we have been doing that ever since 1971 when we changed our immigration rules,” but I think that that has been a mistake. It was a mistake in 2010, for instance, only on the back of secondary legislation, to change the rules on visas for spouses by increasing the amount of money someone has to earn in the UK to £18,600. That was not understood by the vast majority of people. I think that if that had been put to the House in primary legislation, it would not have been carried.

It is a phenomenal mistake, therefore, to use secondary legislation to go down this course—especially since in the past, the whole premise of secondary legislation was that if the Leader of the Opposition or a significant number of people in the House prayed against a statutory instrument, there would be, in proper time, a debate and a vote in the Chamber of the House of Commons, but in recent years, the Government have repeatedly refused to provide that, and on very significant issues. If the Government intend to change the rules on residence rights for EU citizens in the UK by an SI later this year, I certainly will not support them, and I will point out time and again that government happens by consent, and a Government do not gain consent by sneaking things in through the back door.

[Chris Bryant]

I have one final point to make, which is about the timetable. I honestly think that the Government are leaving all of this far, far too late. I return to the point about government by consent. A Government have to take the people with them, and they have to make sure that the legislation is in good nick, preferably before it is presented to the House and certainly before it ends up becoming law. However, I am guessing that everybody has now given up on October as the date for the negotiation to end. It looks as though Michel Barnier has done so. The EU is now proposing 13 November for a special summit meeting, as I note from the media today, and I guess we may then have a meaningful vote. I use the term “meaningful vote” advisedly. I do not know how we can have a meaningful vote under the terms of the withdrawal Act, because all the motion will say is that this House has noted the fact that there has been a debate, and if hon. Members vote against that, it will have no meaning whatsoever. Let us say that the meaningful vote is perhaps on 20 or 21 November, because the Government will want to get their ducks in a row, but as has happened quite often, that may be delayed—perhaps to the last week in November.

On the back of that, legislation will have to be drafted to implement the deal. I have never—never once—known a Bill of the extent we are talking about being drafted by parliamentary draftspeople in less than six months, even on things that really mattered, so I suspect that that will be a tall order. I suspect the Minister will stand up and say, “Oh, no. We’ve got all of this written out. It is just a question of crossing some bits out and putting some other bits in. It’s going to be dead easy. We will be able to produce a Bill, following the negotiation day and after the meaningful vote, within a week.” I doubt it, but perhaps that is what he is going to say.

Let us say that that means First Reading is in December. We cannot have Second Reading on the same day as First Reading, unless a motion of the House is carried to that effect, and I think that would be a dodgy business because hon. Members would not have been able to see the Bill before we started talking about it. I therefore presume that Second Reading is very unlikely before Christmas. Will there be a Report stage—sorry, a Committee stage—of 10 working days? I cannot believe we will devote all of January to a single piece of business, so the legislation may be out of the House of Commons by 14 February—maybe, but I suggest that is a tall order for such a piece of legislation. It will then go to the House of Lords, where the Government cannot control the timetable at all. The only bit of the timetable they can control is when Parliament prorogues and the whole lot is lost.

The point is that there is no prospect at all of getting this legislation in place between mid-November and the end of March—absolutely no prospect whatsoever—unless the Government are going to use every trick in the book to make sure we cannot have proper debates or end up with proper legislation. In other words, they will have to shove as much as they can through in secondary legislation and allow barely enough time to get through proper amendments in this Chamber, let alone in the House of Lords, with the single threat of the sword of Damocles hanging over everybody. I just cannot see it happening.

I will end with the hon. Member for Stirling.

**Tom Brake:** The hon. Gentleman is coming to the end of his speech, but I thought he was building up to suggesting that the Government should at this stage start engaging in informal discussions with all 27 EU countries about the need to extend article 50.

**Chris Bryant:** I do not doubt for a single instant that the Government have already started doing so—I am certain of it—and if they have not done so, they are in doolallyland. They should certainly be getting on with that. It was crazy to have started article 50, but it would be even crazier to stick with that date if they cannot produce proper legislation so that there is legal certainty in the United Kingdom.

The Prime Minister has gone several rounds with the English language, given all her sentences such as “Brexit means Brexit” and “No deal is better than a bad deal”, when no deal is actually the worst possible kind of deal we could possibly end up with. In her first letter to Donald Tusk, she herself said that, if there is no deal on everything, there is no deal on security. She therefore knows perfectly well that, if there is no deal, she is—we are—compromising the security of this country and of other countries in the European Union.

The Prime Minister knows that the Chequers deal is dead—it is not going anywhere. She would be better off tabling a motion on the Chequers deal, for us to debate the moment we get back in October and discover that there is no majority for it in this Chamber. That is one of the reasons there will be no deal. I suspect that in the end she will be begging Parliament for a people’s vote, so that the people can decide the right outcome for us all.

The hon. Member for Stirling expressed enormous respect and admiration for the Prime Minister, as did the hon. Member for Redditch (Rachel Maclean)—it is great to see her back in her place; waving, not drowning. I honestly think that the real disaster of this Prime Minister is that she knows perfectly well in her heart of hearts that this will damage Britain. No Prime Minister has ever brought to this House a project that they themselves did not even believe in. That, in the end, is why I believe this will prove to be the greatest catastrophe we have ever engaged in.

**Madam Deputy Speaker (Dame Rosie Winterton):** I call Vicky Ford.

9 pm

**Vicky Ford (Chelmsford) (Con):** I am sorry, Madam Deputy Speaker, I did not hear your dulcet, quiet tones, after the hon. Member for Rhondda (Chris Bryant) left us so full of hope and optimism. It is a great pleasure to follow him, of course.

As I have said many times before, we are engaged in the most challenging negotiations of a generation. It should come as no surprise that the legislation that goes with it is extremely complex and challenging. The coming weeks and months will be crucial. The negotiations will intensify as they reach their conclusion, and so too must our work here. I believe that the vast majority of people in the UK and across the EU want to find a pragmatic and amicable long-term relationship. However,

as I have said many times since the referendum, some politicians, in this country and elsewhere, will seek to disrupt that for their own political gain, because some will benefit politically from chaos. We must avoid that.

Some of the Members who have spoken tonight have made objections on technical and ideological grounds, but for many people these decisions are not just technical; they will have a real and direct impact. I am thinking, in particular, of those affected by the citizens' rights issues, whether EU citizens living in my constituency of Chelmsford, or UK citizens living elsewhere in the EU. I am reminded that today is Gibraltar Day. The citizens of Gibraltar of course need the withdrawal agreement to be stable. Finding a solution to these issues is vital. That is why I welcome the extra pace and energy of the team at the Department for Exiting the European Union, and why legislating for the withdrawal agreement is so crucial.

I voted to remain, but I do not see how a second referendum would solve these complex issues. It would risk undermining the confidence that people put in politicians, because we did tell them that it was their choice. I also think that some of those who are lobbying for a second referendum have not thought about the complex political situations in many other European countries at this time, especially in the run-up to the next European elections. It is right to try to close as much of these negotiations as possible before those elections, when many of the people on the other side of the negotiating table will change. In order to agree the terms of withdrawal, we also need clarity on the long-term arrangement, which is why the future framework decisions also need to be agreed.

Let me remind the House of the different options. First, a no-deal Brexit would bring many uncertainties. As we saw in the paperwork released over the summer, it is absolutely right that the Government endeavour to mitigate some of those uncertainties, but it is certainly not the preferred solution. Secondly, a Norway-style relationship, staying in the single market and the customs union, would bring huge challenges, as I know from my own experience. One challenge would be needing to keep the free movement rules, which were such a major issue to many voters in the referendum. The other big challenge is being a rule taker, especially on very sensitive issues such as fishing, farming and financial services, areas where, in my experience in Europe, there was often a great difference of approach.

Thirdly, the Canada-style free trade agreement, Canada-plus-plus-plus-plus-plus, may sound quite attractive, but the EU negotiators simply are not offering us that. They may offer us a free trade agreement, but only for England, Wales and Scotland, leaving a different arrangement for Northern Ireland that puts the border in the Irish sea. I was in Northern Ireland on Friday and Saturday. It is very clear how many people are becoming extremely frustrated by the void that has been left by not having any local decision making. So many decisions have been put on hold: not just Brexit decisions, but decisions on health, education and projects for new roads. These projects have been fundamentally agreed, but not signed off. I believe in the Union. I believe in the United Kingdom. If we want to keep our country together, we should not underestimate the sensitivities of Northern Ireland at this time and the importance of

finding a solution. It has to be a solution that works for all of the UK, while respecting the Good Friday agreement.

We therefore have to find a fourth way, which is what the Government have now agreed in great detail in the White Paper, Chequers and in many other papers since, and what they have gone in to negotiate. Unlike many other speakers tonight, I am not going to start pulling the Chequers agreement to pieces, because we are one country negotiating with 27 other countries. It may not be perfect in every detail, but it has very, very, very many details that have been widely welcomed by many of the companies, businesses, people and individuals affected by those details.

**Chris Bryant** *rose*—

**Vicky Ford:** Every time—I see an Opposition Member jumping up and down—any one of us on this side of the channel starts pulling our own Government's negotiating position to pieces without focusing on the details, we create much greater uncertainty for the negotiators on the other side of the table.

**Chris Bryant** *rose*—

**Vicky Ford:** No. The hon. Gentleman spoke for long enough. I am not going to take an intervention.

We need to be careful. If we are going to raise points on the White Paper, let us make sure those points are truly valid and not scaremongering. There would be a real issue if we were left rule taking in areas such as financial services, where often we have a different economic balance from other European countries, but the White Paper does not do that. On the three Fs in particular, fishing, farming and financial services, we would not be a rule taker. We would have common rules on goods, but actually all trade deals have some form of common rules on goods. The deeper the trade deal one wants, the more one needs to have a common approach to the goods that go across the border. Europe is our largest trading partner, so presumably we want the deepest trade deal. Eighty per cent. of the rules that are set on the goods across the EU are not set by politicians anyway; they are set by the businesses, as part of the trade between different businesses.

When I think about my eight years in the European Parliament and I think about the number of times the UK and the rest of Europe had a fight about rules affecting a good, I could count those issues on the fingers of my two hands. When I try to then think about the ones we really did come to blows about, I end up with the fight we had over washing-up gloves. Am I really going to try, just because from an ideological point of view I do not want to be a rule taker on goods, to pull down the Government's entire negotiating position because of some fight we once had about washing-up gloves? Some of the fights and ideological rows about the Chequers White Paper are not based on reality, pragmatism or the experiences that every one of our constituents has when they go out shopping for goods. The clock is ticking. We need a deal with the EU and it needs certainty.

The one thing I would say to Opposition Members is that, if they want to help to create more certainty, can they please be clearer about what their position will be when the Government come back with a deal that

[Vicky Ford]

follows the broad parameters of the Chequers agreement? If Opposition Members would vote for it, or at least say that they will abstain, it would have a much greater chance of being delivered through the negotiations and creating the certainty that my constituents—all of our constituents—need.

9.10 pm

**Jenny Chapman** (Darlington) (Lab): These events are not the draw they once were perhaps, but every contribution has been brilliantly delivered and it has been an interesting debate, with great contributions. To pick two entirely at random, I single out those from my hon. Friends the Members for East Lothian (Martin Whitfield) and for Rhondda (Chris Bryant). Both of them stood out because they described no deal as something that their constituents would find intolerable. I wonder what message the Minister will glean from this debate, given that the single contribution in favour of the Government's strategy came from the hon. Member for Chelmsford (Vicky Ford). Perhaps he will say in his speech what messages he will take away from the debate and what changes may be in the offing for the Government's negotiating position.

**Chris Bryant:** Perhaps he will resign.

**Jenny Chapman:** He is the only one who has not resigned—yet. There is still time.

I remind hon. Members of the contribution from my hon. Friend the Member for Greenwich and Woolwich (Matthew Pennycook), who asked some important questions. I hope that the Minister will reply to them. If the withdrawal and implementation Bill ever sees the light of day, it will be an important measure that sets out our arrangements with the EU for the next two years, providing the legal basis for EU citizens to retain their rights; approving the payment of a large financial settlement with the EU; and putting in place a legally operable backstop in Northern Ireland. The House must have the chance to carefully scrutinise legislation of such importance.

With more than 80% of the withdrawal agreement agreed, the Government's lawyers will have started to put that into draft UK legislation. There is no reason Parliament cannot see draft clauses now. Pre-legislative scrutiny would provide further certainty for EU citizens, and it would provide for better scrutiny of the legislation. Hopefully that would allow us to avoid the farce of the Government introducing legislation that they have to repeal and amend before its main powers come into force, or the Government trying to railroad Parliament with a raft of widely drawn Henry VIII powers at the final hour.

I was going to say that there is an elephant in the room, but many Members have pointed out that there will be no withdrawal and implementation Bill if there is no withdrawal agreement to implement. It should not be in question, but the Government have mishandled the negotiations and there is great uncertainty with fewer than 40 days to go until the October Council.

Two fundamental stumbling blocks remain. First there is Northern Ireland and the backstop. Both the UK and the EU made a solemn commitment in December to

deliver a legally binding backstop that prevents a border with physical infrastructure between Northern Ireland and the Republic of Ireland. I regret to say that a small number of Members believe that this is a problem best ignored. They remain under the illusion that the Irish border is an imagined or exaggerated problem, or that new and uninvited technology will provide an answer. That is not only irresponsible but misunderstands the significance of the open border as the manifestation of peace. It is about identity, not technology. Unfortunately that small group of Members count among their number former members of the Cabinet, including the former Foreign Secretary. That has surely held back any progress in the negotiations.

With just weeks to go, it is time for both sides to work together to reach an agreement that puts into force the backstop agreements made in December and which can command the support of all communities in Northern Ireland. As my hon. Friend the Member for Greenwich and Woolwich argued, it will be easier to reach agreement on the backstop if both sides do not believe it will ever come into force, and if they believe that the future partnership will allow for frictionless trade and a border without physical infrastructure and will be ready to come into force at the end of the transitional arrangement.

That, however, brings us to the second stumbling block in the process of Parliament's approving the withdrawal agreement: there has been little or no progress on the political declaration on the future relationship—in fact, negotiations have barely begun. The story is one of catastrophic political failure. The Government did not publish a plan until 18 months after triggering article 50, and when it was published, it was a cobbled-together compromise designed first and foremost to keep the Cabinet together—in that, it failed, and the Tory civil war has continued.

