

**Wednesday
21 November 2018**

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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Wednesday 21 November 2018

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The House met at half-past Eleven o'clock

PRAYERS

[Mr SPEAKER *in the Chair*]

Mr Speaker: It has been brought to my attention that some football skills were displayed in the Chamber yesterday evening after the House rose. I am informed that the Doorkeepers on duty told the Members concerned that the Chamber was not the place for that activity. However, those Doorkeepers were advised that permission had been given. Let me assure the House that that permission certainly did not come from me.

I have received gracious—indeed, fulsome—letters of apology from the hon. Members for Chatham and Aylesford (Tracey Crouch), for Barnsley East (Stephanie Peacock) and for Sheffield, Heeley (Louise Haigh) in relation to this incident. I think I can speak for us all when I say that our historic Chamber should not be used for this type of activity, and I gently remind colleagues that if they are seeking to use the Chamber outside of sitting hours, other than for the purpose of simply showing it to guests, frankly they should write to me asking for their request to be considered. I have said what I have said. There are no hard feelings, and I consider the matter to be closed.

Oral Answers to Questions

INTERNATIONAL DEVELOPMENT

The Secretary of State was asked—

Rohingya

1. **Mary Robinson** (Cheadle) (Con): What steps she is taking to provide long-term support to the Rohingya. [907725]

12. **Sir Henry Bellingham** (North West Norfolk) (Con): What steps she is taking to provide long-term support to the Rohingya. [907737]

The Secretary of State for International Development (Penny Mordaunt): We have provided £129 million towards alleviating the crisis in Bangladesh since August last year and helped to reach nearly 1 million people with life-saving support. We will continue to be a leader in the international response, supporting the Government of Bangladesh to meet the ongoing needs of the Rohingya refugees and host communities.

Mary Robinson: The first official day of repatriating thousands of Rohingya refugees to Myanmar ended in failure last week, after no one agreed to voluntarily

return. In that context, is the Department constructing its aid programme to reflect the fact that the vast majority of Rohingya refugees will be in Bangladesh for the foreseeable future?

Penny Mordaunt: I am pleased to say that the Government of Bangladesh have respected the principle of voluntary return and have stated, quite rightly, that they will continue to do so. Our planning approach remains that refugees and host communities will require support in Bangladesh for some time, even when credible voluntary returns processes begin.

Sir Henry Bellingham: The plight of the Rohingya people is the worst regional crisis since the Bangladesh famine of 1974, which led to 1.5 million deaths. The UK's response has been outstanding. Can the Secretary of State say something about the pressure we are putting on other countries to meet their commitments? What is her view of the supine conduct of Aung San Suu Kyi?

Penny Mordaunt: My hon. Friend is quite right to point out that in addition to our own funding, we continue to ask other international partners to lean in. Generous international support has ensured that the current international appeal, which continues to the end of this year, is now funded to 72%. However, this is likely to be a protracted crisis, and sustained funding will be needed. What every refugee wants is to return home, and clearly the Burmese Government have a key role in providing assurances to people who want to go back home.

Carol Monaghan (Glasgow North West) (SNP): Many of the babies conceived last summer as a result of rape have now been born, and conditions in the camps are still abysmal. What post-natal support is being given for the babies and mothers who have been left with nothing?

Penny Mordaunt: This is one of the things that the UK in particular has been able to do. We have provided the lion's share of the pre-birth maternity services, which ranges from the midwives who were there providing support and caring for those infants, to healthcare, vaccinations and ensuring that they are prioritised and in better facilities. Most of those births were during peak cyclone season.

Kate Osamor (Edmonton) (Lab/Co-op): The chair of the UN fact-finding mission in Myanmar has told the Security Council that the situation today is "an ongoing genocide". Meanwhile, the United Nations High Commissioner for Refugees says that the conditions in the country are

"not yet conducive for returns".

Non-governmental organisations on the ground echo these grave concerns about the pending repatriations of refugees back to Myanmar. Will the Secretary of State tell us what the Government are doing to ensure that no refugee is forcibly returned to Myanmar?

Penny Mordaunt: On the point that the hon. Lady makes about accountability and justice, it is right that we must look at all options, including the International Criminal Court. Obviously, it is vital that we work with the Bangladeshi Government to ensure that more

appropriate facilities are put in place for people and that the main camp is broken down. A huge amount of work has gone into ensuring that the refugees there know what their rights are, and although earlier it was described as a “failure”, actually the success of that failed repatriation was that nobody got on that bus, or felt obliged to or was coerced into getting on that bus.

Kate Osamor: We understand that the Government are concerned and we all share the concern deeply, so does the Secretary of State agree that the UNHCR is the best-placed agency to co-ordinate support to refugees on the ground? If so, is the Secretary of State concerned that the agency has reportedly not been consulted or informed about the decision to start repatriations, and what is the Department doing to address this?

Penny Mordaunt: This is incredibly important. We have long made the case—not just in Bangladesh, but in Burma—for the UN agencies to be given access and, obviously, the information that they need to co-ordinate things properly. We will continue to make the case for that. We all need to work together to make sure that these refugees are taken care of, and that eventually they will be able to go back home.

Rohingya Women and Girls

2. **Mohammad Yasin** (Bedford) (Lab): What steps the Government are taking to tackle gender-based violence against Rohingya women and girls. [907726]

The Minister of State, Department for International Development (Alistair Burt): The United Kingdom has prioritised protecting and safeguarding women and girls in the speed and scale of our response to the Rohingya crisis. Our latest funding to the crisis will reach over 250,000 people affected by sexual and gender-based violence with targeted training, psychosocial support, and sexual and reproductive health treatment.

Mohammad Yasin: Hundreds of incidents of gender-based violence are being reported each week in Rohingya refugee camps. In line with the recommendations in the 2015 global report on Security Council resolution 1325, will the Minister guarantee that all future funding for the Rohingya response allocates at least 15% to gender in the emergency programming?

Alistair Burt: We have given ring-fenced funding to protect women and girls—indeed, over and above the recommendation that the hon. Gentleman has raised—which forms part of our latest £70 million of support. We have provided 30 children-friendly spaces, 19 women's centres and case management for over 2,000 survivors of sexual and gender-based violence. The hon. Gentleman is absolutely right to raise this. We share his concern, and we are—practically—doing something about it.

Mike Wood (Dudley South) (Con): What practical action is being taken to ensure that the infrastructure at Cox's Bazar improves the safety of Rohingya women and girls?

Alistair Burt: My hon. Friend will know that if someone goes there and sees the nature of the camp, they will realise that over a period of time improvements have

been made to ensure better safety. Practical issues such as lighting, making sure that people are safe at night, is an important part of that. However, there are always concerns that there is more to be done. We have directed our efforts not just to supporting infrastructure, but to practical work with clinics and safe spaces for women and girls. Above all, this is about making sure that people have somewhere to go if they fear there is any risk, but sadly, too many people in the camps report that, as time goes on, this will still be something they need help to counter.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): Last month, I attended a fundraising event held by the North East Rohingya Solidarity Campaign, which raised over £7,000 to help establish a centre for women and girls to protect those refugees from trafficking, abuse and forced prostitution. Will the Minister outline what more the Government could do to support our local communities across the UK who are standing so much in solidarity with the people described as the “most persecuted on Earth”?

Alistair Burt: First, I thank the hon. Lady for her questions and comments, and I very much support what she has been doing in her local community. With our small charities fund, Aid Match, this all goes to work to support local communities who are doing what they are doing, and to support the charities that are engaged with the work, where the United Kingdom is also providing the funding. All these things make a contribution to safe spaces, and to giving those who are running the camp the support they need to counter what they fear will be continuing issues of domestic violence and attempted trafficking in the camps the longer they are there.

UK Aid

3. **Tom Pursglove** (Corby) (Con): What steps her Department is taking to ensure that UK aid is allocated to where it is most needed. [907727]

7. **Robert Halfon** (Harlow) (Con): What steps her Department is taking to ensure that UK aid is allocated to where it is most needed. [907731]

The Minister of State, Department for International Development (Harriett Baldwin): UK aid is allocated based on need, to help to end extreme poverty by 2030 and to achieve the UN's global goals.

Tom Pursglove: UK aid rightly makes a huge difference in crisis or disaster situations, but what steps are taken to ensure that it is deployed most effectively in those circumstances?

Harriett Baldwin: Of course, that is something we have to be constantly vigilant about in all our spending, but I draw my hon. Friend's attention to the fact that we were successful in changing the OECD's rules, so if a hurricane hits a relatively prosperous country and brings its income down, we can spend aid there as well.

Robert Halfon: Last week, Hamas terrorists in Gaza fired as many as 460 rockets towards Israeli civilian communities. Does the Minister share my concern that Hamas's continued misuse of international aid worsens

the suffering of the people of Gaza? How can she be sure that UK taxpayers' money is reaching those who need it most?

Harriett Baldwin: Of course the UK Government strongly condemn Hamas's rocket firing and are deeply concerned about the civilian casualties. My right hon. Friend is absolutely right that the UK has zero tolerance and needs to be constantly vigilant. We do not fund Hamas, of course, but we need to be extremely careful to ensure that UK aid reaches the intended beneficiaries.

11. [907735] **Alison McGovern** (Wirral South) (Lab): Because of DFID's priority to get money to where it is most needed, this country has committed vast resources to the conflict in Syria. In addition, the Home Office says that about 10,000 Syrians are now in Britain. Is DFID prepared to bring the voices of those 10,000 Syrians in Britain together and hear from them about what they think should now happen in Syria, which is their country after all?

Harriett Baldwin: I pay tribute to the hon. Lady's consistent campaigning on the issue. She is right to draw attention to the important role that UK aid has played in the humanitarian response in Syria. I am sure that she and other hon. Members will continue to make sure that the voices of Syrian refugees in the region, and of those Syrians who have found a home here, will continue to be heard in this place.

Keith Vaz (Leicester East) (Lab): A Save the Children report, published today, estimates that 85,000 children have died in Yemen in the last three years, which is equivalent to the entire population of under-fives in the City of Birmingham. Nobody doubts the Government's commitment to give aid to Yemen, but the aid is not getting through. What can be done to make sure that the people of Yemen get that money?

Harriett Baldwin: I pay tribute to the right hon. Gentleman's work on the issue. We have seen the important report today that drew that conclusion. He will be aware that my right hon. Friend the Foreign Secretary will make a statement on Yemen later today. The right hon. Gentleman can be assured that the UK Government are doing everything we can, not only to fund the humanitarian response, but to resolve the logistical challenges that face those who want to deliver humanitarian aid.

8. [907732] **Sir Desmond Swayne** (New Forest West) (Con): Will the Minister make the 250 million children who live in conflict zones a priority?

Harriett Baldwin: Yes; I reassure my right hon. Friend that children in conflict zones—there are so many of them—will continue to be a priority. I reassure hon. Members, who may have read reports that the figure was as low as 2.5%, that we do not recognise that figure. Our response to protecting children in conflict zones goes way beyond that and forms a core part of what we do.

Mr Speaker: Order. I gently point out to colleagues that we have very little time on an occasion such as this.

Patrick Grady (Glasgow North) (SNP): My hon. Friend the Member for Dundee West (Chris Law) is travelling with the International Development Committee. Will the Minister confirm the Government's policy on the UK's continued membership of UNESCO? Does she accept that the educational and cultural work of UNESCO, both here and around the world, is of immense value and is a perfectly legitimate use of her Department's budget? How would withdrawal from UNESCO enhance the Government's vision of a post-Brexit global Britain?

Harriett Baldwin: May I reassure the hon. Gentleman—and perhaps encourage him not to believe everything he reads in the newspapers—that the UK continues to be a member of UNESCO? We continue to look to UNESCO to follow through on the reforms it promised to undertake. We continue to work with it on that.

Dan Carden (Liverpool, Walton) (Lab): In May, an International Development Committee report on official development assistance found that increasing amounts spent by other Departments had

“negligible targeting towards helping the poorest and most vulnerable.”

Just last week, the energy watchdog Platform reported UK aid being used to help oil, gas and fracking industries with their overseas market expansion. Does the Minister understand the growing concerns about the creeping, changing nature of the UK aid budget under this Government?

Harriett Baldwin: The hon. Gentleman is part of a Front-Bench team that does not seem to believe in the role of the private sector at all. The Government believe that to reach the sustainable development goals—some \$2.5 trillion is needed to achieve them—we need to be able to crowd in investors into other sectors. I can reassure the hon. Gentleman that we continue to put significant funding—some £5.8 billion—towards ensuring that more people around the world have access to clean energy.

Palestine Refugees

4. **Layla Moran** (Oxford West and Abingdon) (LD): What recent representations her Department has made to the (a) EU and (b) World Bank on funding for the United Nations Relief and Works Agency for Palestine refugees in the near east. [907728]

The Minister of State, Department for International Development (Alistair Burt): The UK has made official-level representations to the EU and World Bank over the past three months on the position of UNRWA. We will continue to work with UNRWA and our international partners to help ensure essential services are maintained, despite the United States' withdrawal of funding.

Layla Moran: Given that President Trump can now in no way be considered an honest broker in this matter, is it not time that Britain stepped up to the plate and led? Will the Government consider hosting a donor conference to make up the shortfall in funding? Further, will they support my Palestinian statehood Bill, which I will be introducing to the House later today?

Alistair Burt: On the hon. Lady's second point, she will be aware that the recognition of Palestine remains a matter for the United Kingdom's judgment in the best interests of peace and the peace process, and we hold to

that. On support for UNRWA, we continue to work with other donors and urge them to step in to assist in filling the gap in funding. We have done that with other states and we are doing that with the EU and the World Bank. We will continue to do so. We have increased our contribution this year to £57.5 million to help vulnerable Palestinians in relation to health and education. We will continue to support UNRWA.

Stephen Crabb (Preseli Pembrokeshire) (Con): In June last year, UNRWA discovered a major terrorist tunnel under two of its schools in Gaza. What support can the UK give to UNRWA to ensure that its neutrality is not violated and that its resources do not get misappropriated?

Alistair Burt: Bearing in mind UNRWA's particular position, particularly in Gaza, we know—I have discussed this with senior directors at UNRWA—it is absolutely essential that it maintains the integrity of its operation. When others have abused that in trying to disguise schools as places where terrorist activity could be hidden, it is essential that it deals with that. We will continue to give it every support in finding that out.

Devolution

5. **Alan Brown** (Kilmarnock and Loudoun) (SNP): Whether the Government have plans to devolve functions of her Department to the devolved Administrations. [907729]

14. **Martyn Day** (Linlithgow and East Falkirk) (SNP): Whether the Government have plans to devolve functions of her Department to the devolved Administrations. [907739]

The Secretary of State for International Development (**Penny Mordaunt**): The Government have no plans to devolve functions of the Department for International Development to the devolved Administrations, but we are giving people in all parts of the UK more control over how aid money is spent.

Alan Brown: Given the reported comments about the Secretary of State's attitude to UNESCO, the UK Government's confused position shows their real attitude to aid spending. Given that Scotland wants to remain part of UNESCO, should she not devolve aid spending to Scotland so that we can make our own decisions?

Penny Mordaunt: In line with the answer that the Minister of State, Department for International Development, my hon. Friend the Member for West Worcestershire (Harriett Baldwin), gave some moments ago, the Government's position on UNESCO has not changed, nor has mine. We continue to monitor the quality of the multilaterals that we work with. I have funded new projects with UNESCO, looking particularly at data on education, and we will continue to do that.

Martyn Day: Scotland has a long tradition of international solidarity, particularly in responding to crisis situations, such as the recent earthquake in Indonesia. Will the Secretary of State confirm that the UK Government support the current arrangement for devolved

Administrations to run international aid development programmes and that her Department has no plans to curtail or undermine these?

Penny Mordaunt: I can confirm that, and indeed, we are developing small grant programmes and UK aid match to enable more community groups, as well as Administrations, to contribute to such humanitarian disasters.

Charlie Elphicke (Dover) (Ind): I urge the Secretary of State to reject the representations from the party opposite, which will result in duplication, waste and less help to those who need it. Will she also take back control of our budget from the European Union?

Penny Mordaunt: This coming Monday will be the last development meeting of the EU that the UK will attend. It is my sincere wish that we will be able to continue working with our EU partners on humanitarian issues and others, but I have said that we will not do this for as long as the EU discriminates against British NGOs and suppliers.

Michael Fabricant (Lichfield) (Con): Is it not the case that in developing countries, the brand "UK Aid" is well known and helps to promote soft power? Does my right hon. Friend agree that we should not do anything to mitigate that?

Penny Mordaunt: My hon. Friend is right, and the Prime Minister described "UK Aid" as a "badge of hope". We should be tremendously proud of all that the British public enable us to do.

Mr Gregory Campbell (East Londonderry) (DUP): How important is it that the Minister maintains diligence in ensuring that fraud and corruption are avoided in delivering our aid to those who need it most?

Penny Mordaunt: That is absolutely correct. It is not just fraud and corruption and making sure that our programmes are delivering for the people who need them; we also need to help developing nations to crack down on other fraud and corruption going on. There is no point in us putting aid money into or lending money to countries when more of that money is leaving those countries every year.

Topical Questions

T1. [907740] **Tom Pursglove** (Corby) (Con): If she will make a statement on her departmental responsibilities.

The Secretary of State for International Development (**Penny Mordaunt**): Next year, the UK will present a voluntary national review to the United Nations, setting out our progress on meeting the sustainable development goals. The Government welcome this opportunity to present all that we are doing to deliver this ambitious agenda in the UK and around the world. It is a team effort and I am incredibly proud of how so many British businesses, civil society and other groups are helping to achieve those goals. I hope that all hon. Members will encourage their constituents to share their stories during the start of this review process by going to the gov.uk portal.

Tom Pursglove: Last year, Members across the House welcomed DFID's £3 million of funding aimed at bringing Israelis and Palestinians together. Will my right hon. Friend update the House on the allocation of the funding for those projects to help to bring these groups together?

The Minister of State, Department for International Development (Alistair Burt): This invaluable programme is now up and running. It is working in Israel and the Palestinian territories to bring together young leaders and connect them, to work together on reducing tensions on inter-religious sacred sites and to help to tackle a neglected tropical disease, leishmaniasis, by working co-operatively together.

T2. [907741] **Mr Jim Cunningham** (Coventry South) (Lab): Climatic change is one of the biggest challenges facing humanity. What are the Government doing to protect the world's poorest? Will they make it a top priority?

The Minister of State, Department for International Development (Harriett Baldwin): The hon. Gentleman will be pleased to hear that £5.8 billion from our aid budget is to be spent in this area over the years to come and that so far it has helped 47 million people adapt to climate change around the world.

T4. [907743] **Rachel Maclean** (Redditch) (Con): Earlier this month, I visited Kenya as part of the armed forces parliamentary scheme and heard from the defence support there about the work it is doing to tackle al-Shabaab. How is the Department working with the Ministry of Defence to promote peace and prosperity?

Harriett Baldwin: I am so pleased my hon. Friend had the chance to visit Kenya and see that remarkable work. We are working throughout east Africa to ensure a comprehensive approach to defence and security as well as to humanitarian issues across the region.

T3. [907742] **Thangam Debbonaire** (Bristol West) (Lab): In the light of yesterday's horrifying revelations of children being beaten, tortured and starved in Libyan detention centres to which they have been returned after trying to cross the Mediterranean, will the Government increase the number of safe and legal routes to sanctuary using refugee resettlement?

Alistair Burt: The situation in Libya remains extremely difficult. These abuses that come to light remind us all that Libya cannot be forgotten and that the efforts to reduce conflict and create peace must continue, as happened in Palermo last week. We are spending £75 million on safer migration routes to help tackle some of these crises, and we continue to do all we can to get people out of the difficult areas, but it requires international co-operation.

T6. [907745] **Mary Robinson** (Cheadle) (Con): Can the Secretary of State update the House on the UK's contribution to eliminating polio around the world, and will she join me in welcoming the efforts of Bramhall and Woodford Rotary through its Purple4Polio fundraising campaign?

Penny Mordaunt: We should praise the work of British Rotarians and Rotarians around the world for the progress they are making on eradicating this disease. When it is achieved—and it will be—it will be only the second time in humanitarian history that it has been done.

T5. [907744] **Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): The Secretary of State might be aware that the greatest killer of children and young people in our world is road accidents and the attendant serious injuries. Could we put more money into partnership working with the United Nations and the World Health Organisation to tackle this problem?

Penny Mordaunt: I thank the hon. Gentleman for the long-term campaign work he has done on this. He will know that we have just announced some new programming to mitigate the enormous number of road traffic accidents around the world. It is not just our money but our technical support that is allowing that to happen.

T8. [907747] **Sir Desmond Swayne** (New Forest West) (Con): Will the Secretary of State take note of World Vision's campaign on behalf of children in conflict, "It Takes A World"?

Penny Mordaunt: I will certainly do that. I praise World Vision for the campaign and all the work it does. Children in conflict zones are a priority for my Department, and I would also like to put on the record our thanks to the *Evening Standard* for its War Child fundraising appeal.

T7. [907746] **Rushanara Ali** (Bethnal Green and Bow) (Lab): Over 160 British parliamentarians have called on the UK Government to refer the Burmese military to the International Criminal Court. Does the Secretary of State agree that unless we hold them to account for their genocidal intent, it will be impossible to return the Rohingya from Bangladesh to Burma without risking further atrocities?