Much more importantly, the Chequers proposals have failed to provide a basis for reaching an agreement on the future partnership with the EU. The EU chief negotiator has made it clear that the Commission is fundamentally opposed to two aspects of the proposals: the facilitated customs arrangement, which is a bureaucratic nightmare and threatens to puncture the EU customs union, and the so-called common rulebook, which picks and chooses which bits of the single market the Government want to participate in. There is no indication of a groundswell of opinion among member states against the Commission, and even if there was, a Chequers-style deal would not have the support of this Parliament, as we have clearly seen this evening.

The Chequers proposals do not go anywhere near far enough for the Labour party. The facilitated customs proposals are unworkable and bureaucratic; the enhanced equivalence provisions on services are inadequate and would erect significant barriers to trade; and the non-regression provisions on social and employment protections are weak and could lead to the UK falling behind the highest standards. As we have heard today, it is not acceptable either to large parts of the Tory party, whom the Prime Minister has indulged for too long in their fantasy that they can have a close economic partnership with the EU without any obligations and whom the Prime Minister does not have the political authority to stand up to.

We are now at the most crucial stage of the Brexit process, yet the Government have no credible plan for our future relationship with the EU and no viable solution to the Irish border issue, and there is no majority in the Commons for the Chequers proposals. The Government cannot conduct the final stage of the negotiations without acknowledging this reality. They must go back to the drawing board. They need to come back with a policy that has a chance of achieving a majority in the House and which eliminates the need for a border with physical infrastructure in Northern Ireland. If they do not, they will not get a withdrawal agreement through the House, there will be nothing to implement and they will have failed in the most important set of negotiations this country has faced since the second world war.

9.18 pm

**The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker):** It is a pleasure to listen to the whole debate and to be able to make some points at the end. I note the rare lack of the constraint of a time limit, but I do not intend to detain the House too long. I am mindful of the right hon. Member for Carshalton and Wallington (Tom Brake), who promised us a short speech—something the whole House was ready to cheer on—only for his promises to turn out as honest as the average Liberal Democrat election leaflet.

**Tom Brake:** I welcome the fact that the Minister welcomes the fact that he has 40 minutes in which to speak. It means that I can be guaranteed an answer to the three questions I put to him twice in an earlier exchange.

**Mr Walker:** The right hon. Gentleman raised lots of questions, many of which have been answered previously. I refer him to the answer that my right hon. Friend the Member for Haltemprice and Howden (Mr Davis) gave when he said he could not envisage motions of the House that would not be amendable. Of course we will have parliamentary scrutiny and debate, but the House has repeatedly voted against the concept of a second referendum, which the right hon. Gentleman supports, and will, I suspect, continue to do so.

As has been pointed out, there have been some unusual agreements between the Opposition Front Bench and my hon. Friend the Member for Stone (Sir William Cash), for instance, on some aspects of the debate. There has been wide-ranging discussion about the future partnership, the Chequers agreement and so forth, but the debate has focused on legislation for the withdrawal agreement and, indeed, on the White Paper.

I particularly enjoyed the powerful contribution from my hon. Friend the Member for Redditch (Rachel Maclean), who—as her constituents, my near neighbours, often tell me—is always a breath of fresh air. We also heard some thoughtful comments from the hon. Member for Hartlepool (Mike Hill), who gave some of the reasons why his constituents had voted Leave and why he did not believe that a second referendum was appropriate. I share the passion felt by my hon. Friend the Member for Stirling (Stephen Kerr) about our precious Union, and his confidence in the success of this country. My hon. Friend the Member for Chelmsford (Vicky Ford) spoke a great deal of sense, as she always does.

The withdrawal agreement Bill is a vital step in the delivery of the outcome of the referendum. Its purpose is simple and straightforward: to give effect to the agreement that we will have reached with the EU, an agreement that we fully intend to reach in the coming weeks—and it is interesting to note that, during our debate, there have been confident predictions from Michel Barnier that an agreement can indeed be reached within that period.

The Bill will be introduced only once the vote on the final deal has been held. It will therefore be the means by which Parliament's decision—and, more important, the decision of the British people to leave the EU—is delivered in our law. As we heard from the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Fareham (Suella Braverman), Royal Assent will have to take place before exit day if the withdrawal agreement is to have domestic legal effect. It is precisely because the window of passage is constrained that we published the White Paper in July.

I found it slightly extraordinary that the hon. Member for Rhondda (Chris Bryant) simultaneously criticised us for publishing a White Paper on legislation that was not yet complete, and called for more pre-legislative scrutiny. The whole purpose of the White Paper—and, indeed, of the debate—is to ensure that Parliament can have its say. We wanted to maximise Parliament's ability to express its views on the Bill, including before its introduction, and I welcome the wide range of passionately held views that we have heard today.

There are some key themes on which I want to reflect, and the first is that of parliamentary scrutiny. We recognise that parliamentary scrutiny has a vital role to play in the exit process. Having heard from the Chair of the European Scrutiny Committee, my hon. Friend the Member for Stone—sadly, he is no longer in the Chamber—and a number of other long-standing members of his Committee, I can say it is important that we are discussing a White Paper that Parliament has had time to consider before legislation is published. It follows more than 250 hours of parliamentary debate on the Bill that became the European Union (Withdrawal) Act 2018, to which the hon. Member for Greenwich and Woolwich (Matthew Pennycook) referred, 110 ministerial statements to both Houses of Parliament, and more than 40 appearances before Select Committees by Ministers in my Department since July 2016.

Members on both sides of the House have rightly highlighted the importance of providing certainty for not only EU citizens in the UK, but UK nationals in the EU. The parts of the agreement that have already been agreed will safeguard the rights of those individuals and their families. The withdrawal agreement Bill will be the primary means by which the rights of EU citizens will be underpinned in the UK. It will give certainty to EU citizens living here on rights of residency, and on access to healthcare, pensions and other benefits. That means that EU citizens will continue to be able to lead their lives broadly as they do today. Let me reiterate our message, and the message that the Prime Minister has sent to EU citizens:

“we want you to stay; we value you; and we thank you for your contribution”

to our country. That was echoed by my hon. Friends the Members for North East Somerset (Mr Rees-Mogg) and for Redditch.

[*Mr Robin Walker*]

The Bill will ensure that EU citizens can rely on the rights set out in the withdrawal agreement, and can enforce them in UK courts. It will also establish an independent monitoring authority to oversee the UK's implementation of the citizens' rights deal, providing further reassurance for citizens that their rights will be protected.

The hon. Member for East Lothian (Martin Whitfield) asked about the mutual recognition of professional qualifications. We have reached agreement on a number of areas. I can reassure the hon. Gentleman that regarding the citizens' rights agreement, articles paragraphs (1) and (2) of article 27 of the withdrawal agreement provide for ongoing administrative co-operation in respect of MRPQ. We will return to that issue in our ongoing conversations about the future relationship.

I also listened carefully to the points made—with appropriate passion, I think—by the hon. Members for Greenwich and Woolwich (Matthew Pennycook) and for Darlington (Jenny Chapman) on Northern Ireland. We have been clear from the start of this process that we will deliver on all our commitments in that regard—not only on the reciprocal rights of British and Irish citizens, the common travel area and the absence of a hard border, but those other areas of north-south co-operation to which the hon. Gentleman referred. As my right hon. Friend the Secretary of State has confirmed in this House, we expect the withdrawal agreement Bill to implement our commitments on Northern Ireland, including the backstop. The hon. Member for Glenrothes (Peter Grant) referred to, and quoted from, the joint report. We stand by all our commitments in that report. Like my hon. Friend the Member for Stirling, I echo the hon. Gentleman's comments about and good will towards the hon. Member for Motherwell and Wishaw (Marion Fellows). All Members send her our good wishes and condolences.

The status of EU citizens in this country in the event of no deal was raised a number of times, although it is not really the topic of the debate. Providing certainty for citizens has been a priority for both parties to the negotiations. We do not want or expect a no-deal outcome, but should we be unable to reach a full agreement with the EU, the Secretary of State has made it clear that the prospect of us not moving swiftly to secure their legal position or having people removed from this country is far-fetched and fanciful—it simply would not happen. As we have heard, these individuals make valuable contributions to our communities and our economy, and we would not want to lose them. That sentiment was echoed by those of all viewpoints in the referendum debate.

I am pleased to observe a degree of support across the House, especially from my hon. Friends the Members for Gordon (Colin Clark), for Chelmsford and for Redditch, for the implementation period. Colleagues clearly recognise the need to provide citizens and businesses with certainty as we leave the EU. They should have to prepare for only one set of changes—I hear that day in, day out from businesses. It is notable that when the agreement on the implementation period was reached in March, the CBI said it would help to protect living standards, jobs and growth. The Federation of Small

Businesses said it would help protect small businesses from a damaging cliff edge and the Scotch Whisky Association said it would provide welcome reassurance.

I want to provide clarity on several points about the implementation period. First, it is strictly time-limited. That is the case owing to necessity—if it were not time-limited, it would be not a transitional period, but a permanent relationship. That time-limited nature will be reflected in the Bill, with the relevant provisions sunsetted so that they expire at the end of December 2020. Some queries were raised about the domestic legal basis for the implementation period. Let me assure the House that the European Union (Withdrawal) Act 2018, a vital piece of legislation, will continue to play the role that Parliament intended. The amendments made to that Act by the withdrawal agreement Bill will be technical. They will simply defer some parts of the Act, such as the domestication of EU law into retained EU law, so that they take effect at the end of the implementation period rather than on 29 March, when we leave the EU. That will ensure that the Act can operate in the correct context and that Parliament's time in scrutinising legislation has been well spent.

This means that the European Communities Act will still be repealed in March 2019. However, it will be necessary to ensure that EU law continues to apply in the UK during the implementation period as it does now. That was what we agreed in the discussion on the implementation period. That will be achieved by way of a transitional provision whereby the Bill will amend the European Union (Withdrawal) Act 2018 so that the effect of the European Communities Act is saved for a time-limited implementation period. Exit day as defined by that Act will remain as 29 March 2019. This approach will provide legal certainty to businesses.

I listened carefully to the arguments made by my hon. Friend the Member for North East Somerset about a different approach on legislation during the implementation period, but the agreed terms for that period require us to keep pace with changes to EU law, the majority of which will already have been initiated and subjected to scrutiny. That will be an essential component of maintaining terms of trade on the same basis.

I want to reassure the House that, as the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Fareham, said, the UK will be able to strike new trade deals with partners around the world during this period. I look forward to seeing these opportunities unfold. We will be able to negotiate and sign such trade deals during that period, to come into force immediately afterwards.

We have had a lively debate on the financial settlement, with analogies made to shopping, to bars and to golf clubs. The negotiated financial settlement will clearly continue to be of great importance to Members, and they are absolutely right to raise it and to want to scrutinise it. I emphasise that the withdrawal agreement covers the UK's financial commitments to the EU and the EU's financial commitments to the UK. It provides certainty to current recipients of EU funding, including farmers, businesses and academics, with the UK continuing to receive payments due under the current EU budget plan. We are a country that honours our obligations, but let me be clear that if one side fails to live up to its commitments, there will be consequences for the deal as a whole, and that includes the financial settlement.



As my hon. Friend the Member for North East Somerset pointed out, nothing is agreed in these negotiations until everything is agreed, and I can assure him that this country will always say no to wasting taxpayers' money.

I emphasise that both sides are committed to agreeing the framework for the future relationship alongside the withdrawal agreement. It is our firm view that the withdrawal agreement itself must include a commitment requiring the framework for the future relationship to be translated into text as soon as possible. The Government will pay careful attention to the points that have been made during this debate on the scrutiny of the financial settlement.

A number of hon. Members mentioned devolution and the withdrawal agreement Bill. I want to reiterate, and to state firmly, that we are committed to working with the devolved Administrations to ensure that the Bill works for all parts of the UK. I am pleased with the engagement that has taken place with them to date—through, for instance, the ministerial forum. As my hon. Friend the Under-Secretary said, such engagement has happened at ministerial and official level. It has been positive and constructive, and I know that at one of the most recent meetings of the forum, the devolved Administrations were able to welcome the fact that they had been given advance notice of the White Paper and that information had been shared with them.

**John Redwood:** Before the Minister finishes talking about the money, will he tell us a bit more about how conditionality will be defined and enforced?

**Mr Walker:** I have already touched on that point in my comments. Clearly we need the framework for the future relationship alongside the withdrawal agreement. When Parliament votes—both on the meaningful vote and on the withdrawal agreement Bill—it will want to see that we are getting value for money. That is something that our negotiating counterparts are clearly aware of, and I refer my right hon. Friend to the comments that I made earlier.

As my hon. Friend the Member for Chelmsford noted, today is Gibraltar day, and I am sure that the whole House will join me in extending our warmest wishes to the people of Gibraltar. The Bill does not cover Gibraltar, because it is responsible for passing its own EU exit legislation, but the UK Government are committed to fully involving Gibraltar as we leave the EU together, to ensure that its priorities are understood. The primary forum is the Joint Ministerial Committee (GEN)—Gibraltar European Union negotiations—which I chair, and I want to reassure the people of Gibraltar that we will never enter into arrangements under which they would pass under the sovereignty of another state against their wishes, or enter into a process of sovereignty negotiations with which Gibraltar was not content. As the Prime Minister has said, we joined the EU together and we are leaving together, and from next year we step forward into a new chapter of our history together.

I reiterate my thanks to all Members who have spoken in the debate. This legislation is vital to our smooth and orderly exit from the EU. It will protect the rights of EU citizens in this country, pay the negotiated financial settlement and give effect to the implementation period. The White Paper provides further clarity and certainty to people and businesses about how we will implement the final agreement we reach with the EU in UK law. I welcome the views that we have heard from both sides of the House and I look forward to continuing to work with Parliament in preparing for our withdrawal. My hon. Friend the Member for Stirling put it so well when he said that people want to see us deliver a successful Brexit for the whole of the United Kingdom, and that is what the White Paper and the Government are focused on delivering.

*Question put and agreed to.*

*Resolved,*

That this House has considered legislating for the withdrawal agreement.

## Gypsies and Travellers

*Motion made, and Question proposed,* That this House do now adjourn.—(Iain Stewart.)

9.34 pm

**Andrew Selous** (South West Bedfordshire) (Con): Given the extra time we have tonight, I am happy for other Members not only to intervene, but to make their own contributions after I have spoken, because the Minister will still have plenty of time to respond to all the concerns expressed around the House.