Penny Mordaunt: The hon. Lady is absolutely right. As I said earlier, we continue to consider all means of holding people to account for these appalling atrocities. As well as other measures, including the recognition of citizens' rights, justice is a major part of giving people the confidence to return.

Mr Speaker: Colleagues, Fazila Aswat, who was with our dear and departed colleague Jo Cox when she died, is in the Gallery today. Fazila, we welcome you. [*Applause.*]

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [907748] **Andrew Rosindell** (Romford) (Con): If she will list her official engagements for Wednesday 21 November.

The Prime Minister (Mrs Theresa May): Today is the centenary of the Parliament (Qualification of Women) Act 1918, under which women were first allowed to stand for public office, and I am delighted that the first woman to take her seat in the House of Commons was a Conservative. Women are coming from all over the United Kingdom to the #AskHerToStand day event,

with MPs from every party extending invitations to their constituents. This will be an inspirational day, which the Government are delighted to support, and we hope that it will encourage many more women to consider standing for political office both locally and nationally. It is appropriate that we are reminded of the significant contribution made to the House by female MPs, including the fine example set by the late Jo Cox.

This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall have further such meetings later today.

Andrew Rosindell: The Prime Minister will know that what drives me in politics has always been a love of country and a passionate belief in our United Kingdom, so I have to tell the Prime Minister that I agree with the people of Romford. They are deeply unhappy about the proposed EU deal, which they believe does not represent the Brexit for which they voted. Will the Prime Minister now please think again, even at this late stage, and instead lead our country in a new direction, completely cutting away the tentacles of the EU from our cherished island nation once and for all?

The Prime Minister: I think that people across the country who voted to leave the European Union voted to bring an end to free movement. Our deal delivers an end to free movement. They voted to bring an end to the jurisdiction of the European Court of Justice in the UK. Our deal delivers an end to the jurisdiction of the European Court of Justice. They voted for us to stop sending vast sums of money to the European Union every year so that we could spend that money on our priorities, and we will be able to spend it on priorities such as the national health service. However, the European Union remains a close trading partner of the United Kingdom. As we leave the EU, we want to ensure that we continue to have a good trading relationship with it, and we will be able to have an independent trade policy that will enable us to make decisions to trade around the rest of the world.

My hon. Friend is indeed a passionate champion of the United Kingdom, but he is also a passionate champion of the links that the United Kingdom has with many parts of the world—including the Commonwealth—and those can be enhanced when we leave the European Union.

Jeremy Corbyn (Islington North) (Lab): Thank you, Mr Speaker, for welcoming Fazila Aswat to Parliament today. She is a most welcome guest.

On the hundredth anniversary of the Parliament (Qualification of Women) Act, I join the Prime Minister in welcoming all women to Parliament today as part of the #AskHerToStand campaign. We need a Parliament that truly does represent the diversity of the whole country.

Now that a number of Ministers have confirmed this morning that leaving the EU with no deal is not an option, does the Prime Minister agree that there are no circumstances in which Britain would leave with no deal?

The Prime Minister: No. I have consistently been clear on this point. The point that has been made by a number of my colleagues in relation to the vote that will

come before the House—a meaningful vote on a deal from the European Union—is very simple. If we look at the alternative to that deal with the European Union, we see that it will either be more uncertainty and more division, or it could risk no Brexit at all.

Jeremy Corbyn: The Prime Minister did not answer the question. Is this the final deal or not? The Work and Pensions Secretary says, “This is the deal. It’s been baked”—well, it is half-baked—but other members of the Cabinet want amendments to the withdrawal agreement. The Leader of the House said last week that there was “still the potential to improve on...some of the measures...that’s what I’m hoping...to help with.”

Can the Prime Minister clarify whether last week’s withdrawal agreement is the final text, or is there another text that is on its way to us?

The Prime Minister: I have to say to the right hon. Gentleman that he will not get any different answers on this than he has had from me previously. There are two parts to the deal package we are negotiating with the European Union: the leaving part, which is the withdrawal agreement; and the future relationship, which is what is continuing to be negotiated with the European Union. They go together as a package. Yes, the withdrawal agreement has been agreed in principle. The whole package will be what is brought before this House and will be what is considered at the European Union Council on Sunday, and we continue to negotiate on that future relationship to get the good deal that we believe is right for the United Kingdom: a good deal that protects jobs, protects our Union and protects our security.

Jeremy Corbyn: The Prime Minister is apparently heading off to Brussels today, but the new Brexit Secretary is another non-travelling Brexit Secretary—he is apparently not going with her. I wonder if the post is now an entirely ceremonial one. The Prime Minister’s agreement does not specify how much we would have to pay to extend the transition period. Can she confirm that the choice facing the country would be either the backstop or paying whatever the EU asked us to pay to prolong that transition period?

The Prime Minister: No, the right hon. Gentleman is wrong on that. Let us just remind ourselves what we are talking about: we are talking about the guarantee to the people of Northern Ireland that there will be no hard border between Northern Ireland and Ireland. First of all, that is best ensured by getting the future relationship in place by the end of December 2020. In the event that that was not the case for a temporary period and an interim arrangement was in place, the choice the right hon. Gentleman set out is not the choice that would be before us. Yes, there will be the backstop in the protocol and, yes, there will be the extension of the implementation period, but what we have also negotiated in the withdrawal agreement is that alternative arrangements could be in place; the key is that they guarantee no hard border between Northern Ireland and Ireland.

Jeremy Corbyn: The truth is that the Prime Minister’s idea of taking back control of our money is to hand the EU a blank cheque, and after 2020 no rebate for the UK.

The EU's trade deal with Canada took seven years to agree, and the deal with Singapore took eight years. The Business Secretary said this week that the transition will have to be extended until the end of 2022. Outside the EU and with no leverage, does the Prime Minister think she is fooling anyone by suggesting a free trade agreement will be finalised by December 2020?

The Prime Minister: The future relationship that we are negotiating will set out the structure and scope of that deal, which we will be ensuring we can negotiate in legal text once we leave the European Union, but I think people will have seen from the right hon. Gentleman's question to me previously the problem he has with this deal: he has not even read it; he does not know what is in it. He says there is a problem with the deal and he would do it differently, he wants to renegotiate the withdrawal agreement but has not read it, and he wants to oppose any deal no matter how good it is for the UK but he will accept any European Union deal no matter how bad it is for the UK. And then he wants to use the implementation period that he would vote against to renegotiate the treaty that delivers the implementation period. And he has said that another referendum is not an issue for today, but it could be an issue for tomorrow. He does not know how he would vote; he does not know when it would be; he does not even know what the question would be. That is not leadership; that is playing party politics. I am working in the national interest.

Jeremy Corbyn: It is the right hon. Lady's Government who have got us into this shambles. *[Interruption.]* And she knows full well that the new European Parliament—*[Interruption.]*

Mr Speaker: Order. Nobody in this Chamber will be shouted down. We have often heard it said with high authority from the respective Front Benches that that would be bad behaviour. It is happening now. Stop it, because it will not work.

Jeremy Corbyn: The Prime Minister knows full well that with a new European Parliament in place next summer and a new European Commission at the same time, there will be less than a year for the negotiations on a future trade agreement and for her to achieve what she claims she can.

In February, the Prime Minister said that creating a customs and regulatory border down the Irish sea is something that

“no UK Prime Minister could ever agree to”.—*[Official Report, 28 February 2018; Vol. 636, c. 823.]*

Can the Prime Minister explain why the backstop agreement would create exactly that border?

The Prime Minister: I have to say to the right hon. Gentleman that it would not create exactly that. From February until the last few weeks, the European Union said that the only answer was a Northern Ireland-only customs territory in relation to the guarantee to the people of Northern Ireland. We argued and we resisted. We made it clear that we would not accept the position of the European Union, and a few weeks ago they agreed with our position. They conceded to the United Kingdom, so that there will not be a customs border down the Irish sea. It is becoming even clearer that the

right hon. Gentleman does not actually know what is in the withdrawal agreement, the protocol or the outline political declaration. Never mind a second referendum; he has not got a first clue.

Jeremy Corbyn: Given the shambles that this Government have got into, it is a good idea that other people are not ruling out all options. There is an entire protocol in the withdrawal agreement setting out regulations that apply only to Northern Ireland. The Prime Minister clearly did not discuss the draft agreement with the DUP, because its Brexit spokesperson said:

“We are clear—we will not be voting for this humiliation”.

This deal is a failure. It fails the Prime Minister's red lines; it fails Labour's six tests—*[Interruption.]* And it failed to impress the new Northern Ireland Minister, who said just hours before he was appointed that “the deal is dead”. Instead of giving confidence to the millions of people who voted both leave and remain, this half-baked deal fails to give any hope that can bring the country together again. Is it not the case that Parliament will rightly reject this bad deal? If the Government cannot negotiate an alternative, they should make way for those who can, and will.

The Prime Minister: The public gave us an instruction to leave the European Union, and we should all be acting to deliver that. All the right hon. Gentleman wants to do is play party politics—*[Interruption.]*

Mr Speaker: Order. Mr Kinnock, you are a cerebral denizen of the House. Gesticulation and shouting are way beneath your pay grade, man. Calm yourself and develop some sense of repose. I said that the Leader of the Opposition should not be shouted at. The Prime Minister should also not be shouted at. Let us hear her reply.

The Prime Minister: The right hon. Gentleman is playing party politics. He is opposing a deal that he has not read. He is promising a deal that he cannot negotiate. He is telling leave voters one thing and remain voters another. Whatever he might do, I will act in the national interest.

Q4. [907751] Neil Parish (Tiverton and Honiton) (Con): I am a great supporter of the Prime Minister and, along with the British people, I accept what a difficult and tough job she has. There is much in the withdrawal agreement that I agree with, especially on food and farming, but it is not good enough as it stands. The Northern Ireland backstop threatens the integrity of the United Kingdom and weakens our negotiating position, and my farming instincts tell me that we should not hand over £39 billion before we get the deal. Please will the Prime Minister listen to these concerns and renegotiate the deal before we put it before the House?

The Prime Minister: My hon. Friend mentions the issue of paying over money to the European Union. As I have consistently said—and as I hope I indicated in my first answer to the Leader of the Opposition—nothing is agreed until everything is agreed, and we remain in negotiations on the future framework. In relation to the £39 billion—which I remind my hon. Friend is significantly

less than the £100 billion the European Union was first talking about us needing to pay—this is about the United Kingdom's legal obligations. I hope that every Member of this House will recognise that the United Kingdom is a country that meets its legal obligations.

Ian Blackford (Ross, Skye and Lochaber) (SNP): I also welcome the anniversary of the Act that gave women the right to be represented in this Parliament—of course, it was a nationalist who was first elected—but we can celebrate success only when women are properly represented in this Parliament.

Yesterday, the Prime Minister met the First Minister of Scotland, who made it clear that there are alternatives to this Government's Brexit plan. Was the Prime Minister listening?

The Prime Minister: Of course I heard what the First Minister said. The First Minister's alternative is for the United Kingdom to stay in the single market and the customs union, and that is what we will not do.

Ian Blackford: This is exasperating. At least staying in the single market and the customs union has some support in this place. *[Interruption.]* [HON. MEMBERS: "Ooh!"] When we look at the report from the UN rapporteur this week, we see that up to a quarter—*[Interruption.]*

Mr Speaker: Order. The leader of the Scottish National party will be heard. I do not think that Members will want to hear the question again and again and again, but let us be absolutely clear that if they shout their heads off, they will have to hear it not once, not twice, but possibly three times.

Ian Blackford: In the week when we heard from the UN rapporteur that up to a quarter of the people of the United Kingdom are living in poverty—something the Department for Work and Pensions also recognises—why does the Prime Minister not recognise the scale of the challenge, which Brexit is only going to make worse? Why does she not realise that she has a responsibility to protect jobs and communities in this country? For once, start to listen, go back to Brussels, and recognise that we all have an interest in this. Let us all work together to make sure that we protect the interests of people in Scotland and elsewhere in the United Kingdom: make sure that you go back and negotiate. Let us stay in the single market and the customs union.

The Prime Minister: The right hon. Gentleman says, "Let us all work together", but the position that he and his party have would frustrate the vote of the British people in relation to leaving the European Union. He talks about protecting jobs, and that is exactly what the deal we are proposing does. He also talks about listening. Perhaps the SNP should listen to the people of Scotland, who gave a very clear view that Scotland should remain in its most important economic market: the internal market of the United Kingdom.

Q5. [907752] **Alan Mak** (Havant) (Con): Twenty-year-old Tommy Cowan and 18-year-old Georgia Jones, both from Havant, were sold ecstasy at a music festival and tragically lost their lives afterwards. As the inquest continues, will my right hon. Friend set out the work

being done to tackle the drug dealers who prey on our young people, and will she join me in sending the condolences of the whole House to their families and friends?

The Prime Minister: I am sure that all Members on both sides of the House will want to join me in offering our deepest condolences to the families of Georgia Jones and Tommy Cowan after their tragic deaths. As my hon. Friend knows, drugs can devastate lives, ruin families and damage communities. Our comprehensive drugs strategy sets out a balanced approach that brings together the police, the health community and global partners to tackle the illicit drugs trade and protect the most vulnerable in our society, and tough enforcement is a fundamental part of that. We are taking a smarter approach to restricting supply, adapting our approach to reflect changes in criminal activity, using innovative data and technology, and taking co-ordinated partnership action to tackle drugs alongside other criminal activity. The National Crime Agency has a key role in dealing with the terrible aspect of drugs that can cause so much harm to people, but of course there is more that we need to do to prevent harm and tragic deaths, such as those of Georgia and Tommy.

Q2. [907749] **Mike Amesbury** (Weaver Vale) (Lab): Over the past three weeks, I have surveyed 42 schools in my Weaver Vale constituency. More than £3.4 million will be taken from their budgets, and 60% of those schools have cut staff. The Prime Minister's claim that austerity is over is as credible as her Brexit plan. Will she get a grip or step aside?

The Prime Minister: The hon. Gentleman will know that we are putting extra money into school funding; he will know that we have changed the national funding formula to make it fairer across the country; and I would hope he welcomes the fact that in the north-west we now see over 895,000 children in good or outstanding schools—an increase of over 175,000 children since 2010. He focuses on the money going into schools; he also needs to look at school outcomes, at the excellent work being done by our teachers and at the children who are now in good or outstanding schools who were not in good or outstanding schools under the last Labour Government.

Q8. [907755] **Robert Halfon** (Harlow) (Con): Will my right hon. Friend join me in welcoming Debbie Pritchard, a specialist teacher from Harlow who is visiting us for #AskHerToStand day and is watching from the Public Gallery? Does my right hon. Friend agree that it is a question not just of getting more women into Parliament but of encouraging women from all walks of life, especially from disadvantaged, low-income and working-class backgrounds? Does she support initiatives by the Conservative Party Foundation such as the Conservative candidate bursary scheme to enable more women to access public life?

The Prime Minister: I am very happy to welcome my right hon. Friend's constituent Debbie Pritchard, and I hope she will consider standing for Parliament. We talk about diversity in relation to getting more women into Parliament, but my right hon. Friend is right that we also need to ensure that we have people in this Chamber

from a wide variety of backgrounds and with a wide variety of experience, because that is the way to get better decisions made in this Chamber. I am pleased that the Conservative party has been taking action through the bursary scheme and through its work to support disabled people into politics and to encourage people from a wide range of backgrounds and with a wide range of experience to stand for Parliament and represent constituents in this Chamber.

Q3. [907750] Caroline Lucas (Brighton, Pavilion) (Green): The Prime Minister has just repeated that voting down her deal risks there being no Brexit at all. Does she recognise that, far from being a risk, recent polls show that, actually, a vast majority of people would like no Brexit at all in order to save jobs, protect the environment and ensure our standing in the world? Will she acknowledge that the will of the people can change and that the will of the people has changed? Does she therefore think that the way forward is a people's vote, or does she think democracy ended on 23 June 2016?

The Prime Minister: The hon. Lady's claim in relation to democracy is absolutely ridiculous. This Parliament gave people the right to choose whether to remain in the European Union or to leave the European Union. People exercised that vote, and we saw numbers of people voting that we had not seen before. It was a great exercise in democracy in this country, and I believe it gave this Parliament an instruction. We should ensure that we leave the European Union, as the people voted.

Q10. [907758] Robert Neill (Bromley and Chislehurst) (Con): I refer the House to my entry in the Register of Members' Financial Interests.

There are no people more proudly and passionately British than the people of Gibraltar. The agreed text of the withdrawal agreement gives significant and important safeguards to them in the text and in the protocol. Will my right hon. Friend make it clear that under no circumstances will she permit that text to be reopened to put those safeguards at risk and that under no circumstances will she permit Spain to seek to exclude the people of Gibraltar from discussions on the future arrangements?

The Prime Minister: We are absolutely steadfast, as is my hon. Friend, in our support for Gibraltar, its people and its economy. We have always been clear that Gibraltar is covered by our exit negotiations. We have been committed to fully involving Gibraltar as we exit the European Union. We are seeking a deal that works for the whole UK family, and that deal must work for Gibraltar, too.

I am pleased that we have agreed a protocol, as my hon. Friend knows, on Gibraltar. That will form part of a wider package of agreements between the UK, Spain and the Government of Gibraltar setting out the parties' commitment to co-operation. I have been clear that we will not exclude Gibraltar from our negotiations on the future relationship. We want a deal that works for the whole UK family, and that includes Gibraltar.

Q6. [907753] Karl Turner (Kingston upon Hull East) (Lab): The Government snuck out changes to the police pension scheme, and Humberside's chief constable, Lee Freeman, has written to MPs describing the impact as "devastating". If the Government do not change tack, this would cost the force £9.2 million. It would mean

doing away with 130 police officers or all 250 police community support officers. Is the Prime Minister worried about this? Or is the chief constable "scaremongering" and just "crying wolf"?

The Prime Minister: The hon. Gentleman says that these pension changes were "snuck out", but that is not the case. This pension issue has been known of for, I believe, two years—it has been under consideration for two years—so it is not the case that this has been snuck out.

Q14. [907762] James Cartlidge (South Suffolk) (Con): In all my time as a mortgage broker, I never once recommended to a remortgaging client that they should stick with the standard variable rate. They would have more freedom and they could leave the deal when they wanted without penalties, but it was bog standard and nobody ever wanted it. Given that my right hon. Friend is receiving representations to ditch her deal for World Trade Organisation terms, will she explain that, putting aside the worst-case scenario of no deal, in the very best-case scenario, WTO terms are bog standard, average terms, and far worse than the preferential tariff-free access we currently enjoy and which she has negotiated to maintain?

The Prime Minister: My hon. Friend is right to say that we want to negotiate a trading deal with the European Union that is on better terms than WTO terms, and many people across this House want to see the United Kingdom, as we will do when we have left the EU, negotiating trade deals around the rest of world that are on better than WTO terms. That is because we believe that that is best for the UK economy, and if we are negotiating on better than WTO terms with the rest of the world, it makes sense to be negotiating on better than WTO terms with the European Union.

Q7. [907754] Thangam Debbonaire (Bristol West) (Lab): The Prime Minister said that school funding is up, and it is, but pupil numbers are up and costs are up, so the Institute for Fiscal Studies says that since 2010 there has been an 8% real-terms per pupil cut. How can the Prime Minister expect anybody to trust her on anything when she cannot get her numbers right?

The Prime Minister: I say to the hon. Lady, as I have said before in this Chamber, that overall per pupil funding is being protected in real terms by this Government. The core schools budget this year, at £42 billion, will be at its highest ever level. We are protecting through the pupil premium this year; we are giving £2.4 billion to support those who need it most. The core schools budget is rising by nearly £2.6 billion across this year and the next. But what we have also done, alongside putting extra money into schools, is introduce a fairer national funding formula, which ensures that we see a fairer distribution of that money across the country.

Sir Nicholas Soames (Mid Sussex) (Con): Will my right hon. Friend affirm to this House today and to the President of the Commission tonight that as we move to honour the result of the referendum, it will remain our firmest intention to retain the closest possible relationships with our European friends and allies, in the very best interests of both?

The Prime Minister: I say to my right hon. Friend that I am happy to give that commitment. I think it is important for us to recognise that although we are leaving the European Union, we are not leaving Europe; we do want to continue to have not just a good trading relationship and close trading partnership with the EU, but that close security and defence partnership that we have had with the European Union and other countries across Europe as well. As he says, this is what makes sense, not just for the UK, but for all those European Union member states as well.

Q9. [907756] Mr Gavin Shuker (Luton South) (Lab/Co-op): Since the Prime Minister's Modern Slavery Bill passed, the Republic of Ireland, Northern Ireland and France have joined Norway, Sweden and Iceland in passing a sex-buyer law. That makes us an even more lucrative market for sex traffickers because we are now, in effect, surrounded by states that tackle the demand which drives commercial sexual exploitation. In responding to the independent review of her legislation five years on, will she now commit to looking seriously at a sex-buyer law?

The Prime Minister: The hon. Gentleman raises what is obviously an important issue. Having introduced the Modern Slavery Act, I am pleased to say that between 2015 and 2017 we saw a 52% increase in the number of modern slavery offences prosecuted. There is more for us to do, but we should welcome the change that has already taken place.

The hon. Gentleman asked specifically about a sex-buyer law. Separate to the review of the Modern Slavery Act, the Home Office has provided funds for research into the nature and prevalence of sex work in England and Wales, and that follows a Home Affairs Committee report on prostitution. As I am sure the hon. Gentleman will appreciate, we believe it is vital to have an evidence base before we consider any changes in this policy area. The research that is taking place will be completed next spring.