I am extremely proud to represent an area that has successfully integrated different nationalities over the years, resulting in good community cohesion. Italians, Polish and Irish nationals are all well established and make a fantastic contribution to the area that I am proud to represent. My constituency has many Traveller sites, but a planning policy of segregation and separation makes integration and community cohesion hard to achieve. The 2011 census showed that over three quarters of Gypsies and Travellers generally live happily among the settled population, and I have some heart-warming examples of Travellers becoming settled residents, with the children now attending school regularly and the parents in formal work.

My constituents have had to put up with far more than their fair share of “misery”, as one constituent described it to me on Friday, as a result of current Gypsy and Traveller policy. One of my sites has had three major incidents of modern slavery, with 24 slaves saved by the police on the first occasion. Threats, violence, theft and other forms of intimidation have become everyday occurrences to some of my constituents, and Bedfordshire police, with an already overstretched budget, are not able to respond in as timely a manner as they would wish, leaving many of my constituents living in fear. A lady wrote to me in June to say that she will be moving away from the area as she no longer feels safe, having been assaulted by Travellers, Travellers having trespassed in her garden, having been followed by Travellers and her husband’s tools having been stolen from his car three times, causing a loss of income. That lady also has human rights that have not been respected. Of course, there are many decent, law-abiding Travellers, and all groups have good and bad in them, but I hear too many accounts like the one I just recounted.

**Jim Shannon** (Strangford) (DUP): Does the hon. Gentleman agree that it is essential that local authorities have appropriate training to enable them to deal with the cultural differences of the travelling community? If people are approached in the correct manner, a resolution often can and will be found.

**Andrew Selous:** As always, the hon. Gentleman makes an important point. We should always deal with such issues with humanity, decency and respect, but we also need to see equality under the law. As I am sure he would agree, the two are not mutually exclusive, but he makes a welcome point.

My main concern is with current planning policy, which allows many Traveller pitches in some areas when others have none at all. Multiple Traveller sites lead to many unauthorised encampments. In 2017, there were 116 unauthorised encampments in Central Bedfordshire,

and clear-up costs in the area were around £350,000. Over £200,000 of that was spent by Highways England, with one encampment requiring over 100 grab lorries to clear up to 250 tonnes of litter. My constituents are understandably outraged to be told that there is no money for more of the public services that they want when they see huge sums being spent with no ability to recoup the money from those responsible.

**Tim Loughton** (East Worthing and Shoreham) (Con): This debate is on an important subject that has come up every few months over my 21 years in this place. Apart from the extreme cases that my hon. Friend mentions, the real problem is that Travellers will break in and cause damage to gain access to illegal encampments. When they depart, they invariably leave behind a trail of devastation and rubbish, which costs the local taxpayer an enormous amount to clear up. Is not the change in the law that we need that, rather than having to point to a single person who caused the access damage, any group of Travellers illegally encamped should be collectively liable for fines and compensation, which could involve the confiscation of often quite valuable vehicles? They might then get the message that they cannot continue trampling over the rights of local people with impunity.

**Andrew Selous:** My hon. Friend makes several good points, including on the Irish option, and I will touch on both that and the vehicles issue. I am grateful to him for telling it as it is in his constituency.

Is the current Government policy working well for the Travellers themselves? Thanks to the Prime Minister’s race disparity audit, we now know that pupils from a Gypsy, Roma, Traveller or Irish heritage background have the lowest attainment of all ethnic groups throughout their school years. Around a quarter of Gypsy and Roma pupils achieve a good level of development at the age of five, making them around three times less likely to do so than the average.

The disparity is worse at key stage 4. In 2015, the attainment 8 score for Gypsy and Roma pupils was 20 points, compared with the English average of 50 points, and 62 points for Chinese pupils. I asked the Children’s Commissioner for England to visit a school in my constituency with a lot of Traveller children, and she wrote to me that

“some had taken the children out of school for the summer travelling season”—

during term time—

“and most talked about the children leaving school when they are 14 to 16.”

She is right, as the race disparity audit shows that Gypsies and Irish Travellers are far less likely than any other ethnic group to stay in education after the age of 16. Only 58% of Irish Traveller pupils stayed on in 2014-15, compared with 90% of white British pupils and 97% of Chinese pupils.

Travellers and the families to which they illegally let their caravans on Traveller sites often have no proper sewerage, water or heating, and there is no proper mechanism in place to ensure decent standards of housing. This whole situation is a complete disgrace in the United Kingdom in 2018. Ministers and the officials responsible for this policy area should be hanging their heads in shame.

**John Howell** (Henley) (Con): My hon. Friend is making a good point, and he has partly illustrated that a public health issue is at stake. That public health issue is a major problem for young people growing up on illegal Traveller sites.

**Andrew Selous:** I am pleased my hon. Friend mentions that, because it is a good example of how we are failing Travellers with this ridiculous system. I have come across water tanks containing green slime, heating systems that do not work and hot water systems coming up through the toilet. It is just unbelievable. I have seen raw sewage going into ditches from caravans in which children are living. We are not a developing country; we are the fifth richest economy in the world. It is an absolute disgrace that we allow this to happen in our country, and we have allowed it to happen for so many years.

Why do we continue with a policy that is manifestly failing everyone affected by it? A Government who are truly compassionate and who have courage and clear-sightedness would act now to deal with these failing policies. I want tonight's debate to result in a significant change of Government policy to improve outcomes for Travellers and the settled community. I held debates on Gypsies and Travellers on 4 February 2014 and 12 October 2016. If I speak with passion tonight, it is because I have had to come back to the Chamber to make these points for a third time—I know that you encourage tenaciousness in Members, Mr Speaker.

In 2014, the then Minister, the current Minister without Portfolio, told the House that he had set up a cross-Government ministerial-level working group to address these inequalities. He also said that he wanted to

“break down the barriers to social mobility through a planning system that is fair and equal to all.”—[*Official Report*, 4 February 2014; Vol. 575, c. 22WH.]

I am afraid that we have failed in those two objectives.

On 12 October 2016, the former Minister Gavin Barwell acknowledged that the interests of all members of the community had not been respected. He said that he would come back to the House having considered the Land Registry issue and that the Government were “constantly reviewing these issues.”

The time for endless constant reviews is over. Fair and decent-minded people who are fed up with living in fear and with seeing atrocious living conditions in their area that often become ungoverned spaces where modern slavery and other crime flourishes want action now, not constant reviews. The requests for action from Central Bedfordshire Council, which has to pick up the pieces of a failed national policy, and from Bedfordshire police, whose already over-worked officers have to spend far too much time on this issue, include the following.

**Steve Double** (St Austell and Newquay) (Con): I congratulate my hon. Friend on securing this important debate. One problem in Cornwall is that every summer we have an influx of Travellers who camp illegally, usually on local authority car parks, taking up valuable space that could be used for tourists as well as creating the clean-up costs that he highlighted. Does he agree that one simple thing that could be done to help would be to simplify and streamline processes so that the police can take action on unauthorised sites much earlier and much quicker, which would save the taxpayer money?

**Andrew Selous:** The police do need more powers—Bedfordshire police have asked for them, and I will talk about that shortly. My hon. Friend makes a good point, but we can also do better with the overall policy, which would lead to better outcomes for Travellers and settled residents.

**Mark Pawsey** (Rugby) (Con): Rugby suffered particularly badly in the most recent travelling season. Despite extensive defensive measures, we have had 23 incursions on to council land, with people often cutting through locks. We have identified one particular issue: a lot of new houses are being built, and there are a number of recreation sites in the ownership of the developer rather than the local authority. Our local authority has become pretty good at defending its sites, but the developer—the private landowner—has not. This summer, there have been Travellers and caravans immediately adjacent to a play area in a new development, and children have not been able to use those facilities during the summer holidays. Does my hon. Friend agree that there should be a review of the powers available to private landowners?

**Andrew Selous:** My hon. Friend illustrates well the issues in his area. In mine, the travelling season goes on for a few months yet, but those issues are common to my area and, I am sure, those of many other Members.

Central Bedfordshire Council and Bedfordshire police want one overall planning policy for everyone, with true equality for all under the law and everyone's human rights being protected.

**Sandy Martin** (Ipswich) (Lab): Does the hon. Gentleman agree that if we are to move Travellers and Gypsies on from inappropriate sites successfully, they need to have appropriate sites to be moved on to and that local authorities need to be required to plan adequate and appropriate sites, otherwise they will not do it?

**Andrew Selous:** A Labour council, Sandwell Metropolitan Borough Council, has done very well with a temporary stopping site, which I will mention shortly, but integration rather than separation and segregation is the way forward towards better outcomes for everyone, as I have said a number of times.

The policy of segregation and separation has demonstrably failed. We need to build the homes that everyone in this country needs for all those who are here legitimately. It is not right that the Government repeatedly ask areas that already have large numbers of Travellers to provide more and more sites. Given the failure of the current policy, areas such as mine that already have large numbers of Travellers should not be forced to take any more by the Government and a flawed Planning Inspectorate that completely ignores the fact that many of our Traveller sites are owned by wealthy individuals who live elsewhere in bricks-and-mortar houses and sub-let their caravans to non-Travellers in often atrocious conditions. The Planning Inspectorate has even ignored advertisements on Rightmove offering accommodation on Traveller sites to the general public, claiming that they were not relevant.

We also need trespass to be made part of the criminal law, as it is in Ireland. That change in law has led to a significant increase in Irish-heritage Travellers coming to the United Kingdom. Is Ireland a cruel and inhumane country? Of course not, nor would the United Kingdom

[*Andrew Selous*]

be if we were to change the law in the same way. To use a recent campaign cry, people want to take back control of what is being allowed to happen in their communities through a separate planning system that completely fails to provide equality under the law and produces terrible outcomes for settled residents and Travellers.

**Ruth George** (High Peak) (Lab): The hon. Gentleman is making a powerful case, largely about local authority sites. In Buxton, in my constituency, Irish-heritage Travellers could not get on to the local car park and instead invaded the car park of a local business. They proceeded to spend several days there, threatening the staff and making a complete mess of the car park, making it almost impossible for the business to continue. The hon. Gentleman makes a good point about aggravated trespass becoming a criminal offence, because it would enable courts to act much quicker than the minimum of two weeks that a civil case takes.

**Andrew Selous:** I particularly welcome the hon. Lady's intervention because—I say this to my hon. Friend the Minister—there are many Members from all parties who realise that this is a serious problem and want a humane, decent and fair response to it.

**Alex Burghart** (Brentwood and Ongar) (Con): My hon. Friend is being extremely generous with his time. I fully support his comments about extending the trespass law in the UK as it has been in Ireland. It is currently possible for travelling families to come to an agreement with private landlords so that they can settle on their land. Does my hon. Friend agree that by building those relationships, which is what decent travelling families do, we should be able to single out those who break the law and infringe on the rights of private landlords?

**Andrew Selous:** I am particularly grateful to my hon. Friend for making that point, because as I said earlier and will say again—it needs to be said many times in this debate—there are many decent, law-abiding Travellers who want to do the right thing and pay their way, who clean up, and who are respectful of the local community and, indeed, contribute hugely to it. The sadness is that that is not the case with all Travellers. I am very grateful to my hon. Friend for making that important point.

I will provide the Minister with a written list of requests from both Central Bedfordshire Council and Bedfordshire police, as I do not have time to go into them all tonight. I am strongly encouraging Central Bedfordshire Council to adopt the policy of Sandwell Council in having a temporary stopping site. The provision of that site has led to a significant decrease in unauthorised encampments and the associated clear-up costs and environmental degradation that sadly so often accompany them.

Central Bedfordshire Council wants the power to seize vehicles associated with unlawful or illegal activity, whoever the owner is. It wants the Environment Agency to prosecute or close non-compliant sites, where living conditions are often atrocious. It wants all land on Traveller sites to have an owner who is properly registered with the Land Registry, without which proper enforcement cannot take place.

Bedfordshire police say that the current legislation on aggravated trespass is inadequate, as the hon. Member for High Peak (Ruth George) said, because there are difficulties in proving the offence. They would also like section 61 of the Criminal Justice and Public Order Act 1994 to be extended to include highway land and significant impact on local communities, as that would replicate the legislation in Northern Ireland.

In the past 12 months, Central Bedfordshire Council has issued 335 parking enforcement notices to foreign vehicles. So far, 250 of those have been cancelled because the owners could not be traced. It is a criminal offence for the owners of foreign vehicles not to register their vehicles if they have been in the UK for more than six months, but the police have no record of foreign vehicles that have been in the UK for more than six months, and I do not believe that the Driver and Vehicle Licensing Agency has either. The result is that those with foreign number plates—including quite a large number of Irish-registered vehicles in my area—can park with impunity, while drivers with British-registered vehicles have to pay penalty charge notices. Again, this just leads to fair-minded people coming to the conclusion that there is no equality under the law.

**Andrew Lewer** (Northampton South) (Con): My hon. Friend's point about equality under the law is particularly important. The residents of Far Cotton in Northampton have had encampments this year in particular. They have seen people driving and behaving in their cars in ways that, should the local residents attempt to drive like that, they would be visited by the police straightaway. I welcome my hon. Friend's emphasis on equality and ask him to reflect on the fact that local residents often feel that they are not treated equally when it comes to the behaviour of those on illegal encampments, compared with their behaviour as local residents.

**Andrew Selous:** I am grateful to my hon. Friend for making that point. I am afraid I have horror stories from some of my constituents who are regularly driven at by people coming out of some of the Traveller sites. Bedfordshire police do their very best to help with a limited and severely stretched budget, but they cannot always get there to assist people in some of these rural communities.

As it is for many Members, this is a significant issue for my constituency, and it is one that I am keen to get right. I am angry that so little has been done by the Government. My challenge to the Minister tonight is that he does a serious job of addressing the issue that I and all other Members have raised here at pace and with urgency, or, if the Government are happy with the way things are, he should come to explain why he thinks the current law is adequate to my constituents and to other Members who share the concerns that I have raised. We really can and must do better. My commitment to my constituents is to keep on campaigning for the improvements that we need for everyone until they are delivered.

**Sir David Amess** (Southend West) (Con) *rose*—

**Mr Mark Francois** (Rayleigh and Wickford) (Con) *rose*—

**Mr Speaker:** Age first. I call Sir David Amess.

9.55 pm

**Sir David Amess** (Southend West) (Con): I congratulate my hon. Friend the Member for South West Bedfordshire (Andrew Selous) on his speech. He was a magnificent Prisons Minister, but I have now seen a new side to him. He did not mess about with weasel words; he told it like it is, and I agreed with everything he said. I support the Irish option, which I dare say my right hon. Friend the Member for Rayleigh and Wickford (Mr Francois) may have something to say about if he catches your eye, Mr Speaker.