Ms Esther McVey (Tatton) (Con): Can the Prime Minister assure the House today, as she has done on many other occasions, that the UK will be leaving the EU on 29 March 2019—come what may?

The Prime Minister: May I first of all thank my right hon. Friend for the work that she did as Secretary of State for Work and Pensions and, indeed, for the work that she had done as a Minister previously? In particular, the Disability Confident scheme, which she championed and continues to champion, has had an impact on the lives of people who are disabled. I can give her the assurance that the United Kingdom will leave the European Union on 29 March 2019.

Q11. [907759] Colleen Fletcher (Coventry North East) (Lab): Last Friday, during Parliament Week, I visited St Elizabeth's School in my constituency to meet the school's council. The children told me that rising crime levels and falling police officer numbers have made them fearful of using and enjoying their local park, which is near their school. Will the Prime Minister tell the school council, which may be listening today, what strategy the Government are deploying to ensure that all young people feel safe and are safe from crime on our streets and in our public spaces?

The Prime Minister: The hon. Lady raises an important point. We want young people to feel secure if they are walking through the streets or gathering in a park with their friends. In looking at the concern that has been expressed about crime—in particular, I recognise the concern that has been expressed about knife crime and levels of knife crime—we need to tackle the issue in a number of different ways across the board. It is about ensuring that we have the right powers for the police and that we have the right system in the criminal justice system, but it is also about providing education for young people about the risks of carrying knives and about providing alternatives to those young people who are tempted to join gangs, because a lot of the crime that we see is related to gang activity. This is something that has to be addressed across the board, and I recognise the importance of doing that to ensure that young people have the security, safety and confidence that they need.

George Freeman (Mid Norfolk) (Con): Unlike the Leader of the Opposition, I and other colleagues have read the draft withdrawal agreement and the many briefings. It is clear to me that the Prime Minister and her Cabinet have laudably tried to reconcile the demand for continuity of market access today with freedom to diverge tomorrow. Is not the truth of the backstop as drafted that if—and as—we were to exercise our regulatory freedom, whether in agri-food or data protection, we would allow the EU to harden the border between Great Britain and Northern Ireland? Can the Prime Minister reassure me, and seek reassurance in Brussels today, that the draft does not contain a trap, whereby if we dare to diverge, we will undermine our Union?

The Prime Minister: As my hon. Friend will know, and as I set out earlier, if it is necessary to have an interim arrangement to provide the guarantee in relation to the border of Northern Ireland, there are a number of ways in which that can be achieved—the backstop, as identified in the protocol, the extension of the implementation period, or alternative arrangements—and work is being done on them.

The backstop is intended to be a temporary arrangement, and for that limited period of time. If my hon. Friend just casts his mind to a practical thought about what could happen, if we were in the situation where the backstop had to be in place for a matter of months, for example, it would be right for the United Kingdom to give the commitment that we would not be looking to diverge from regulations during that period and that we would ensure that we kept that free access for the goods from Northern Ireland coming into Great Britain, as we have committed in the withdrawal agreement—in the text that is set out—and as we had committed previously. That will of course be a decision for us, here. What is important is that we have a means of ensuring that the backstop remains temporary. The best means of doing that is what we are doing at the moment: negotiating the future relationship, which will ensure that the backstop, if it is ever used, remains temporary, and preferably is never used at all.

Q12. [907760] Marion Fellows (Motherwell and Wishaw) (SNP): The United Nations has recently joined other radical organisations such as the National Audit Office in condemning the Government's failure to address the

tragedy, that is poverty. Which of the fundamental failures in implementing universal credit does this Prime Minister most regret—her failure to fund this fully, or the decision taken to triple the time that those who need a safety net have to wait to receive payments to which they are fully entitled?

The Prime Minister: The hon. Lady will know that we made changes to universal credit to ensure that people are able to access 100% of their payments at the earliest possible stage if that is what is necessary. She raises the issue of poverty. Let me just give her a few figures. There are 1 million fewer people in absolute poverty today—a record low; 300,000 fewer children in absolute poverty—a record low; and 637,000 fewer children living in workless households—a record low. That is due to the action of this Government and the impact of universal credit.

Crispin Blunt (Reigate) (Con): Durham University PhD student Matthew Hedges was arrested when he was leaving the UAE, having completed his research into the impact of the Arab spring on the UAE's foreign policy. He has now been sentenced to life imprisonment for spying for the United Kingdom. A number of us will note the irony of a former MI6 officer who works in the outer office of the de facto ruler of the UAE who has organised many of the excellent visits from this House to the UAE. The action is wholly inconsistent with the behaviour of a nation with which we have a mutual defence accord. Will the Prime Minister please give this her urgent attention? If he is not released, I do not see why we should be committed to its defence.

The Prime Minister: We are, of course, as is my hon. Friend, deeply disappointed and concerned at today's verdict, and I realise how difficult and distressing this is both for Matthew Hedges and for his family. We are raising the matter with the Emirates authorities at the highest level. My right hon. Friend the Foreign Secretary is urgently seeking a call with the Foreign Minister, Abdullah bin Zayed. During his visit to the UAE on 12 November, he raised the issue with both Crown Prince Mohammed bin Zayed and the Foreign Minister. I can assure my hon. Friend and other Members that the Foreign Office will remain in close contact with Matthew, his family and his lawyer. We will continue to do all we can to support them as they consider the next steps, and we will continue to press this matter at the highest level with the Emirates.

Q13. [907761] **Angela Smith** (Penistone and Stocksbridge) (Lab): The Prime Minister is having a rough old time of it at the moment, but I am sure that she recognises that there are issues other than Brexit with which we need to be dealing. On that basis may I ask her, on behalf of my constituent, Claire Throssell, whether we will get the promised domestic violence Bill on the statute book before the end of the parliamentary Session?

The Prime Minister: I first send my deepest condolences to Claire Throssell, the hon. Lady's constituent, and pay tribute to the fantastic work that she does as an ambassador for Women's Aid. We are committed to transforming the response to domestic violence. The consultation that took place in the spring received more than 3,200 responses, which shows the degree of concern that people have over this issue of domestic violence

and the recognition of the need to look carefully at the legislation on this. I understand that the Home Office will be publishing a response to the consultation together with the draft Domestic Abuse Bill later this Session.

Mrs Maria Miller (Basingstoke) (Con): All the evidence shows that diversity delivers better decision making, yet, over the past 100 years in this place, 4,503 men have been elected and just 491 women. I am proud that two of those Conservative women became Prime Minister, but can my right hon. Friend share with me what she feels that Parliament, as well as the political parties, can do to help to encourage more of the women who are with us here today as part of the Ask Her To Stand campaign actually to go forward and stand for election and join us on these Green Benches?

The Prime Minister: I thank my right hon. Friend for championing this important cause. She is absolutely right that greater diversity in this place means that we get better decisions; that is the same for Parliament as it is for a business or any organisation. We should send a very clear message from everybody across this House about the significance of the work of an individual Member of Parliament and the change they can make for their community. Being a Member of Parliament is one of the best jobs in the world. It is an opportunity to make a real difference to people's lives, to be a real voice for those whose voice otherwise would not be heard and to take decisions that will lead our country forward and provide a better future for people's children and grandchildren. It is a great job and I encourage all the women who are here today and thinking of standing to stand for Parliament, get elected and make a difference.

Nigel Dodds (Belfast North) (DUP): In the December joint report agreed between the European Union and the United Kingdom, it was agreed that Northern Ireland would have the final say on whether it diverged from the UK single market and was subjected to single market European rules with no say. Why has the Prime Minister deleted all reference to that in the withdrawal agreement? Did she push the delete button?

The Prime Minister: The right hon. Gentleman is absolutely right about the December joint report. The issue of what the processes in the United Kingdom would be when it comes to looking at the regulations is a matter for the United Kingdom to determine; it is for us to determine both our parliamentary decisions on that and the Stormont lock that was expressed in the December joint report. As the right hon. Gentleman will also know, the lock in the December joint report referred to a decision being taken by the Northern Ireland Executive and the Assembly, which sadly are not in place today.

Heidi Allen (South Cambridgeshire) (Con): On Monday, at an event for cystic fibrosis sufferers organised by my hon. Friend the Member for Dudley North (Ian Austin), I heard something that I never want to hear again: a young woman in her 30s actively researching funeral plans because she has cystic fibrosis and knows there is no cure. My question is about the conversation between the National Institute for Health and Care Excellence, NHS England and Vertex, which has been at an impasse for almost three years now, about access to Orkambi for patients who need it. Pharmaceutical companies are of

course entitled to make profit, and research and development is expensive and lengthy, but now that we have reached the point at which the Health and Social Care Committee is having to ask for transparency on the finances to try to break the impasse, we know we have to do something differently. Looking at the huge global forward profits for Vertex, will the Prime Minister personally work with the Health Secretary to break this impasse and get Orkambi to those patients who are desperate to relieve their cystic fibrosis symptoms?

The Prime Minister: My hon. Friend's question is an important one, which has been raised in the House before. I recognise the concern about the length of time it has taken to work on this issue. The Department of Health and Social Care is working with NICE and the NHS. I believe that they have made the single biggest drug offer in the history of the NHS to Vertex, the pharma company; and Vertex needs to work with NICE to get this approved. I will ensure that the concern expressed by my hon. Friend and that I know exists in relation to this matter is fully made clear to the Department

of Health and Social Care in the work that it is doing with NICE, the NHS and the pharma company order to ensure that the result is of benefit to the patients who are looking desperately for this drug.

Sir Vince Cable (Twickenham) (LD): Article 171 of the withdrawal agreement says that in the event of deadlock in the arbitration panel on a dispute on any aspect of the treaty, the chair, who has the decisive vote, will be chosen "by lot". Now, I know the Government are close to the gambling industry, but is it not rather reckless to leave crucial decisions of national importance under the withdrawal agreement to the toss of a coin?

The Prime Minister: We have put in place arbitration arrangements that mirror arbitration arrangements that exist in other international treaties. The right hon. Gentleman will also be aware that the withdrawal agreement also says that five individuals—I think that is the number given—will be identified as suitable to be chairman of the panel.

Points of Order

12.49 pm

Chris Elmore (Ogmore) (Lab): On a point of order, Mr Speaker.

Mr Speaker: Yes, I will hear the hon. Gentleman when the House has composed itself. In the frankly extraordinary circumstance that there are right hon. and hon. Members who do not wish to hear his point of order, I think it is seemly to wait until their speedy and quiet exit has taken place and the rest of us can listen to his mellifluous tones.