I want to say this to my hon. Friend: I have been in the House a little while, and this is not the first time that we have had a debate on this issue. Week in, week out, month in, month out, year in, year out, someone raises this matter on the Adjournment. Colleagues are told to come in to make interventions. The Whips are there taking notes and the Minister is looking very concerned. All colleagues hear these stories of people breaking into parks and breaking into play areas. My goodness, Mr Speaker, this year, a crowd of these people, who are not genuine poor Travellers, turned up and pitched their caravans in a big circle in our beautiful Priory park. They took out their deckchairs and then were absolutely threatening to the local population who happened to be playing organised games with the children. They turned up on Southend seafront and took out their deckchairs. This is going on morning, noon and night. Colleagues stand up and tell the House and the Minister how dreadful it is. Everyone looks concerned and absolutely nothing happens; nothing at all changes.

My hon. Friend the Member for South West Bedfordshire has had, I think, two Adjournment debates on the matter. I had an Adjournment debate earlier this year. We had a meeting with the Secretary of State. The officials were there. Everyone was very, very anxious, but nothing ever changes.

The hon. Member for Ipswich (Sandy Martin) rightly pointed out alternative arrangements. I agree with him completely, but what I am talking about is the situation where local Members of Parliament, of all parties, are blamed for this issue. It is said that we are doing absolutely nothing about it and that no action is being taken.

This cannot go on. I do not know whether my hon. Friend is expecting any different result from this Adjournment debate tonight, but I absolutely share his anger and I join him in the challenge. I really congratulate him on raising this issue, but if he finds that, once again, nothing at all positive happens, I will be standing shoulder to shoulder with him until this situation is at long last addressed.

9.58 pm

**Mr Mark Francois** (Rayleigh and Wickford) (Con): I congratulate my hon. Friend the Member for South West Bedfordshire (Andrew Selous) on securing this important Adjournment debate and, if I may say so, on introducing it so very ably. I also welcome the contribution of my hon. Friend the Member for Southend West (Sir David Amess) who, in his characteristic style, put the point bluntly and clearly to the Minister that something really needs to be done.

I am here tonight because of the increasing number of representations that I have received from my constituents who want us to change the law. They believe in the democratic process. They have lobbied us by letter and

by email. They have come to our surgeries and said, "You are elected as legislators. You people make laws. We want a change in the law and we are asking you democratically and peacefully to do something about it, but do not underestimate our level of frustration about the fact that nothing ever seems to get done about it." This is a major issue, particularly in my county of Essex. I note that there are five Essex Members of Parliament in the Chamber this evening: my hon. Friends the Members for Southend West, for Rochford and Southend East (James Duddridge), for Brentwood and Ongar (Alex Burghart) and for Chelmsford (Vicky Ford), and me. Our excellent police, fire and crime commissioner, Mr Roger Hirst, also feels strongly about this issue and very much supports the change in the law that we are arguing for.

10 pm

*Motion lapsed (Standing Order No. 9(3)).*

*Motion made, and Question proposed, That this House do now adjourn.—(Iain Stewart.)*

**Mr Francois:** There are, in fact, roughly 20 Members of Parliament in the Chamber tonight, which—as the Minister and the Whips will appreciate—is a pretty good turnout for a one-line Whip Monday. I think that we are all here for one common reason, which is that we have had enough. This has been going on for years. I am not trying to emulate my hon. Friend the Member for Southend West, as this is my own particular contribution, but we have had enough.

Every spring and summer the cat and mouse game begins again. The illegal incursions begin, the council's legal staff are put on alert and the police begin to patrol. But, of course, the Travellers know the law backwards; they know every loophole. As my hon. Friend the Member for South West Bedfordshire said, we must acknowledge that some behave perfectly legally, but many unfortunately do not. The incursions begin on farmers' fields, school playing fields, sports centres and increasingly—as the hon. Member for High Peak (Ruth George) intimated—industrial units and business parks, all of which is illegal and none of which has permission. As well as the antisocial behaviour that often occurs, by the time the Travellers have moved on there are often considerable clean-up costs. For example, one incursion that lasted nearly a week in the Basildon Borough Council area a couple of years ago led to clean-up costs of approximately £10,000, which had to be borne by the council taxpayers of that authority, whose fault it absolutely was not.

Seeking redress through the courts can often take quite a long while. This often leads by constituents to believe that Travellers somehow see themselves above the law. It is a great part of my constituents' frustration that there seems to be one law for the settled community and another law for the travelling community. In essence, this evening we are arguing for equality before the law—a fundamental principle of British justice going all the way back to Magna Carta. The police have a section 61 power to compel Travellers to move on from an illegal encampment, but there is no geographical definition of how far that movement has to be. They can literally move a few hundred yards down the road, re-encamp there, then the whole rigmarole starts all over again. That is how weak the power currently available to the police is. We need something far firmer to act as a real deterrent.

[Mr Francois]

In fairness, the Government have realised the increasing frustration about this issue—not least given the three Adjournment debates on the subject secured by my hon. Friend the Member for South West Bedfordshire in the past few years—and launched a consultation some months ago on whether to change the law in relation to Travellers, and that consultation closed a few weeks ago. The Minister will be well aware that 59 of my Conservative colleagues, including several former Cabinet Ministers, wrote to the Secretary of State for Housing, Communities and Local Government to ask him to adopt the Irish option. I make this plea tonight as a former Department for Communities and Local Government Minister myself. I saw discussions about this issue when I served in the Department, but I did not see what I would call any genuine determination to grip it and come up with a solution. It was left to us to propose one, which was, in fairness, one of the options included in the Government's consultation.

What we are asking for, essentially, is what is known as the Irish option, based on the fact that in 2002 Ireland changed the law to make acts of deliberate trespass a criminal offence. Part of the knock-on effect of that is that we have had more Travellers coming from Ireland to England during the travelling season because the law is tougher in Ireland than it is here at present, so we are regarded as something of a soft touch. We should make deliberate acts of trespass a criminal offence. We are not talking about a couple of schoolboys cutting across the corner of a farmer's field on the way home from school. Clearly, the police would have discretion, as with any other law, in how they applied this. We are talking about a deliberate act of trespass on land that Travellers do not own and do not have permission to be on. That would be regarded as a criminal offence and the police would therefore have a power to compel them to move on immediately. If they did not do so, they could be arrested, and their vehicles could be impounded—which, believe you me, would be a very powerful deterrent to the travelling community. That would go a long way towards addressing this problem, because it would give the police and local authorities, with whom they work closely, a real deterrent power to stop this menace occurring in our constituencies year after year.

Some people would say, "Well, this is too harsh"—that it in some way abrogates the Travellers' human rights. I can understand that argument but I do not agree with it. What about the human rights of the settled community and the human rights of the council tax payers in our constituencies? Moreover, Ireland, when I last looked, was subject to the European convention on human rights, and it passed this law in 2002. If Ireland was able to do it under the ECHR, I see absolutely no reason why we cannot similarly do it under the ECHR in the United Kingdom.

This has been going on for years and years. Now, finally, the Government have acknowledged that there is a problem. Churchill once famously said that the first stage in dealing with any problem, no matter what its magnitude, is to admit that the problem exists. To be fair to the Government, they have admitted that there is a problem. The Minister knows how this place works and is a popular Member of this House—that is as much buttering up as I am going to do—but I would humbly advise him, having marched us all up to the top

of the hill, not to march us all down again. There will be real anger in this place if, as a result of this consultation, the Government make some very minor tweak in the law as window-dressing but do not meaningfully address this problem such that we will see a real decrease in these incidents in the next two years. The Minister has a chance to do something that would be incredibly popular in the country and will also, in effect, fulfil a 2010 manifesto commitment. I really believe that now is the time to make everybody equal before the law, to stop this menace, and to defend the communities whom we are elected to represent.

**Ruth George** *rose*—

**Mr Speaker:** Does the hon. Lady have the agreement of the Minister and of the hon. Member for South West Bedfordshire (Andrew Selous)?

**Ruth George:** I was going to ask for that, rather than interrupt the hon. Gentleman's speech.

**Mr Speaker:** If she does, she can speak briefly.

**Andrew Selous** *indicated assent*.

**The Minister for Housing (Kit Malthouse)** *indicated assent*.

10.9 pm

**Ruth George:** I want to echo many of the sentiments that have been expressed tonight, but from the point of view of my constituents and of a local business in Buxton that suffered the incursion of a group of Travellers this summer, as I mentioned earlier. That was the first time that this has happened in our area, and I extend my sympathies to all those who have been suffering this for many years. The worry among residents of Buxton and High Peak is that this could be the first of many such visits, and that once people know where they can come and where there are rural areas with sparse policing, there will not be the resources to effectively monitor and move them on.

As it was, Derbyshire constabulary rose to the occasion and was very good at coming to monitor what was happening as much as it could. However, the problem was that one of our local businesses on an industrial estate had its car park taken over by a group of Irish heritage Travellers who proceeded to issue threats to the staff there. The staff were working across two sites, and when they had to travel between the buildings to go about their work, they were threatened and harassed. They were looked at through the windows, and small children were trying the windows and doors of the building to see where they could break in.

The owner of the business was threatened and told that if he paid money, the Travellers would be able to get the ferry back to Ireland, but until that happened, they were not going anywhere and there was nothing he could do about it. That business had the same frustrations that have been mentioned by many Members, but as a private company, it is not their business to try to evict Travellers. There is no experience in the community, as there is in other areas where this has been an issue for many years. It was therefore extremely difficult for the business to deal with that.

The staff were left perturbed, and many of them had to go home out of fear because they were being threatened with such horrific physical violence. Besides the mess that was made of the car park, there were no toileting facilities, so you can imagine the clean-up that they had to do afterwards. When lorries arrived to deliver to the premises, they were swarmed, and the drivers were asked the value of the goods inside their lorries. There were attempts to prevent the lorries from making the deliveries and prevent the business from being able to carry on.

The concern is that, where local authority sites have been used in the past, the travelling community may move on to business premises if people see that as an easier target. It is very important that action is taken, so that people in my constituency and everywhere across the country know that the police have powers to stop this on their behalf, and that they will not have to go through the civil courts, which takes a lot of time and costs a lot of money for businesses. I very much hope that the Minister will be able to give all Members on both sides of the House those assurances today.

10.12 pm

**The Minister for Housing (Kit Malthouse):** May I start by congratulating my hon. Friend the Member for South West Bedfordshire (Andrew Selous) on securing this important debate and thanking all those who contributed? I recognise that feelings are strong across the House, and the turnout this evening, as my right hon. and gallant Friend the Member for Rayleigh and Wickford (Mr Francois) pointed out, is an indication of that strength of feeling.

I stress again that the Government take the issue of living conditions and illegal activity on Traveller sites and unauthorised encampments extremely seriously. As a Member who represents a rural constituency that gets its fair share of some of the visitors who cause disruption and difficulty, I ought to add that this subject is of particular interest to me. I have listened carefully to all the accounts of the conditions on some sites, the challenges faced by those living on these sites and the difficulties that communities face as a result of unauthorised encampments, as well as all the constructive recommendations for how we could improve the way in which we deal with the present situation.

I am confident that I speak for everyone in this House when I say that we recognise that the majority of the travelling community are decent, law-abiding people. Like my hon. Friend the Member for South West Bedfordshire, I have a number of settled small-scale travelling communities in my constituency who integrate well and are part of the community. However, we are extremely concerned about the issues raised during the debate regarding the conditions and activities carried out on certain sites, as well as the impact that unauthorised encampments can have on settled communities, especially when they give rise to criminality.

We promote a tolerant society in which people, whatever their background, can live, work, learn and socialise together, based on shared rights, responsibilities and opportunities, but we will not and should not sit by when people are breaking the law. The Government remain committed to ensuring that all communities, regardless of their ethnicity, are treated fairly, with equality under the law a fundamental tenet of our

society, as my right hon. and gallant Friend the Member for Rayleigh and Wickford pointed out. Our aim is to ensure fair and equal treatment for Travellers in a way that facilitates their traditional and nomadic way of life while respecting the interests and rights of the settled community.

I will take in order some of the broad themes raised by hon. Members. First, on unauthorised encampments, in the spring we launched a consultation on the effectiveness of powers for dealing with unauthorised development and encampments, alongside colleagues in the Ministry of Justice and the Home Office. The document sought views on a range of issues—from the powers available to local authorities and the police, to the provision of authorised stopping places and the impact that a change in existing powers could have on travelling communities.

The consultation, which closed on 15 June, allowed the Government to hear views from everyone with an interest—settled and nomadic communities, organisations and individuals, and public authorities—on how best to address unauthorised encampments. We have received a substantial response, with over 2,000 representations, which signals how strongly people feel about this issue. We are grateful for the time that people have taken to engage with us, and we remain committed to working with the Home Office and the Ministry of Justice to consider all representations before deciding on the way forward.

Several Members, not least my hon. Friend the Member for South West Bedfordshire, raised the Irish model. It may be of interest to Members that my right hon. Friend the Housing, Communities and Local Government Secretary recently met the Irish Government to discuss their approach to trespass and unauthorised encampments. We will provide a formal response to the consultation in due course.

**James Duddridge (Rochford and Southend East) (Con):** Was there a case against the Irish option?

**Kit Malthouse:** I have to confess that I was not privy to the meeting, but I understand that the pros and cons of the Irish model were discussed in some detail, and I think there are some cons as well as pros.

The second broad issue that was raised, quite rightly, by my hon. Friend the Member for South West Bedfordshire was the living conditions on sites. He made an important point about the conditions on existing authorised sites, some of which, I hear, are unsuitable for habitation. I agree that they are, frankly, disgraceful. I would remind the House that, under the Caravan Sites and Control of Development Act 1960, private caravan sites in England, which may include owner-occupied and rented Traveller sites, must have planning permission and a site licence issued by the local authority. It is an offence to run a site without a licence. Housing that is not fit for habitation is not acceptable under any circumstances.

**Andrew Selous:** The difficulty is that planning permission tends not to align with the red line of legal land ownership on a map. The difficulty for really good local authority officers, who want to have good enforcement, is that the law is not fit for purpose, however well-intentioned it may have been. I have really good officers who try endlessly to get this right, and it is really hard under current law.

**Kit Malthouse:** I do recognise the problem that my hon. Friend raises, and I would be more than happy to sit down with him and discuss what specific changes he thinks are required to planning legislation to deal with some of these anomalies. Anything we can do to facilitate correct planning enforcement, particularly on some of these condition issues, would obviously be welcome. I am happy to give him that undertaking.