Chris Elmore: Thank you very much, Mr Speaker. I seek your advice on a recent report from the Procedure Committee regarding speaking limits on speeches in the Chamber and an older report on a review of the Standing Orders of the House. I was concerned when I saw various Standing Orders that make reference to the influence of the Chair in controlling proceedings and, of course, the conduct of Members. Oddly and archaically, in my view, these Standing Orders make reference only to members of the House being male. For example, page 43 of Standing Orders, on Nos. 42 and 42A on irrelevance or repetition—something that I know Members of the House never take part in, Mr Speaker—states:

“The Speaker, or the chair, after having called the attention of the House, or of the committee, to the conduct of a Member who persists in irrelevance, or tedious repetition either of his own arguments or of the arguments used by other Members in debate, may direct him to discontinue his speech.”

It further states:

“The Speaker, or the chair, may direct any Member who breaches the terms of the sub judice resolution of the House to resume his seat.”

On further inquiry, I found that there are numerous Standing Orders that make reference to “him” or “his” in relation to Members of the House, and no Standing Order I have read makes reference to women holding seats in the House. In the Procedure Committee’s report of three years ago, “Revision of Standing Orders”, a recommendation was made for

“amendments for gender-neutral language, such as “he or she” for “he”, when the pronoun does not refer to a holder of a specific office, or drafting to avoid the need to use a gendered pronoun.”

My understanding is that this recommendation has never been implemented, despite being several years old.

In all sincerity, Mr Speaker, I am sure you would agree that if we are to be a truly progressive Parliament, especially on the day on which 100 years ago—as referenced earlier by the Prime Minister and my right hon. Friend the Leader of the Opposition—women were rightly allowed to stand for Parliament, and in the year of universal suffrage, something as basic as our Standing Orders should reflect the fact that women are allowed to serve and sit in this House.

Mr Speaker: I thank the hon. Gentleman for giving me notice that he wished to raise this matter as a point of order. Moreover, I think it fair to say, and I doubt anybody will demur as I do so, that no one could accuse him of excluding from his point of order any matter

that he thought might in any way, at any time and to any degree be judged to be material. I have no comment to make on his observations about the Procedure Committee’s deliberations on time limits. Moreover, what he said on other matters—for example, tedious repetition—was unexceptionable, and there is no need for me to add to it.

However, on the main point that I think the hon. Gentleman wished to register with the House, let me say that I fully share his concern about this matter. Many right hon. and hon. Members, and observers outside the House, will agree with him that it is frankly archaic that our Standing Orders use gendered pronouns. It is deeply unsatisfactory that the revisions to the Standing Orders proposed by the Clerk and recommended by the Procedure Committee in March 2015 have still not been brought to the House for decision. I would very much like to expedite these changes, but, as the hon. Gentleman will know, this does not lie in my hands. I would encourage him to pursue the matter with the Leader of the House at business questions, and perhaps also to urge his colleagues on the Opposition Front Bench to press, through the usual channels, for action. Meanwhile, I hope that his concern, which I have reiterated I share, has been noted by those on the Treasury Bench.

Rehman Chishti (Gillingham and Rainham) (Con): On a point of order, Mr Speaker.

Mr Speaker: Oh, does the hon. Gentleman really feel that the House needs to hear him at this time?

Rehman Chishti: It does.

Mr Speaker: Well, hopefully so.

Rehman Chishti: Thank you, Mr Speaker. One hundred and twenty-five Members of Parliament from across the House, including Lords Spiritual, have written to the Prime Minister asking the Government to do the right thing in the Asia Bibi case, where somebody’s life is in grave danger and they are being persecuted for their faith. My question to you, Mr Speaker, is this: how long should those Members of Parliament have to wait to hear from the Prime Minister in a case of such importance where we, the United Kingdom, should offer asylum and act quickly, because somebody’s life is in grave danger?

Mr Speaker: I am grateful to the hon. Gentleman for his point of order. What he did not say was when he wrote the letter. In my experience, the Prime Minister is as courteous as anybody in this House. She receives a very large volume of correspondence, as other very senior Members do, and it is her usual practice to respond timeously, but I do not know when the letter was written. All I would say is that the matter is clearly of the highest importance, and I hope that by the ruse of a point of order the hon. Gentleman has effectively expedited the matter. If he has not succeeded in doing so, I have a feeling that we will be hearing from him again ere long. I thank him: it was indeed an important matter, and I appreciate him raising it. If there are no further points of order—if the appetite has now been satisfied—we come to the urgent question.

Yemen

12.56 pm

Emily Thornberry (Islington South and Finsbury) (Lab) (*Urgent Question*): To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the UK's effort to secure a new UN Security Council resolution on Yemen.

The Secretary of State for Foreign and Commonwealth Affairs (Mr Jeremy Hunt): I am grateful to the right hon. Lady for raising this vital issue. The conflict in Yemen has escalated to become one of the worst humanitarian disasters in the world. Today, 8 million people—nearly a third of the population—depend on United Nations food aid. Starvation and disease have taken hold across the country. More than 420,000 children have been treated for malnutrition and 1.2 million people have suffered from a cholera epidemic. In total, about 22 million people across Yemen—nearly 80% of the population—are in need of help. Yet the bare statistics cannot convey the enormity of this tragedy. What we are witnessing is a man-made humanitarian catastrophe, inflicted by a conflict that has raged for too long.

Britain is one of the biggest donors of emergency aid, providing £170 million of help to Yemen this year, which brings our total support to £570 million since 2015. But the only solution is for all the parties to set aside their arms, cease missile and air attacks on populated areas and pursue a peaceful political settlement. Last week, I conveyed this message to the leaders of Saudi Arabia and the United Arab Emirates, which lead the coalition fighting to restore Yemen's legitimate Government, when I visited both countries. On Monday, I said the same in Tehran to the Foreign Minister of Iran, which backs the Houthi rebels.

On the same day, I instructed our mission at the United Nations to circulate a draft resolution to the Security Council urging a "durable cessation of hostilities" throughout Hodeidah province and calling on the parties to

"cease all attacks on densely populated civilian areas across Yemen".

This draft resolution also requires the unhindered flow of food and medicine, and all other forms of aid, "across the country". The aim of this UK-sponsored resolution is to relieve the immediate humanitarian crisis and maximise the chances of achieving a political settlement. Martin Griffiths, the UN envoy, is planning to gather all the parties for peace talks in Sweden in the next few weeks.

Amid this tragedy, the House will have noticed some encouraging signs. Last week, Saudi Arabia and the UAE paused their operation in Hodeidah, although there was a further outbreak of fighting yesterday. The Houthi rebels have publicly promised to cease their missile attacks on Saudi Arabia. Martin Griffiths is meeting all parties as he prepares the ground for the talks in Sweden.

Britain holds a unique position as the pen holder for Yemen in the Security Council, a leading humanitarian donor and a country with significant influence in the region, so we will make every effort, and use all the

diplomatic assets at our command, to support the UN envoy as he seeks to resolve a crisis that has inflicted such terrible suffering.

Emily Thornberry: Thank you for granting this urgent question, Mr Speaker. It is only right that all of us from across the House who have been urging the Government for more than two years to table a ceasefire resolution on Yemen have a chance to discuss the draft that will finally go before the UN tomorrow.

I applaud the Foreign Secretary for the fresh impetus that he has brought to the process, just as he has in recent days to the case of Nazanin Zaghari-Ratcliffe. There have been other factors at play: the appalling bus bombings in August; the famine faced by 14 million Yemeni citizens; the murder of Jamal Khashoggi; the rising tide of public anger at the war; and the news today that at least 85,000 children have died of hunger and disease since the war began. Unlike his predecessor, this Foreign Secretary has not buried his head in the sand. He has listened to the House, and he deserves credit for that.

Even if we have had to wait for a long time—and we have—there is a great deal to welcome in this draft resolution. We all support its key demands: an immediate cessation of hostilities around Hodeidah; urgent and unhindered access for humanitarian relief; all targeting of civilians to stop; compliance by all sides with international humanitarian law; and full co-operation with the UN's peace envoy. I will write to the Foreign Secretary later with a number of detailed questions about the resolution and ensure that that letter is available to colleagues, but in the brief time I have, I want to ask him three questions.

First, the five key demands that I mentioned were all included in the Government's draft resolution circulated in October 2016, which frankly gives the lie to every excuse that the House was ever offered about why that draft was dropped. Can the Foreign Secretary explain why we have had two years of inaction, and tell us what has changed and why it has taken so long?

Secondly—this was also a failing of the 2016 draft—can the Foreign Secretary tell us why the latest resolution fails to spell out what compliance with the resolution will be monitored and by whom, and what sanctions will apply to any party that breaches its terms, whether in terms of the ceasefire or the restriction of humanitarian aid?

Finally, and this is my most important point, there is one major change between the new draft resolution and the draft in 2016. While the new resolution refers to violations of international law in Yemen, it proposes no investigation of those crimes, let alone the independent and transparent investigations that we need if all those who are responsible are to be held to account. Can the Foreign Secretary explain that omission? I want to ask him a simple yes-or-no question: was a demand for an independent, transparent investigation into all alleged war crimes in Yemen and full accountability for those responsible, which is not included in the current draft, in the draft that he showed to Crown Prince bin Salman when they met last week in Riyadh?

Mr Hunt: First, I thank the right hon. Lady for the tone of her comments. She is right that this is a humanitarian catastrophe, and what matters in this situation is finding a way forward. I will try hard to answer her questions.

The important thing about the resolution we are proposing is not that this is the end of the story in terms of international efforts to broker a ceasefire, but that it is a step on the road. We want a ceasefire, and we want a ceasefire that will hold. We know that the risk if we go for too much too early with such resolutions is that they end up getting ignored. This is a carefully brokered form of words that is designed to get a consensus from both sides that will allow talks to start before the end of this month in Stockholm—that is the objective of the resolution—and if those talks are successful, we will be able to have a much stronger resolution following them.

Emily Thornberry: Will it look at compliance?

Mr Hunt: Absolutely, and I will come on to the investigation issue as well, but it is very important at this stage that we have a resolution first that passes and secondly that puts in place things that build confidence on both sides.

The right hon. Lady asks why the original draft was not pursued. She has been following this issue closely for longer than I have, but my assessment when I arrived in this post was that, tragically, both sides have believed over that period that a military solution is possible, and that is why there has been an unwillingness, at huge cost to the people of Yemen.

The right hon. Lady mentioned the Save the Children report published today, which I agree is horrific. I found out last week that in the last week for which we have data, 14,000 people caught cholera in Yemen. This situation is escalating out of control. First, the immediate priority in the resolution is to allow the flow of humanitarian aid. Secondly, we need a cessation of hostilities, which will allow trust to be built up, and, thirdly, we need confidence-building measures, which involves allowing, for example, the payment of salaries of civil servants in Yemen and getting foreign currency into the economy.

In terms of compliance, when this resolution goes through, as I hope it will, the UN will monitor compliance—

Emily Thornberry: Will it monitor compliance with the resolution?