Site licence conditions can govern matters such as the permitted number of caravans on the site, the provision of roads, utilities, sewerage and fire equipment, and spacing distances between homes. Local authorities can serve compliance notices on the park owner if they fail to meet the conditions stipulated in the site licence, and can prosecute them if they fail to comply. If the site owner is convicted—if local authorities can identify the site owner—they may face an unlimited fine. Of course, when the health and safety of residents is at risk, a local authority can enter a site and do the necessary works without taking the owner to court. The authority will in any of these cases often seek to recover all its enforcement costs, including for court cases, and charge interest on the expenses claimed from the site's owner.

**Sandy Martin:** If it is that much more attractive to have Travellers on properly regulated and enforced sites—I think we can all agree that it is—is it not necessary to make sure that there are enough of these sites? At the moment there are very many unregulated and unenforceable sites, and as long as there are not enough planned sites, Gypsies and Travellers will continue to use unplanned and illegal sites.

**Kit Malthouse:** I will move on to planning issues in a moment, so I will address the hon. Gentleman's question then, if I may.

The third area that my hon. Friend the Member for South West Bedfordshire raised was educational outcomes. He made a very important point. It is shocking when we consider the educational outcomes of Gypsy, Roma and Traveller children. I am concerned by the findings of the Children's Commissioner for England that he mentioned. Every child has the right to access all the opportunities that modern-day Britain has to offer, including an adequate education. We expect schools to have data and evidence-led approaches to support all their pupils, whatever their background. Parents are responsible for ensuring that children of compulsory school age receive a suitable full-time education. One way they can do that is through home education, rather than regular school attendance, and the Government support the right of parents to home education. However, if it appears that a child is not receiving a suitable education at home, local authorities can enforce school attendance through school attendance orders.

However, as my hon. Friend mentioned, there is more to do. That was why in January this year the Department for Education established the Gypsy, Roma and Traveller stakeholder group to inform policy development. In March we launched a review of exclusions, exploring why certain pupil groups, including Gypsy, Roma and Traveller pupils, are over-represented in exclusion statistics. In January my Department launched a 2018-19 pilot programme to improve the integration of Gypsy, Roma and Traveller communities, including by raising educational outcomes. As part of the Department for Education's

careers strategy, all those groups and their young people were listed as one of three target groups in a £1.7 million call for projects testing ways of providing vulnerable groups with guidance on routes into careers.

**Andrew Selous:** I am delighted to hear that the Minister is engaging with the Gypsy and Traveller community, but does he not accept that there might be adults in the community who quite like the current system because it gives them quite a lot of freedom, and that it is actually the children who are missing out? Children might not stick their hands up and say that they want to be in school full time, but we in this place have a duty to do what is right for all children so that they can fulfil their God-given aspirations and talents and become the scientists and engineers we need for the future.

**Kit Malthouse:** I completely agree with my hon. Friend but, as he knows, the subject of home schooling and the rights of parents over the rights of the state is a matter of debate at the moment, and something that I know the House will want to opine on in future. That is pertinent to this area in particular. I have inquired of Gypsy communities in my constituency whether their children are at school, and they are being home educated, which at the moment is perfectly legal. The question is whether that education is of an acceptable standard, and therefore whether a local authority feels able to enforce.

The fourth area that my hon. Friend raised was planning policy. He described the imbalance between the number of sites in some areas compared with others, particularly in his county. The Government's planning policy for Traveller sites confirms that our aims include that local planning authorities should make their own assessment of need for the purposes of planning and, working together with neighbouring authorities, identify land for sites. Local planning authorities should consider the production of joint development plans that set targets on a cross-authority basis to provide more flexibility in identifying sites. The policy is clear that local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community. In exceptional cases when a local planning authority is burdened by a large-scale unauthorised site that has significantly increased its need, and where the area is subject to strict and special planning constraints, there is no assumption that the authority has to plan to meet its Traveller site needs in full. With regard to helping to improve outcomes for Travellers, local planning authorities should also ensure that Traveller sites are economically, socially and environmentally sustainable.

**Andrew Selous:** I will try to make this my last intervention. Is it not possible for a local authority to plan for enough houses for everyone in an area so that there is one general housing needs assessment that provides enough accommodation for everyone? Some 76% of Travellers live in houses built from bricks and mortar anyway. There is nothing in their culture that prevents that from happening while respecting absolutely their history and culture, which we all want to celebrate. Does the Minister not think that there is something odd, outdated and failing about this continuing policy of separation and segregation, which has such terrible outcomes for everyone?



**Kit Malthouse:** I acknowledge the issue my hon. Friend raises with regard to segregation, but notwithstanding the percentage he mentions, a significant percentage of the travelling community still wishes to live a nomadic lifestyle. The question is how we best facilitate that, so that the impact of that lifestyle on existing communities is minimised, while at the same time allowing those who do wish to travel from place to place to live as peacefully and harmoniously as possible, with their children in particular getting the outcomes he desires.

The final area, which was raised by a number of Members, is that of enforcement. Several hon. Members spoke about the difficulties of enforcing the law and gave examples of cases in which the police are unable to act. The consultation underlined that illegal behaviours, such as industrial fly-tipping, can be difficult to address. We have seen that a multi-agency approach is vital in dealing with these incidents successfully. Local authorities, the police and other agencies should work together to find appropriate solutions. In some areas, such as Sandwell, we have seen that that can work. The majority of Gypsies and Travellers are entirely law-abiding, but we take very seriously the significant incidents that we have heard of involving a minority of individuals. We should not allow them to tarnish the reputation of Gypsy, Traveller and travelling show people and communities.

We want to prevent local residents from suffering when a problematic unauthorised encampment occurs and to improve the outcomes of the most vulnerable in British society. We are funding a programme to improve outcomes for Gypsy, Roma and Traveller community groups in educational attainment, health and integration, and we are working closely with the Department of Health and Social Care and the Department for Education to maximise the impact of our projects. I acknowledge—I think both sides of the House agree—that more needs to be done to ensure harmonious relations between our communities. We recognise that the problem is by no means simple. We are giving these issues our urgent attention and we will publish a response to the consultation in due course.

My hon. Friend has expressed his frustration with Government action thus far and calls for significant change. I have no specifics for him tonight, but I fervently hope that, through my actions and the actions of the Department over the months to come, we can obviate the need for a fourth such debate.

*Question put and agreed to.*

10.26 pm

*House adjourned.*



# Westminster Hall

Monday 10 September 2018

[SIR ROGER GALE *in the Chair*]

## Vote Leave Campaign: Electoral Law

4.30 pm

**Daniel Zeichner** (Cambridge) (Lab): I beg to move,

That this House has considered e-petition 223729 relating to rescinding Article 50 if the Vote Leave campaign broke electoral laws.

It is a pleasure to serve under your chairmanship, Sir Roger.

The petition raises an issue that is clearly timely, lively and of huge interest, because almost 200,000 people have signed it in less than three months, including more than 1,000 people from my constituency of Cambridge. I thought it likely that many hon. Members would wish to contribute to a debate on this issue. I thought that some might have spoken on the subject of the petition, some on related subjects and some to confirm pre-existing positions—I confess that I am no exception in that regard. I also suspect that a few people will wish to intervene and, as Mr Speaker would probably put it, “beetle away”. I entirely understand and I will be generous in taking interventions. However, to avoid my being knocked off course completely, I thought that I would first set out the ground I intend to cover and then hon. Members can judge for themselves where best to make their interventions.

May I say at the outset that the wording of the petition is admirably succinct and to the point, perhaps unlike some of our proceedings? It says what I suspect many people would assume is obvious. To paraphrase, it roughly says, “If someone cheats, then the result is invalid and it doesn’t count.” Because I did not like the result of the EU referendum, I obviously agree entirely, but unfortunately for me and for all those who feel the same, things are sadly a bit more complicated than that. It is those issues that I wish to explore initially. In passing, I will suggest that—sadly—cheating in elections or allegations of such are not new or rare. I will examine the mechanisms that we have to explore such charges, and the sanctions and punishments that may be incurred, and I will consider whether they are consistent across different types of elections and votes.

I will say a little about the particular circumstances surrounding the 2016 referendum campaign. I will then address the issue of article 50, and the views about the options that are potentially open to us. In passing, I will reflect on the complicated issues of consent within a democracy and the extent to which some of these judgments are legal issues, while some ultimately may be political issues.

I will conclude in a completely non-partisan way by saying, “Of course we were cheated, the whole thing has been a nonsense and we should stay in the European Union,” which I suspect is what the vast majority of those who signed the petition actually feel. I recognise, however, that there may be others in Westminster Hall today who feel differently. On a more serious note, I will

try to offer a potential way forward to address what has undeniably been a distinctly fraught couple of years for our politics.

Let me start, however, at the beginning. Last week, I had the pleasure of joining the Lord Mayor of the City of London at an event in Cambridge. I was struck by his opening comments. He said that he is guided by three principles: the first principle is the rule of law; the second principle is the rule of law; and the third principle is the rule of law. Given that he was addressing a group of lawyers, that seemed like quite a smart opening. However, it strikes me that what the Lord Mayor said—that he is guided by the rule of law—is something that all of us in this place can probably agree on. We are here as lawmakers, and we respect the law even if we disagree with some of it and seek to change it.

The opening part of the petition, which queries whether any laws have been broken, should be relatively simple to consider. We have a mechanism that was established by Parliament to supervise electoral contests. The Electoral Commission has conducted an extensive investigation into the referendum and it has concluded that laws were indeed broken. Vote Leave funnelled nearly £700,000 to another campaign group, BeLeave, and did not declare that the two campaign groups were working together.

The precise details of what happened remain contested; others may wish to talk about that. I recognise that Vote Leave argues that the investigations have been politically motivated. However, the investigation has been made and the conclusions are very clear—indeed, they are stark. Vote Leave was referred to the police and those found guilty have been fined, which is the punishment available to the Electoral Commission under the law.

The Electoral Commission has commented that that punishment is, in its view, insufficient. I agree, as I suspect do the 200,000 petitioners; that is the force of the petition. However, that is the law as it stands at the moment, which makes the jump in the first sentence of the petition quite a leap: from if the law has been broken to nullifying the result. That may be what many of us would like the law to be, but I am afraid that it is not the way it is in this case—or is it? A recurring theme in this debate is that no-one is entirely sure.

There will be lawyers in this Chamber who will know far more than me, but one aspect of the legal debate begins with the status of the referendum itself. In the Supreme Court judgment made in December 2016, when the Government were being challenged on the need for parliamentary approval to trigger article 50, it was judged that the EU referendum was not legally binding but advisory, so logically it cannot be ordered to be rerun by a court. The decision about whether to go back to the public after a referendum is not a legal judgement; it is a political one. The decision lies with us.

**Bim Afolami** (Hitchin and Harpenden) (Con): I am grateful to the hon. Gentleman for introducing this very important debate. I speak as somebody whose constituency voted to remain; I myself also voted to remain. Can he address one point? He has mentioned, rightly, that in legal terms, the referendum was advisory and not legally binding. Therefore, the nexus between the triggering of article 50 and the referendum is weaker than if the referendum had been legally binding. Does that not weaken the case for the referendum result to be overturned

[*Bim Afolami*]

or for article 50 to be rescinded, because Parliament is making an even more independent judgment than would otherwise have been the case?

**Daniel Zeichner:** I am grateful to the hon. Gentleman for his intervention. As I rather thought, almost immediately we start getting pulled into the legal arguments. His point is a reasonable one, but of course there are arguments back and forth, and many of these things remain to be tested in court, as is so often the case. However, he might make that case.

The point that I am making, and this is a theme that I will return to throughout my speech, is that the law is for the lawyers, but a lot of these judgments will ultimately be political judgments, which need to be made in this place. We can make a choice, on the basis of what we have seen in the referendum, as to whether or not we think the referendum should be run again—it is up to us to do so.

**Tom Brake** (Carshalton and Wallington) (LD): Does the hon. Gentleman agree that it is essential that we have clarity on where the law stands, particularly in relation to whether article 50 can be rescinded? I am not sure whether he is aware of a legal case—the Wightman case—that is going through the Scottish courts, which I am peripherally involved with. It seeks to get a case to the Court of Justice of the European Union for it to rule, once and for all, on whether article 50 can be rescinded, because we need that clarity in respect of other decisions that we have to make in this place.

**Daniel Zeichner:** I thank the right hon. Gentleman for his intervention and I very much agree; in fact, I will come on to that point a bit later. It is a very important point and, of course, it would have been helpful for all of us if the Government had pursued that option to make things clearer, so that we could all have made a sensible decision. However, another theme of my speech is the lack of clarity throughout the discussion of this subject, and I suspect that that will not change in the immediate future.

I do not intend to rehearse the arguments about the abuses that are alleged to have happened during the referendum campaign—in fact, in some cases abuses have been proven to have happened during the referendum campaign—but others may wish to do that. I will just note a couple of things from the excellent work by the Digital, Culture, Media and Sport Committee to uncover the extent of the wrongdoing committed by the Vote Leave campaign, which of course is the subject of the petition we are considering.

I cannot help but quote one reflection from the DCMS Committee's report in relation to one of the key players:

“Mr Cummings' contemptuous behaviour is unprecedented in the history of this Committee's inquiries and underlines concerns about the difficulties of enforcing co-operation with Parliamentary scrutiny in the modern age.”

Beyond highlighting the lack of respect shown for the rules and procedures of this Parliament by Vote Leave, the Electoral Commission's legal counsel stated that:

“Vote Leave has resisted our investigation from the start, including contesting our right as the statutory regulator to open the investigation. It has refused to cooperate, refused our requests to put forward a representative for interview, and forced us to use our legal powers to compel it to provide evidence.”

**Catherine West** (Hornsey and Wood Green) (Lab): I congratulate my hon. Friend on his excellent opening speech. On the point about people attending Committees, does he agree that the social media element has an impact on the close scrutiny that we need, not just of ourselves as Members of Parliament, but of elections in general? Because it is so new, it adds confusion and layers of fake news, making it even more difficult for the average citizen or voter to get to the bottom of what the truth is.

**Daniel Zeichner:** I am grateful for my hon. Friend's observation. I do not think anyone would dispute the layers of complexity and difficulty, and the greater difficulty presented by social media. For some of us who have been grappling with electoral law over many years, social media makes it a whole lot more difficult, and I suspect we all know that we will need to update our procedures to try to cope with the challenges that are posed.