Mr Hunt: I am just answering the right hon. Lady's question. She has asked what will happen about compliance. I have said that the UN will monitor compliance, and if there is not compliance, it is up to the UN to decide what further measures are taken. I point out to her that we are talking about a very short period. We are trying to get the participants to Stockholm on around 28 November. That is the purpose of doing this—to get people talking so that we can build trust. The one piece of optimism in this incredibly tragic story is the fact that the outline political settlement is actually fairly clear and there is broad agreement on all sides. It is really about building the trust to get there.

I absolutely agree that there has to be a full investigation of war crimes and full accountability.

Emily Thornberry: When? How?

Mr Hunt: All these things will happen in the context of a political settlement that stops the fighting, stops people starving, and allows people to get the vital medicines they need.

In that context, I went to Saudi Arabia, the UAE and Iran, and in all cases, I had tough messages for the people I was speaking to about the fact that this situation has to change. That is what I am doing. That means getting compromises on all sides to reach agreement. That is what we are doing, and that is the role of this country. We have to be careful not to overestimate our influence, but we should not underestimate it either. We have a vital role, which is to pursue peace, and that is what we are going to do.

Tom Tugendhat (Tonbridge and Malling) (Con): First, I welcome my right hon. Friend's efforts in the region, most notably in Saudi Arabia, the United Arab Emirates and, recently, Iran. We are watching the degradation and destruction of a wonderful country and a huge humanitarian tragedy is occurring. I want to praise the work of our UN staff, and particularly the permanent representative, Karen Pierce, for what she has done to bring this resolution forward. May I urge my right hon. Friend to redouble his efforts, although it seems hard to imagine that he could, to get to the talks to Stockholm, to end this tragedy and to persuade our friends that they are making a very serious mistake?

Mr Hunt: My hon. Friend speaks wisely. Karen Pierce has done a fantastic job at the United Nations, as have our ambassadors on the ground. He is right; the immediate priority is to get these talks to start. We had a false start with the talks that we hoped would happen in Geneva in August. I think there are signs now that both sides are more willing to talk and to engage in discussions.

The message could not be clearer to the participants on all sides. My hon. Friend is right: our allies, the Saudis and Emiratis, have had to receive hard messages from us in the last few days, but the Houthis have also had to receive tough messages. That was why I went to Iran this week, because we must not miss this opportunity.

Stephen Gethins (North East Fife) (SNP): I thank the Foreign Secretary for his recognition of the humanitarian cost and for the tone that he brings to this. The Save the Children report said that 85,000 children under five have starved to death as a direct result of the war in Yemen, with half of the population at risk of famine. I associate myself with the remarks of the Chair of the Foreign Affairs Committee, the hon. Member for Tonbridge and Malling (Tom Tugendhat), about the work of UK officials, not least the ambassador, at the UN.

The Foreign Secretary talked about UK aid, and he is right—we recognise the importance of that—but UK arms sales to Saudi Arabia far outstrip our aid. In fact, last year—2017—there was an increase on 2016 in the level of arms sold to Saudi Arabia. There is recognition across the House that this conflict is having an appalling humanitarian cost, and there has been agreement for quite some time that there is no military solution to this conflict. As such, is it not time to turn off the taps of arms sales to Saudi Arabia right now?

Mr Hunt: I completely understand why the hon. Gentleman asks that question, but may I gently say to him that if we did as he is proposing, he needs to ask how that would help people who are starving in Yemen today? Their situation is absolutely desperate, but far from helping them, there would have been no visit by

[*Mr Hunt*]

the UK Foreign Secretary to Saudi Arabia last week, no opportunity to have a frank and sometimes difficult conversation with the Crown Prince, no trip to Tehran—because Iran's reason for talking to us is that we have a relationship with the Saudis—and no support across the table for a Security Council resolution. British influence, far from being able to bring both sides together, would reduce to zero. That is why the right thing for us to do on arms sales is to follow the incredibly strict arms control regime introduced by a Labour Government in 2000—one of the strictest in the world—which has objective measures to make sure that we do not export arms to places where there is a high risk of violations of international humanitarian law.

Mr Andrew Mitchell (Sutton Coldfield) (Con): The urgently needed change of policy, which people across this House have been calling for for more than two years now, on Yemen is greatly to be welcomed, and it coincides with the arrival of the new Foreign Secretary at the Foreign Office. Does he understand that the condemnation of violence and of the horrendous suffering in Yemen must be even-handed if Martin Griffiths and his colleagues are to succeed in negotiating a cessation of warfare and meaningful talks? I say to the Foreign Secretary, with the deepest possible sadness, that it comes to something when Britain lags behind the moral curve set by the Trump White House.

Mr Hunt: I welcome my right hon. Friend's comments and his expertise, but I do not agree with his last comment at all. The UK has actually been in the forefront of trying to broker a solution. He is absolutely right that there will be a solution to this only if there is an even-handed approach to the problems. That is exactly the approach that Martin Griffiths is taking, and that is why we are supporting his work. At every stage of what we do, we are listening very carefully to what he says because he has dialogue not only with the Saudis and the Emiratis, but also with the Houthis.

The difficulty, in terms of the historical situation, is that we all have to remember that this really started on 21 September 2014, when the Houthis, who represent less than 25% of the population of Yemen, ejected the legitimate Government of Yemen. That was the start of this conflict. We now need to get all sides together and of course listen to all legitimate concerns, but we do have to remember the historical context.

Hilary Benn (Leeds Central) (Lab): The House appreciates the efforts that the Foreign Secretary is making in this matter, but may I put this question to him? He referred to the Houthis' announcement that they would cease missile and drone attacks on Saudi Arabia, but it is not entirely clear that Saudi Arabia has yet given up the idea that it might achieve a military victory, and it is reported that the Saudis reacted very badly to the draft resolution that the Government have put forward.

I want to come to the question of the two-week deadline for the lifting of all barriers to aid coming through Hodeidah. The truth about the Yemen conflict is that, in the past, deadlines have come and deadlines have gone, and people have died. The question I want to ask the Foreign Secretary, who said this would be a

matter for the UN Security Council, is: what kind of consequence does he think it would be right for us, as a world, to make it clear to the Saudis and the Houthis will follow if they fail now to accept what we hope will be a United Nations resolution telling them, "In two weeks, it's got to stop."?

Mr Hunt: The right hon. Gentleman has enormous experience, and I think he speaks with enormous wisdom. The first point I would make about what he says is that it is because of those deadlines that have come and gone, and the pledges that have been broken during the tragic three years of this conflict, that we are being very careful in the wording that we put forward now, to try to get a wording that could stick and that could have the support of all sides.

The right hon. Gentleman is absolutely right that there will be very serious consequences if we do not see progress. He will understand if I do not spell out to the House what those consequences are. All I can say is that I do not believe that our allies are in any doubt of the extremely high priority that both we and the Americans attach to this, and I think that is very significant.

Priti Patel (Witham) (Con): I want to thank the Foreign Secretary for coming here today and providing such clarity not just about the situation, but about the United Kingdom Government's commitment to a fair focus in coming to the right outcomes through building trust and confidence. Can he say more, though? We are a great humanitarian leader when it comes to the Yemen crisis. People are dying every day and have been for many years now. How are we mobilising other allies to provide support in the wider context, but also absolutely to break the gridlock on humanitarian aid and assistance?

Mr Hunt: I thank my right hon. Friend for her contribution, and I would of course expect her to speak with great knowledge about the humanitarian side of this, given her former role in government. She is absolutely right: what she has said is a priority for us. That is why one of the things that is in the draft resolution is that we should raise the funding necessary to meet the challenge.

My right hon. Friend championed our budget. We are on some measures the third-largest donor to Yemen. Outside the region, we are certainly the second-largest donor to Yemen after the United States—£170 million in the past year—but we cannot do this alone. So one of the things that we are absolutely seeking to unlock is the support from other countries that we desperately need.

Ann Clwyd (Cynon Valley) (Lab): I am certain that the Foreign Secretary will do his utmost to bring this awful situation to a conclusion—it cannot go on. May I ask him in particular about his visit to Iran and his efforts to get Nazanin Zaghari-Ratcliffe freed? How hopeful is he that some progress will be made in this situation, where a woman who is innocent is still kept in jail?

Mr Hunt: I thank the right hon. Lady for her question. I did talk a lot about what was happening in Yemen when I was in Iran, but she is absolutely right to say that I spent a long time on the case of Nazanin Zaghari-Ratcliffe. I have to answer truthfully: I did not detect any signs of an immediate change in Iran's position. I want to say very plainly that this is an innocent woman, and she has been separated from her daughter for more than half her daughter's life. It is an appalling situation, and Iran

cannot but expect, if it continues to detain people to create diplomatic leverage—sadly, Nazanin Zaghari-Ratcliffe is not the only person in this situation, and Britain is not the only country affected—that there will be very serious consequences if Iran continues to behave this way. We will stop at nothing to make sure that justice is done and that this brave lady is released.

Sir Desmond Swayne (New Forest West) (Con): Effective UN action is so often prevented by the deployment of a protected veto on behalf of one or other of the combatants. That will not happen in the case of Yemen, will it?

Mr Hunt: We have to be very clear that that must not happen and should not happen. That is another reason to be very careful with the wording that we are putting forward. What we actually want is a ceasefire, backed up by a UN Security Council resolution that does pass and is respected on the ground. I do not think we can get to that point in the next couple of weeks, but we want to make a step in that direction.

Keith Vaz (Leicester East) (Lab): I thank my right hon. Friend the Member for Islington South and Finsbury (Emily Thornberry) for asking the urgent question and you, Mr Speaker, for granting it; otherwise, we would not be having this discussion. I also thank my right hon. Friend for coming to Paris recently with nine other hon. Members for the first conference of parliamentarians. It is not just our House that is outraged; people in the French Assembly and elsewhere are concerned. My right hon. Friend is right that there has been a change of tone at the top of the Foreign and Commonwealth Office, although not in the middle ranks. The Minister for the Middle East has always been a friend of Yemen and we should not forget his contribution.

I say to the Foreign Secretary that fine words are not enough, although he has given them today. If he holds the pens, he has to use them—not just look at them. That means, first, convening a meeting of the Quint—getting together the Foreign Ministers of the countries involved. He can do that; his predecessor was reluctant to do so. Secondly, he must guarantee the Houthis' safe passage to Sweden. One reason they did not come to Geneva was that they thought they would not get to Sweden. Thirdly, he must remember that every single day more Yemenis die, so we cannot wait even two weeks; we have to do this now. With every single hour of delay, another Yemeni dies. Five Yemeni children die every single day. So, we cannot wait to be nice to people; we need to get on and table the resolution.