**Darren Jones** (Bristol North West) (Lab): For many of my constituents, this feels like an obvious point. There has been a breach of the law and there should be a way in which those who are responsible are held to account through our legal system. The fact that a general, local or European election or a local referendum would, in such a case, be voided in the High Court but that this referendum has not been seems nonsensical. I agree with the point my hon. Friend just made: that the rules, therefore, clearly need updating. Would my hon. Friend support me and others in calling for an inquiry, not just to understand the problems in the referendum, but to fix the rules for the future?

**Daniel Zeichner:** My hon. Friend jumps ahead a little, but entirely correctly, to my conclusions. Over the next few minutes, I will show some of the inconsistencies and the need to update our rules and laws, and I very much hope that the Minister will listen closely.

Returning to the Digital, Culture, Media and Sport Committee's conclusion, that was an extraordinarily strong statement, which frankly should make anyone in any way associated with the Vote Leave campaign at least wince—they should, more properly, be deeply ashamed. I cannot help noting that the alleged point of the entire campaign was to bring control back to this Parliament—a Parliament it now treats with contempt and disdain. The sheer hypocrisy, as well as the appalling boorishness, that the campaign has exhibited takes the breath away. How dare it wave the Union Jack when it so disrespects basic British values? Millions and millions of people who voted to leave will also have been horrified by its behaviour. My hon. Friend the Member for Strettham (Chuka Umunna) put it succinctly when asking an urgent question on this matter in July:

“Who do these people think they are? They think they are above the law.”—[*Official Report*, 17 July 2018; Vol. 645, c. 227.]

Although this particular instance is controversial and unpleasant, and stinks of arrogance and an obnoxious disregard for our politics and our Parliament, over an issue that is extremely emotive for many of us, as well as highly significant for the country, it is important to remember that this is not the only occasion on which our politics has fallen short.

I have just made a pretty strong attack, so I will try to lighten the mood for a moment. In the interest of painting an accurate picture, I fully acknowledge that

claims that ballots have been rigged or that electorates have been misled are hardly new or unusual. It was not just the notorious £350,000 claim on the side of the bus. *[Interruption.]* Million—sorry, not thousand. I have lost count of the number of constituencies I have arrived in and by-elections I have turned up to, where I have been puzzled and amused by the information being offered to the electorate by one side or another. Let me get my mea culpa in first. My party has made some interesting claims. I remember “Vote Labour or the fox gets it” dominating one parliamentary by-election. I remember Labour claiming that the Lib Dems were high on taxes and soft on drugs—that was one of my particular favourites, which I think was from Oldham and Saddleworth. In another by-election, possibly in Leicester, I remember being told that the contest was Mr Strong versus Mr Weak—neither of which candidates appeared on the ballot paper, as I recall. In general elections, the Conservatives have used the notorious double tax whammy and they have asked us, “Are you thinking what we’re thinking?”. Of course, whenever the Liberal Democrats are involved, it is always a two-horse race, whatever the facts might say.

Whether witty, making a reasonable point in a clever way or downright misleading, none of those statements actually broke the law, but Vote Leave did and it has been punished according to the law as it stands. However, the campaign also seriously misled the public. I and many others feel furious about the false promises that were made, but I reluctantly concede that this motley collection of attempts to at best divert and at worst mislead the electorate is, frankly, what electoral politics has always been: an unlovely struggle to achieve sometimes noble ends through too often distinctly tawdry means.

Sometimes, however, cheating does lead to a rerun. In Oldham East and Saddleworth, a by-election was triggered in November 2010 after the sitting MP, elected just months before, was reported guilty of “knowingly making false statements” about an opponent in the general election earlier in the year. After various court proceedings and an appeal, he was reaffirmed as guilty and conceded defeat. I was very sorry, because he was a Labour colleague. Interestingly, the electorate chose not to punish Labour at the ensuing by-election. There are more recent examples. In South Thanet, accusations of electoral fraud have been made that could have declared the election result in 2015 void due to overspending. The trial has been delayed. It is expected to happen in October and I therefore do not think it would be appropriate to say anything more about it.

Those who have signed the petition under consideration today may well ask: why are parliamentary election reports of wrongdoing treated so differently and so much more robustly than those relating to referendums? The answer, as I have hinted, is that electoral law is complicated, with different overlapping pieces of legislation that make it difficult to understand, even for those of us who have been struggling to work out what it means for many years. The important point here is that electoral law is different for national referendums.

In the case of a parliamentary election, there can be a challenge for one of three reasons: if there have been administrative failings that could have led to the wrong result; if a candidate is suspected of being disqualified from standing; or if there have been corrupt or illegal practices, including a candidate spending over the limit.

Although there are financial limits on national spending by political parties and third-party campaigners during an election, there is no similar provision for declaring a general election result void because of overspending on the national scale. That makes the rules for referendums and parliamentary elections both complex and varied.

**Sandy Martin** (Ipswich) (Lab): Does my hon. Friend agree that whether or not we have another referendum on our membership of the European Union, the probable involvement of the Russians indicates that democracy in this country is at risk and that, whatever action we take in this House, we should try to ensure that it is motivated by our desire to defend democracy as well as the rule of law?

**Daniel Zeichner**: I very much agree with my hon. Friend and near neighbour. There are so many aspects of the matter that could be explored today, some of which I suspect others will choose to pursue.

Returning to the general proposition about how these issues should be dealt with, some look to the Venice Commission for guidance. The commission’s guidelines on constitutional referendums, to which the UK is a signatory, include:

“National rules on both public and private funding of political parties and election campaigns must be applicable to referendum campaigns... As in the case of elections, funding must be transparent, particularly when it comes to campaign accounts. In the event of a failure to abide by the statutory requirements, for instance if the cap on spending is exceeded by a significant margin, the vote must be annulled”.

However, as colleagues may agree, some of that, too, is open to interpretation. It does not give precise advice, and the key point, I am afraid, is that it is not legally binding on its signatories, although we have signed up to the spirit of it and it really ought to guide us in that way.

If one clear conclusion and recommendation comes out of this debate, it should be that the current rules are inconsistent, and certainly not clear to the general public. The law on referendums should be strengthened and made consistent, and I very much hope that the Minister addresses that in his contribution.

There is a further issue that goes beyond the strict application of the law. We do not have a written constitution. We do not have a contract between citizens—or subjects, but that is a debate for another day; let us call them electors—and those entrusted to make law and to govern. We have a very British understanding, and arguably it has probably served us pretty well. If a party is elected on a manifesto that it then contradicts in government by U-turning on key flagship policies, for instance, it can be reduced by the electorate from a party of government to one struggling to make up double figures in its number of MPs, as we have seen in recent times.

It is widely understood that we all respect the outcomes of elections, however disappointed we might be by the result. I speak from some experience, having lost many more elections than I have won. That respect, however, requires that everyone plays broadly by the rules. Despite the examples I somewhat grudgingly gave earlier, most of us accept that most of the time our system works. I am being generous, as many of us, particularly on my side of political spectrum, feel that the levels of hostility from national newspapers owned by people with vested interests have over many years made any contest far

[*Daniel Zeichner*]

from fair, but I persist in thinking that the removal van outside Downing Street remains a powerful symbol of a democracy that still maintains public trust and consent. However—this goes to the heart of the issue raised by the petition—if that trust begins to be put in doubt, and significant numbers no longer feel the system is operating sufficiently fairly, then our democracy is at risk. What we do about that is a political judgment, not a legal judgment.

**Tom Brake:** I thank the hon. Gentleman for giving way, and I apologise for the fact that I and possibly other Members will not be able to stay until the end of this debate; there is another debate about the European Union withdrawal agreement taking place in the Chamber shortly. Does he think it might be helpful to have an independent arbiter to assess the statements made during election campaigns? Politicians of all parties could voluntarily sign up to an understanding that if the UK Statistics Authority, for instance, came down against a particular statement—for example, the £350 million for the NHS—and said that it was untrue, those politicians would never restate that position.

**Daniel Zeichner:** I thank the right hon. Gentleman for making those points. I quite understand that there is another, more attractive option coming up soon in the other Chamber, and I will be in no way offended if he leaves. On his point about whether there can be an independent arbiter, I am slightly dubious. We are all sufficiently experienced, even in local contests, to know that that would be a difficult thing to set up. I would worry about it. We have all seen examples where all candidates are given an equal space in a booklet, and we have perhaps noted that that is not necessarily the bit that cuts through to the electorate in comparison with reporting from other sources. It is a difficult area, and I have some scepticism about his proposals, although there may be some value in exploring the checking of statistics.

**Catherine West:** My hon. Friend is generous in giving way to me for a second time. Does he agree that if there is a referendum and the Government of the day say that they will implement whatever the people decide, there should at least be a briefing in the Library of the House of Commons the day after the referendum goes one way or the other so that those of us who are rather surprised by the result know what the Government intend to do?

**Daniel Zeichner:** I thank my hon. Friend for her suggestion. I am just remembering some bleary-eyed politicians trying to recalibrate in the middle of the night, and I am wondering how quickly such a briefing note could be produced accurately. This is a theme of what I have been saying, but I am not sure that one can design legal systems to cope with all these things. In the end, these are political judgments, and we live in a democracy with a fair amount of hurly-burly and a free press, as there should be. We do not want our elections and decisions being bought by money and external states. That is the worry, and that is the difference from some of the problems we have had in the past.

I will make some progress and move on to the separate but related question of article 50 and the ongoing debate as to whether it is rescindable. Lord Kerr was responsible for drafting article 50 as secretary-general

to the European Convention in 2002-03 and is frequently quoted on this issue. Last year, he said that article 50 was revocable. That interpretation is supported by Jean-Claude Piris, former legal counsel to the European Council. Marie Demetriou QC, Jessica Simor QC and Tim Ward QC have written a joint legal opinion, which they have sent to the Prime Minister, in which they conclude that article 50 can be withdrawn before 29 March 2019 without the need to seek the agreement of the other EU member states. They also say that if that happened, the UK would retain its membership and privileges. The joint legal opinion notes that the wording in article 50 refers to a decision to notify an intention to withdraw. The QCs argue that an intention is not a binding commitment; it can be changed or withdrawn.

While legal arguments continue on the matter, in political terms the French Government have stated that they would welcome the UK staying in the EU on the current terms. EU Commission President Jean-Claude Juncker and Council President Donald Tusk have both said that Brexit is reversible. Lots of people have said lots of things over a period of time. When it comes down to it, I suspect that it is the political will of lawmakers that counts here. However, it has been made very clear to us that we are welcome to stay, should we wish.

I have tried to present the petition in an even-handed and fair way, even though everyone already knows where I am going with my speech. In many people's view, June 2016 was not a great example of a mature democracy working at its best. We know that in our system, referendums are used mainly by Prime Ministers who are in a fix, trapped by divisions within their own party. That was most certainly the case in 2016. Although I have not an ounce of sympathy for David Cameron, he must wonder every day how it came to this. In 2016, the country was hideously divided on the issue, but a decision was made. Two and a half years on, it looks as though we face another difficult decision: to accept whatever deal can finally be arrived at, or not. That is a different question from the one that was posed in 2016. I have argued this afternoon that the law around referendums should be changed to make them consistent with other electoral processes.

Almost 200,000 petitioners and many, many more in the country feel very strongly that the 2016 decision, close as it was, was sullied by actions that have been proven by the Electoral Commission to be unlawful. It may be Parliament's responsibility or fault that the law is inconsistent, but many of the people we represent feel that the law has not provided adequate recompense for wrongdoings, and that is the force of the petition. That the law was broken is not in doubt, but alongside that, many believe that the campaign was grossly misleading. What was offered by Vote Leave and other leave campaigns is not what is being delivered, and as with parties that renege on their manifestos, the country will not forgive the political system and the politicians who allow this to happen.

The two strands—breaking spending limits and misleading people—are separate issues, but for many people the two are inextricably linked. Indeed, the right hon. Member for Mid Sussex (Sir Nicholas Soames), who is the grandson of Winston Churchill, told the House in the urgent question on this matter in July that “one of the great glories of this sadly now diminished country was our electoral and democratic system...I say...that if we are to retain the integrity and the trust of the voting public, the whole

damn thing needs to be blown and started all over again.”—[*Official Report*, 17 July 2018; Vol. 645, c. 228-229.]

The point is very well made. To maintain trust in our democracy, a political response is needed, and that political response is to ensure that justice is done and that we have a people’s vote.

The petition mentions article 10.3 of the Lisbon treaty, which states:

“Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen.”

I do not want to leave the EU; I have been explicit on that point. I truly believe that the economic, social and political damage that leaving would do to our country—hitting the most vulnerable the hardest—could be mitigated by remaining in and reforming the EU. Tackling the underlying causes here at home is the way to truly bring back control to the people, not to the bankrollers of election campaigns, but while having the conversation about our future relationship with the European Union, it is worth reflecting again on article 10.3. It states:

“Decisions shall be taken as openly and as closely as possible to the citizen.”

That was not what happened in the EU referendum campaign, where electoral rules were broken, a limited franchise excluded those who would be most affected and the question allowed people to vote on what they did not want, but then said nothing about the kind of relationship that should be put in place. As many have said, as we slam the door shouting “We’re leaving”, we are unable to answer the obvious retort, “So where do you think you’re going to?”

To help our fractured society to move back towards the higher ideals of genuine informed participation in democratic life, it is right to consider the experiences of the past two and a half years since the country went to the polls, as well as the poll itself, and to look at what was promised then and what is being delivered now. It is right to wonder whether we can do better. People have the right to know the price tag before they pay the bill. I am absolutely convinced we can do better. We all know so much more now than we did back in 2016. My solution to the conundrum raised by the 200,000 petitioners is simple. We have an opportunity not to revisit 2016—not to have a rerun, despite the wrongdoing—but to have a new vote on the issue that lies before us. It would be a people’s vote, which would give the people a genuine choice to decide on their future: whether to take the deal, whatever is negotiated, or to reject it and so stay in the European Union.

5 pm

**Kerry McCarthy** (Bristol East) (Lab): It is a pleasure to see you in the Chair, Sir Roger. I want to pay tribute to my long-standing friend, my hon. Friend the Member for Cambridge (Daniel Zeichner), for a sterling introduction to the debate on the petition. I am sure my colleagues will be pleased to know that my contribution will be brief: he said a lot of what I would have said. I also want to thank my 555 constituents in east Bristol who put their names to the petition.

I was one of the 122 MPs, 57 of them Labour, who voted against triggering article 50 in February last year. Every day that goes by vindicates in my mind that I was right to do so. The Government had no plan for Brexit then and have no realistic Brexit plan now. Triggering article 50 began the countdown to the biggest changes

our country has faced in peacetime. It was an incredibly serious decision that should not have been taken lightly. Once the Prime Minister’s letter reached President Tusk’s desk in Brussels, it strictly limited the time for negotiations to two years.

The clock is ticking down, and it feels as though it is ticking down ever faster. Even with a coherent Brexit plan in place, it would be a challenging deadline to meet, but the Government were totally and utterly unprepared. They simply had not done their homework, which was painfully obvious when Ministers came before Select Committees such as the Environmental Audit Committee, on which I sit.

We conducted an inquiry into chemicals regulation post-Brexit. When the Minister came in front of us, it became clear that the Government were only just starting to ask the chemicals industry what Brexit would mean for it. This was after article 50 had been triggered. The conversations that needed to be had with industry, with important sectors and with the much derided experts had barely started, so triggering article 50 was reckless in the extreme. The Prime Minister was not doing it because Brussels insisted we move to a trigger, or in an attempt to unite our divided country after the difficult referendum campaign. She was doing it in a futile attempt to keep her warring Cabinet together. We can all see now how well that has been going.

There is little serious doubt that article 50 is revocable, although I know that was not envisaged when it was drafted. The President of the European Council, Donald Tusk, reiterated last year that no Brexit is still an option for the UK Government, and the author of article 50, Lord Kerr, has said that the UK can still opt to stay in the EU. He said:

“At any stage we can change our minds if we want to, and if we did we know that our partners would actually be very pleased indeed.”

**Tom Brake:** Does the hon. Lady agree that if the Government want to be transparent and open, they should clearly state whether in their view article 50 is or is not revocable? As far as I am aware, the position they have adopted so far is, “The question is not being posed, so we are not going to answer it.” However, they should, and they should put it on the record.

**Kerry McCarthy:** I absolutely agree. We are discussing all the options available to us at the moment—from no deal to the option that some of us advocate: that we ought to think better and do all we can to try to stay in the EU. Clearly, looking at the legalities around article 50 is in everyone’s interest so that we know which options are still on the table and which are not.

Today’s debate is not really about the rights and wrongs of triggering article 50, although that is something that the petitioners put forward as part of their call. It is about Vote Leave’s illegal activities during the referendum. Although Vote Leave has been held to account, a fine of £60,000 is pitiful and no deterrent at all when we consider that so much was at stake during the referendum campaign and when the people involved are so wealthy and can easily access the funds needed to pay the fine.

I support the Electoral Commission’s call for greater fines to be levied on those who break the law in such a way and the call for a judge-led inquiry into the conduct of the referendum that my hon. Friend the Member for

[*Kerry McCarthy*]

Bristol North West (Darren Jones) called for. My right hon. Friend the Member for Exeter (Mr Bradshaw) has led the way in investigating the Russian connections of Arron Banks's Leave.EU campaign. I was glad to be a signatory to a letter he organised to the Metropolitan police and the National Crime Agency urging them to investigate the links between Vote Leave and Leave.EU.

It has been reported that Arron Banks met Russian officials multiple times—on one occasion it was reported that he had met them 11 times before the Brexit vote. There are reports now of an investigation by the National Crime Agency. We are seeing the destruction of our democracy by foreign funding, by fake news and by very wealthy individuals prepared to play fast and loose with our electoral law and get away with it with impunity.

I do not believe that such law breaking alone is reason to rescind article 50, if the intention in calling for article 50 to be revoked is to rerun the 2016 referendum campaign. Nor are the arguments put forward about a lack of information, or indeed the deluge of misleading information when voters made their choice in 2016, a valid reason to call for a rematch. Democracy is never perfect. We can never really second-guess why people voted the way they did. I would prefer not to turn the clock back and talk about rerunning the 2016 referendum, but I very much support the need to properly scrutinise any deal that the Government put forward, possibly with a people's vote if the Government do not put forward a deal acceptable to Parliament.

Some of us spent the campaign warning that the Brexit process was much more complicated than some would have it. We have gone from being told that Brexit would be

“the easiest deal in human history”,

to the Prime Minister saying,

“it wouldn't be the end of the world”

if we left with no deal. The promises have evaporated. As I said, I would rather not turn the clock back and look to scrap article 50, but we certainly need to hold to account the people responsible for illegal actions during the referendum campaign. They should not be allowed to get away with it with impunity, but the important thing now is to look at the deal—if it is possible to scrutinise it, given what an absolute mess it is at the moment. It is important to focus on the here and now and make sure that we either get the absolute best deal—a soft Brexit for this country—or we think again, extend or rescind article 50 and go back to the drawing board.

5.7 pm

**Martyn Day** (Linlithgow and East Falkirk) (SNP): It is a pleasure to serve under your chairmanship today, Sir Roger. I am grateful to the hon. Member for Cambridge (Daniel Zeichner) for opening today's debate on behalf of the Petitions Committee. With only 200 days until the UK is scheduled to leave the EU, time is clearly of the essence. I commend him for being so generous with his time and taking interventions today. We may have suffered in today's debate because of the competing EU debate that is about to begin in the main Chamber. However, the Members who have spoken have covered just about every aspect that is salient to the issue. I am also grateful for the hon. Gentleman's comprehensive

presentation; there is much on which I agree with him. I am particularly grateful for his reminding us that the referendum was advisory and not legally binding. However, many of the decisions before us will be about political judgment.

Members have raised the point that adequate legal advice on whether article 50 can be rescinded would be extremely useful, especially in relation to future decisions that will have to be made. We will need to wait for the decision of the inner house of the Court of Session to see whether it tells us that.

We can be in no doubt that there have been illegal activities by Vote Leave. The Electoral Commission has determined that the electoral rules have been broken, and both Vote Leave and BeLeave have been fined and referred to the police. I do not wish to pontificate about what may or may not happen with regard to ongoing police investigations; that is for them to determine, and due process will take place. It is enough to acknowledge that it is right that the matter has been referred to the police. We must let the investigation take its due course.

I will, however, comment on how inadequate the powers of the Electoral Commission appear to be in relation to this matter. If we are to have confidence in the integrity, and outcome, of referendums and elections, transparency in the process is essential. It is particularly disappointing that Vote Leave displayed an arrogant and unco-operative stance, forcing the Electoral Commission to use its legal powers to compel it to provide evidence. It was bad enough that that attitude demonstrated that Vote Leave thought it was above the law, but that was compounded by the paltry level of fines imposed, totalling £61,000 against a multi-million pound campaign, which can be dismissed as the cost of doing business—almost with impunity.

With parliamentary constituencies, results can be declared void as a result of overspending by successful candidates but no such provision exists for overturning the referendum result; the only provision for challenging it was by judicial review within six weeks of the result. That is clearly unsatisfactory, given that the Electoral Commission took almost 13 months to publish its report into the lead Vote Leave campaign funding and spending, although that is in no way a criticism of the Electoral Commission. The period needs to be significantly longer in future referendums, and could be further aided by a more transparent, real-time declaration of expenses and donations. That needs serious consideration by Ministers.

Vote Leave was not alone in being fined by the Electoral Commission; Leave.EU was also fined a total of £70,000 in May this year, and offences were also referred to the police. Once again, that highlighted the inadequacy of the range of fines available to the Electoral Commission. It would be fair to point out that several participants on the remain side of the referendum have also been fined, but in each case at significantly lower levels and, more significantly, without any individuals being referred to the police.

All that adds to the perception that the existing electoral laws are not fit for purpose. There has been talk of

“respecting the result of the referendum”,

to use the phrase in the Government's response to the petitioners, but what exactly does that mean? In Scotland—a nation that we were constantly assured in the 2014



referendum was an equal partner in the Union—people voted overwhelmingly to remain, by 62% to 38%. Yet Scotland is being dragged out of the EU against our wishes—the peril of being part of an incorporating Union with a much larger partner. Clearly that example indicates that respecting the result of the referendum can be interpreted differently by different members of the UK.

What about respecting the process of the referendum to achieve a fair result? Surely that is more important. If the result was not fair, should it be respected? I argue that it should not be, and many reasons support that position—most importantly what will happen in future contests if campaigners can get away with breaking the rules. There must be full transparency to hold any of those who seek to influence or undermine our democracy to account.

That brings me to another dimension of the debate: dark money. BBC Spotlight Northern Ireland has revealed that the former vice chairman of the Conservative party in Scotland, now chair of the Constitutional Research Council, Richard Cook, was behind the Democratic Unionist party's £435,000 donation during the EU referendum, and, to use BBC Spotlight Northern Ireland's words, has

“a trail of involvement in illegal activity and foreign money”.

Donation rules in Northern Ireland mean that details about donations made before July 2017 remain hidden. It is worth noting that, in response to the BBC, the Electoral Commission continues to urge the UK Government to introduce legislation enabling the publishing of information on donations from January 2014. We need a full debate on the Scottish Conservative dark money, as we have seen only the tip of the dodgy donations iceberg. The Scottish National party has serious concerns regarding the dark money handled by the Scottish Tories in the 2016 referendum. We have called repeatedly on the Scottish Conservatives and the Prime Minister to reveal the full details of the transactions between the DUP and the Scottish Tory-linked CRC. They continue to refuse to do so. Perhaps the Minister will enlighten us on why the original source of that dark money is being kept a secret.

Our electoral laws must not be treated as an optional extra by campaigns. The £250 to £20,000 fines available to the Electoral Commission are simply inadequate. Fines should be unlimited or, at the very least, proportionate to the spending ability of the party or campaign group involved. We have to ask ourselves what level of electoral rule-breaking should invalidate this or any future referendum. The answer is not simple.

Given what we have heard, can we have confidence that the outcome of the EU referendum was secure? Overspending, the deliberate co-ordination of expenditure, dark money, possible foreign interference, fake news and potential misuse of online data, all of which played a part in the EU referendum and leave an unpalatable taste in the mouth, will lead many members of the public to conclude that the referendum was won by cheating. Much needs to be addressed to ensure public confidence in our democracy. Pressing on regardless fails to ensure that. Surely now is the time to stop the process of national self-harm and remain within the EU. Instead, we should concentrate on making our democratic systems fit for purpose in the modern digital age.

5.15 pm

**Paul Blomfield** (Sheffield Central) (Lab): It is a pleasure, as ever, to be able to speak for the Opposition with you in the Chair, Sir Roger. I commend my hon. Friend the Member for Cambridge (Daniel Zeichner) for the way he opened the debate. At a time when much of the debate in this place on this issue lets us down, I thought he made a very balanced, informed and at times entertaining contribution, for which I am grateful.

Some 671 of my constituents signed the petition, many of whom probably campaigned alongside me to remain in the European Union. I have been in correspondence with a number of them on this issue. I understand the anger and frustration that they feel about cheating in the referendum—feelings that have been worsened by the deepening chaos of the Government's handling of the negotiations and the growing risk of a disastrous no-deal Brexit. That, of course, has been anticipated with some excitement by the extremists of the European Research Group, although I note, as others may have, that the Secretary of State for International Trade confessed this morning in an article in *The Times* that he cannot promise that life will be “rosy” after Brexit—something of a contrast with the pledges made during the referendum.

Labour backed remain, and I campaigned relentlessly to stay in the European Union, but the majority did not agree. It was a painfully close vote, but it was a decision to leave. However, the closeness of the vote indicates that it was not a decision to rupture our relationship with the EU or to trash our economy. Had the Prime Minister said in July 2016, “We recognise the country is divided. We will leave, but remain close—staying in a customs union, staying close to the single market, and remaining members of the agencies and programmes we have built together over 45 years,” she would have had an overwhelming majority in this House, united the country so bitterly divided by David Cameron's ill-conceived referendum, and avoided some of the anger and frustration behind today's petition.

Instead, the Prime Minister set red line after red line—putting the interests of her warring party before those of the country, as my hon. Friend the Member for Bristol East (Kerry McCarthy) pointed out in relation to article 50. Incidentally, my hon. Friend was also right to highlight the tragedy of the Prime Minister now setting something better than the end of the world as the benchmark for her negotiations with the EU<sup>27</sup>.

As other hon. Members have said, as we speak a general debate has just started in the House on legislating for the withdrawal agreement, which will in itself unpick parts of the Bill that we spent a year debating and now forms the European Union (Withdrawal) Act 2018. Some 27 months after the referendum, and one month before the planned deadline for a deal—although that deadline is slipping—we are still no closer to knowing whether there will be a withdrawal agreement or, if there is, what will be in it.

Chequers seemed to mark a change of policy from the Prime Minister—too little, too late, but at least a direction. Yet barely a week later, the Government whipped intensively to defeat an amendment to the Trade Bill that endorsed the Chequers plan, and embraced European Research Group amendments to the Taxation (Cross-border Trade) Bill that were designed to torpedo it. It is clear that

[Paul Blomfield]

Chequers has no support in the House, in Brussels or even in the country. The most important negotiations this country has seen since the second world war are being led by the most dysfunctional Government any of us can remember.

**Wera Hobhouse (Bath) (LD):** Will the hon. Gentleman give way?

**Paul Blomfield:** I will.

**Wera Hobhouse:** I am very grateful to the hon. Gentleman for giving way—

**Sir Roger Gale (in the Chair):** Order. Who the hon. Gentleman who has the Floor gives way to is entirely up to him, and it is not up to the Chair to seek to intervene in that process. However, as a general rule the Chair deprecates hon. Members choosing to come into the Chamber at or near the end of a debate.

**Wera Hobhouse:** Thank you, Sir Roger. I fully accept your guidance. I had another engagement that I could not get out of. Does the hon. Gentleman agree that the most reckless thing was the premature triggering of article 50? That is why I welcome this petition.

**Paul Blomfield:** I take your point, Sir Roger. I think every aspect of the Government's handling of the negotiations and the post-referendum process has been reckless, so I sympathise with the petitioners' frustration. I now turn to the subject of the petition.

The Electoral Commission's serious findings about Vote Leave have to be and are being fully investigated by the police. All those who are running the organisation or are associated with it at its heart should co-operate fully with the inquiry. As my hon. Friend the Member for Cambridge pointed out, they did not do so during the Electoral Commission's investigation. I hope the Minister agrees that sitting and former Ministers who worked with Vote Leave during the referendum campaign must co-operate fully with the police investigation, and that their adherence with the ministerial code during their time working with Vote Leave should be the subject of a full investigation. I look forward to hearing his comments on those points.

It is vital that the investigation is allowed to take its course, and there must be the possibility of criminal charges. Trust in politics is low—a number of hon. Members made the point that fake news and disinformation pose a very real threat to our democracy—so we cannot brush aside dishonesty in our political system.

Article 50 has been triggered, beginning the two-year process of our withdrawal—my hon. Friend the Member for Cambridge spent some time talking about that. I recognise that there is discussion around the question, but I accept the view that, legally, it could be revoked if there were political consensus that it should be. However, we cannot revoke it on the basis of this petition. It is difficult to know exactly what influenced voters. The hon. Member for Linlithgow and East Falkirk (Martyn Day) said—I think I am quoting him rightly—that the referendum was won by cheating. Clearly there was cheating, but it is not clear that the referendum was won

by it. We cannot be certain, and we cannot credibly say that overspending in the region of half a million pounds definitely swung the result one way or the other.

We need tough sanctions on those who break the law. The Electoral Commission is right to seek much larger fines and much greater retribution against those who bring our democratic system into disrepute, and there must be criminal prosecutions where appropriate. I understand why the petitioners feel it is nonsense—the hon. Member for Linlithgow and East Falkirk made this point—that the result should stand if there has been cheating. My hon. Friend the Member for Cambridge cited the example of the parliamentary election of Oldham East and Saddleworth that was overturned, but he also made the point that we have to be guided by the law. Although the law provides for that option in relation to parliamentary elections, it does not provide for it in relation to referendums. There is a case for having a much wider inquiry, but as it stands the case for overturning the referendum has not been made.

Far from strengthening our democracy, disregarding the vote simply on the basis of this issue risks further undermining trust in our political system. That is why the Opposition's focus is on pressing the Government to reach out to the majority in the country, not the minority in their party, and to reach a deal in the country's interest. The Opposition have ruled nothing out, but our focus is on ensuring that the divisions in the Conservative party do not lead us to crash out of the European Union without a deal in the autumn. If the deal does not meet our six tests on co-operation, the economy, migration, rights and protections, national security and the interests of the regions and nations, we will vote it down. The Prime Minister said she accepts those tests, but time is running out for her to meet them.

5.26 pm

**The Parliamentary Under-Secretary of State for Exiting the European Union (Chris Heaton-Harris):** It is a huge pleasure to serve under your chairmanship, as ever, Sir Roger. Actually, I think this is the first time I have served under your chairmanship as a Minister. I hope I do not somehow incur the wrath that the hon. Member for Bath (Wera Hobhouse) faced. I will stay completely in order throughout the debate.

I thank the hon. Member for Cambridge (Daniel Zeichner) for opening the debate on behalf of the Petitions Committee. He said that he did so in an “even-handed” way—actually, he did, and he should be congratulated on that. I guess I should caveat that by saying that it was relatively even-handed, but it was a very good job well done, and I congratulate him on representing the views of the people who signed the petition.

I thank all hon. Members who participated in the debate. There is a decent number of them here, considering the competition in the main Chamber. There were interventions from my hon. Friend the Member for Hitchin and Harpenden (Bim Afolami) and the right hon. Member for Carshalton and Wallington (Tom Brake)—it is a shame he has left, because I was fascinated by his idea of an independent arbiter to stop incorrect statements. I thought it was odd for a Lib Dem politician to attempt to silence his own party's election machine, but so be it.

There were also interventions from the hon. Members for Bristol North West (Darren Jones) and for Hornsey and Wood Green (Catherine West). In fact, she and

I debated during the European referendum campaign in a room not too far from here. I would like to think that, had she been here now, she would at least agree that our debate was fairly well educated—certainly, the people in the audience were, and they informed the debate very well indeed—and very balanced. Good debates did happen during the referendum campaign, and I am sure many hon. Members in this Chamber participated in them on either side of the argument.

I thank the hon. Member for Bristol East (Kerry McCarthy), and I recognise her long-standing and very principled position on the matter of leaving the European Union. She is a passionate pro-European, and I respect her for that completely. When I was a Member of the European Parliament, I debated with lots of people in a similar position, and I never fell out with them once because I completely understood that they were sticking to principled positions. I just happened to disagree with their position. I very much welcome what she said about wishing to get a good deal for the country and scrutinising the deal when it comes before the House. I thank her for those words.

I thank the hon. Member for Linlithgow and East Falkirk (Martyn Day) for his contribution. He made some interesting points, which were probably more for Cabinet Office Ministers than for the Parliamentary Under-Secretary in the Department for Exiting the European Union, but I will pass them on. The hon. Member for Cambridge made similar points about the rules of referendums. I will ensure that those points are passed on so that he can be assured that they will be taken into account in any future debate on the rules of referendums.

I thank the official Opposition spokesman, the hon. Member for Sheffield Central (Paul Blomfield). I have known him for a long time—alas, slightly too long, really. I disagree with him too on much of what he said, but I know that he speaks from a principled position. He is passionate about this subject and I respect him for that.

I welcome the hon. Gentleman's comments about how Chequers has moved the negotiations and this debate on. It will be interesting to see where his party—the Opposition—gets to in its debate on such matters. I tend to think that the majority of his constituents and mine are in a slightly different place from us. No matter how they voted, they just want this noisy debate to end and they want us to get on with the very detailed job of leaving the European Union in March next year.

A great deal of the passion that people feel about the referendum result was expressed by the hon. Member for Cambridge. I remember it distinctly. In many constituencies—the hon. Member for Ipswich (Sandy Martin) might recall this in his own—“pencilgate” caused a problem during the referendum. People were worried about marking their cross with a pencil because they thought that the Government might change how they voted. There was passion on both sides of the argument, and it would be foolish of us to ignore that passion.

I also thank all those who signed the petition. It was a good-sized petition, with 200,000 signatures, including nearly 300 people in my own constituency of Daventry. The petition calls for article 50 to be revoked if any electoral laws are found to have been broken during the 2016 referendum. It highlights two issues: the conduct of the referendum, and the revocation of our notice to withdraw from the European Union under article 50. I shall deal with each in turn.

I emphasise first that it is not acceptable for any organisation to breach electoral procedures, and it is regrettable that fines have been levied on multiple groups on both sides of the referendum campaign. Electoral law must be followed, and its breaches must be dealt with decisively. The Electoral Commission's use of its sanctioning powers shows that it is doing that vital job. However, breaches did happen on both sides, I guess. A number of pro-remain organisations have also already been fined by the Electoral Commission for breaking referendum law, including the Liberal Democrats, Open Britain, Best for Our Future and a host of others. I understand, though, that that is not the nature of the petition.

The issue is rightly and effectively being dealt with through our legal system. It is being scrutinised through ongoing legal processes, even including challenges to the findings of the Electoral Commission. The police must consider whether there has been any breach of criminal law. There must be due process and a fair hearing, and an important constitutional principle is that politicians do not interfere with police investigations.

That said, the Government will be considering the wider implications of the issue, as well as recent reports on Government policy on referendums and elections. We will carefully review the Electoral Commission's report on digital campaigning, the Information Commissioner's recommendations on the use of data in politics and the results of the Digital, Culture, Media and Sport Committee inquiry into fake news, and we will take necessary action to strengthen our democracy further.

There is, however, no question that the UK Government will revoke our notification under article 50. Our clear policy is that we will not revoke article 50. The people of the United Kingdom gave a clear instruction, and the Government are committed to seeing that through. We will leave the European Union on 29 March next year.

Parliament voted overwhelmingly to put the question of the UK's membership of the European Union to the British electorate. The simple question that was put to members of the public on 23 June 2016 asked:

“Should the United Kingdom remain a member of the European Union or leave the European Union?”

The result of the referendum was therefore a clear answer to a clear question, giving a clear directive to Government to withdraw from the European Union, which we respected through our notification under article 50.

The result reflected not only campaigning but considerable and prolonged debate, at national and parliamentary level, underpinned by a commitment from all major political parties to respect the outcome of the vote. Almost three quarters of the electorate took part in the referendum, resulting in 17,410,742 people voting to leave the European Union and 16,141,241 voting to remain. That is the largest number of votes cast for anything in UK electoral history. Parliament then overwhelmingly confirmed that result by voting with clear and convincing majorities in both Houses for the European Union (Notification of Withdrawal) Bill. Furthermore, at the last general election more than 80% of the public voted for parties committed to respecting the leave result.

The Government respect the views and wishes of the more than 198,000 people who signed the petition, but the instruction received from the wider public and their

[*Chris Heaton-Harris*]

elected Parliament is one that cannot be ignored. The Government are clear that the British people have voted to leave the European Union and therefore that is what we shall do. The former Secretary of State for Exiting the European Union, my right hon. Friend the Member for Haltemprice and Howden (Mr Davis), noted early last year that

“the electorate voted for a Government to give them a referendum. Parliament voted to hold the referendum, the people voted in that referendum, and we are now honouring the result of that referendum, as we said we would.”—[*Official Report*, 31 January 2017; Vol. 620, c. 818.]

The Government have been and continue to be committed to delivering on the instruction given to us by the British people, working to overcome the challenges and to seize the opportunities that it brings to deliver an outcome that better the lives of British people—whether they voted to leave or to remain. The British people must be able to trust in their Government both to effect their will and to deliver the best outcome for them. As the Prime Minister has said:

“This is about more than the decision to leave the EU; it is about whether the public can trust their politicians to put in place the decision they took.”

In upholding the directive to withdraw from the European Union, that is what the Government have done and will continue to do. We recognise that to do otherwise would be to undermine the decision of the British people, and that would be to disrespect the powerful democratic values of this country, this Government and this Parliament. The Government’s position remains clear: our notice under article 50 will not be withdrawn.

5.37 pm

**Daniel Zeichner:** On behalf of the Petitions Committee, I thank all Members who made contributions today. It has been a civilised debate.

The Minister reflected that the turnout in the Chamber was a decent one, but I have to say that I expected rather more Members—in fact, I expected a rank of Vote Leave supporters on the Government Benches to explain and defend their actions. I quite understand why they are not present: their actions were indefensible. What a pity that they are not here to defend themselves. I suspect that many of the petitioners will be profoundly disappointed—not by the number who are here, but by the number who are not, in particular on the Vote Leave side.

The Minister cannot, however, be held responsible for everything that happens in life. I shall reflect on some points in his response. I was mildly encouraged that the Government plan to look at the role of data and at strengthening the laws around referendums. Major lessons can be learned from all that went on. I was slightly disappointed that he did not take the opportunity to endorse the suggestion made by my hon. Friend the Member for Bristol North West (Darren Jones) of a judge-led inquiry into what went on, which might help us, but perhaps that is for another day.

In conclusion, the Government again made a strong statement that the issue will not be revisited, but I reflect gently on the strong statements made by the Prime Minister in the early months of 2017 that there was no chance of a general election. Perhaps she should again go for a walking holiday in Wales and return to give the country what it needs to get us off the hook of the crisis by delivering a people’s vote.

*Question put and agreed to.*

*Resolved,*

That this House has considered e-petition 223729 relating to rescinding Article 50 if the Vote Leave campaign broke electoral laws.

5.39 pm

*Sitting adjourned.*

# Written Statements

*Monday 10 September 2018*

## **BUSINESS, ENERGY AND INDUSTRIAL STRATEGY**

### **Government Chemist Review 2017**

**The Minister for Universities, Science, Research and Innovation (Mr Sam Gyimah):** The 21st annual review of the Government Chemist has been received. The review will be placed in the Libraries of the House plus those of the devolved Administrations in Wales and Northern Ireland. The review will also be laid before the Scottish Parliament.

The Government Chemist is the referee analyst named in Acts of Parliament. The Government Chemist's team carry out analysis in high-profile or legally disputed cases. A diverse range of referee analysis work was carried out during 2017, including measurement disputes relating to aflatoxins, nitrofurans contamination, authenticity, protein allergens and sulphites.

[HCWS946]

## **CABINET OFFICE**

### **Boundary Commissions**

**The Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office (Mr David Lidington):** I have today laid before each House, in accordance with the

provisions of the Parliamentary Constituencies Act 1986, copies of the reports setting out recommendations for new constituency boundaries by the Boundary Commission for England and the Boundary Commission for Wales.

Under the same provisions, my right hon. Friend the Secretary of State for Scotland has today laid before each House a copy of the report by the Boundary Commission for Scotland, and my right hon. Friend the Secretary of State for Northern Ireland has today laid before each House a copy of the report by the Boundary Commission for Northern Ireland.

In 2016, the Boundary Commissions for England, Wales, Scotland and Northern Ireland began the boundary review. The independent and impartial Boundary Commissions have been conducting the boundary review as laid out in legislation passed by Parliament which provides for more equal seats and reduces the number of constituencies from 650 to 600, with equally sized constituencies based on up to date demographic data.

My right hon. Friends the Secretary of State for Northern Ireland, the Secretary of State for Scotland, the Secretary of State for Wales and I have written today to all Members of this House representing existing constituencies in England, Wales, Scotland and Northern Ireland, advising them on the laying of the reports. The reports will be published on [www.gov.uk](http://www.gov.uk). The Boundary Commissions will also be publishing their reports on their websites.

In accordance with the provisions of the Parliamentary Constituencies Act 1986, the adoption of the reports will require approval of both Houses.

[HCWS947]



# Petition

*Monday 10 September 2018*

## OBSERVATIONS

### TRANSPORT

#### Camelford Bypass

*The petition of residents of North Cornwall,*

Declares that the request for a bypass for Camelford be accepted; further that an options report has been undertaken which looks at different ways of addressing the congestion and air quality; further that a bypass is thought to be the best long term solution to the issues which locals are concerned about; and further the economic benefits that a bypass will bring to Camelford and North Cornwall.

The petitioners therefore request that the House of Commons urges the Government to support the earliest opportunity for a bypass for Camelford to help ease pollution and congestion.

And the petitioners remain, etc.—[*Presented by Scott Mann, Official Report, 25 June 2018; Vol. 643, c. 726.*]

[P002157]

*Observations from the Parliamentary Under-Secretary of State for Transport (Jesse Norman):*

The Government have an ambitious strategy to support economic growth, open up land for new housing and alleviate congestion across the country. This includes significant new investment in local road networks.

As part of this, the Major Road Network is a new programme that will see substantial amounts of new investment available for road enhancement schemes on a network of the most important local authority roads. This will be funded from the National Roads Fund and will be established in 2020-21.

To support this programme, a network of these important roads is under development. An indicative map was published alongside the recent consultation on the creation of the Major Road Network and the A39 through Camelford is included on the network.

The Government are aiming to publish a response to the consultation shortly along with the final network map. Further details on the scheme selection process will be launched by the end of the year. In the meantime, I would encourage local partners to continue to work together to develop the proposal to address the issues in Camelford and for the Cornwall Council working with regional partners to determine priorities for investment.

# ORAL ANSWERS

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# PETITION

Monday 10 September 2018

	<i>Col. No.</i>
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