Mr Hunt: I thank the right hon. Gentleman for his question and welcome the urgency with which he is encouraging the Government to act, because he is absolutely right. He is also right that this is not about words. My right hon. Friend the Minister of State has done an extraordinary job in terms of the patient diplomacy that he has shown over many years. At the United Nations General Assembly in New York, I had a meeting with the Foreign Ministers who are directly involved. I have been pressing them continually, since even before that meeting. The right hon. Gentleman is right that the safe passage of humanitarian aid is essential, but what has been missing up till now is a willingness on all sides to properly engage in talks. I think we have a change now. There is still a long journey ahead, but this is the moment and we have to grasp it.

Leo Docherty (Aldershot) (Con): I warmly welcome the draft resolution and the terrific diplomatic energy that the Foreign Secretary is putting into the issue. It is indeed good news that the Houthi militia have announced that they will end ballistic missile strikes, but what other reasons does he have for believing that the Iran-backed Houthi militia will come to the negotiating table in good faith?

Mr Hunt: The real issue is a total lack of trust on both sides. The Houthis said that their principal condition for attending the talks was the safe passage of 50 wounded Houthis to Oman for medical treatment. On my visit to Saudi Arabia, it was publicly confirmed that that will happen. I hope they understand that their principal condition has been met; it is important now that they do not add new conditions. Likewise, the Saudis need to recognise that the missiles have stopped coming into Saudi Arabia, and they must not add new conditions at this stage. Then people need to sit down and talk.

Christine Jardine (Edinburgh West) (LD): I first welcome the Foreign Secretary's comments about the situation faced by Nazanin Zaghari-Ratcliffe, as I am sure all hon. Members do. I also recognise his commitment to a ceasefire that will hold, but can he assure us that the language used will place some accountability on all parties, that there will be independent arbitration and investigation and that there will be meaningful involvement for women, youth and civil society in the peace process?

Mr Hunt: I reassure the hon. Lady that what she is talking about is exactly what Martin Griffiths, the special envoy, envisages. In the end, if we are to have a durable political solution, there must be trust, accountability for what has happened and fair processes in place to make that happen.

Mark Pritchard (The Wrekin) (Con): The Foreign Secretary knows that Her Majesty's armed forces always act with the highest professionalism and integrity, but how confident is he that when alleged war crimes—breaches of the laws of war, of international humanitarian law and of international law—are investigated in the future, the technical assistance given to the Saudi regime by Her Majesty's armed forces will not drag them into accusations of complicity in such actions?

Mr Hunt: In this specific case, I reassure my hon. Friend that our armed forces are not involved at an operational level in the activities of the Saudi coalition to the extent that he suggests. Because of our commercial relationship with Saudi Arabia, however, we are very actively monitoring its compliance with international humanitarian law. We have a lot of contact with the Saudis about that and we raise regular concerns when we think things are going wrong.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): The Foreign Secretary and the Minister of State are well aware of my long-standing concerns about our policy on Yemen, particularly arms sales, but I want to thank the Foreign Secretary for the personal effort he has put in—by contrast to his predecessor—and to thank the Minister of State for his regular and ongoing conversations. I pay tribute to my right hon. Friend the Member for Leicester East (Keith Vaz) for the conference he organised in Paris, which I also attended. He gave a clear message to the Houthis and others that they must attend the talks and take part in the process.

[Stephen Doughty]

Does the Foreign Secretary agree that one of the best things that the coalition could do is to end the bombardment of Hodeidah—there have been indiscriminate attacks in the last few days—as that would provide a good precondition for the talks in Stockholm? Does he also agree that we need to address the issue of safe transport for the Houthi delegation? They made their concerns clear to us: can he assure me that we will do all that we can to ensure that they do not have any excuses not to attend those talks in Sweden?

Mr Hunt: I will always listen to the hon. Gentleman, who is a former humanitarian worker. He is right that safe transport to the talks in Sweden, and the ability to get back to Yemen afterwards, is a big concern of the Houthis. I am confident that we are pretty much there in terms of resolving the issue. He is right to say that the situation is urgent, and we need to listen carefully to Houthi concerns if we are to build up trust on their side to allow them to engage in a way they did not feel able to do in August.

Paul Masterton (East Renfrewshire) (Con): How confident is the Foreign Secretary that the tough messages he has taken to the region are being listened to, especially in Tehran, given the strongly destabilising effect Iran has in this conflict? While the resolution is incredibly welcome, if it is not complied with, it will not amount to much more than words on a piece of paper that will not save any lives.

Mr Hunt: I hope that it is a little bit more than that. I understand my hon. Friend's concerns, but the resolution talks about a cessation of hostilities. It is a step short of a ceasefire, but it is something that we hope might happen. To fully answer the previous question and my hon. Friend's question together, the cessation of the bombing of the civilian areas of Hodeidah is an important part of the equation to build up trust. That can lead to some progress, but we have been disappointed before.

Richard Burden (Birmingham, Northfield) (Lab): Coming from the city of Birmingham, I can tell the Foreign Secretary that it was particularly chilling to read the report from Save the Children that said that 85,000 children under five have died in the past three years—the equivalent of the entire under-five population of Birmingham. While it is obviously critical to lift the siege on Hodeidah to make sure that much needed humanitarian supplies, including food, get in, is he also aware of the warning from the director of the World Food Programme that even those supplies that get in are often not able to reach those who need them, because food prices have doubled at the same time as incomes have fallen? What can be done to ensure that food gets to the people who need it rather than being stopped by profiteers?

Mr Hunt: The hon. Gentleman is right. My right hon. Friend the Minister of State spoke to David Beasley at the weekend about these issues. In terms of the supply of food, we have been playing our part. On World Food Day, we announced an extra £96.5 million which will help to feed 2.2 million children and to treat 70,000 children in need of medical help. Corruption and similar issues are a big concern, but are made far worse if bombing is actually going on at the time. The

first thing that we need to do is to stop the military action and allow some of the normal civilian methods of stopping corruption to be put in place.

Bob Blackman (Harrow East) (Con): I commend my right hon. Friend's efforts to resolve this humanitarian disaster. What further efforts could he make to undermine Iran's malign influence in Yemen and right across the middle east?

Mr Hunt: This is something I discussed at length with my Iranian counterpart on Monday. This is of course a big issue in terms of the wider issues of the huge proxy war between Saudi Arabia and Iran. I pointed out that as a large regional power, everyone understands Iran is going to expect to have influence in its region. It is the military influence that is concerning people, whether in Yemen, with Hezbollah, in Syria or in Iraq. Until we can find a resolution to that, I do not think we are going to solve the bigger problem.

Alison Thewliss (Glasgow Central) (SNP): I welcome the Foreign Secretary's direction of travel on Yemen, but the Yemen Data Project recorded 106 air raids in October. Some 60% of them hit civilian infrastructure, including a hospital, a food storage facility, water and electricity sites and civilian transports. How does he expect the Saudis to use the weapons he sold them this month?

Mr Hunt: We expect all arms sales to comply with international humanitarian law. We have processes in place to make sure there are thorough investigations if we think they have not.

Ross Thomson (Aberdeen South) (Con): I commend the work of the Foreign Secretary on this issue. An early coalition exit from the conflict in Yemen would not end the civil war. Does my right hon. Friend agree that the coalition has prevented an attack on Hodeidah, and that if it withdrew, the many resistance forces would advance and the conflict would become even more bloody? Does he agree that now is the time for British courage?

Mr Hunt: This is absolutely the time for Britain to use its strength and weight in so far as we have it, but I think my hon. Friend is correctly pointing to the complexity of the situation. The whole conflict started with an appalling injustice: the rebel Government, who represent less than 25% of the population, took over the capital Sana'a and ejected a legitimate Government and a president who had been through an election. That is the heart of this conflict. The concern on the coalition side, which is completely legitimate, is that nothing in the peace process ends up legitimising a wholly illegitimate takeover of power.

Ian Murray (Edinburgh South) (Lab): I join with others in commending the Foreign Secretary and his ministerial team for the fresh impetus with regard to this tragedy, but every single death in Yemen should be shameful for the entire international community. Can the Foreign Secretary tell us what reaction he has had to the draft resolution, which countries are not supporting it, why they are not supporting it, and what they require to enable them to support it?

Mr Hunt: What we are trying to build is a consensus. That means we have people on all sides who dislike elements of what we are proposing, but we are saying that everyone needs to compromise at this moment. What we do not want to do is move away from the core of our resolution, which is to build confidence at this stage that will allow the talks to go ahead at the end of this month. That is the priority.

Graham P. Jones (Hyndburn) (Lab): I welcome the Foreign Secretary's initiative. I agree with most, but not all, of the draft resolution. I think what is really important is paragraph 4, section (b), where he has recognised that falling household incomes in Yemen since 2009 have been at the core of this problem in the past and will be at the core of this problem in the future. The fighting is a consequence of falling incomes. We have had seven peace talks and they have all collapsed. This morning, the Houthis said that they will not abide by any UN resolution. If the peace talks collapse in Sweden, as my right hon. Friend the Member for Leeds Central (Hilary Benn) said, what happens next?

Mr Hunt: The fighting is both the cause and the consequence of falling household incomes. The hon. Gentleman is absolutely right to draw attention to that. All I would say is that one of the suggestions in the resolution is to get foreign currency back into Yemen, particularly through the payment of civil servants of the Government of Yemen, so we can start to get some money back into the Yemeni economy. Getting some liquidity into people's pockets is an absolutely key priority.

Toby Perkins (Chesterfield) (Lab): I commend, as many others have, the work the Foreign Secretary has put in place. I agree entirely with what he says about not wanting to legitimise the original actions of the Houthis that started the conflict. His draft resolution rightly criticises the Houthis by name, but by the same token the Saudi Arabians and UAE are only mentioned in terms of the positive steps they have taken. Across the House, we have been critical of many of the ways the Saudis have conducted this conflict. Can he say why there is not more in the draft resolution about the areas on which the Saudis should rightly be criticised?

Mr Hunt: I reassure the hon. Gentleman that there are plenty of things in the draft resolution that are uncomfortable for the Saudis. In fact, it is not clear at this stage whether they will actually support it. What we have to do is bring both sides to the table. We have to recognise that there was an injustice committed by the Houthis that was the start of this conflict, but we also have to recognise that part of the tragedy has been caused by the repeated failure of the Saudi military to conclude military operations in a short timescale, which is what they have always said they would be able to do.

Hywel Williams (Arfon) (PC): Given that so many civilians have been killed by bombing from the air by the Saudis, why are we still training Saudi military pilots at RAF Valley?

Mr Hunt: We have a strategic relationship with the Saudis, but we are very, very clear that we are only able to supply them arms and do all the other things that we do with them if we are confident that Saudi Arabia is and will be in compliance with international humanitarian law. We monitor that constantly.

Kevin Brennan (Cardiff West) (Lab): The Minister of State is aware of two of my constituency cases: one involving a constituent who is being held in Sana'a; and another involving the daughters of Jackie Morgan, who were kidnapped from Cardiff in 1986 by their father and have been in Yemen ever since. Jackie Morgan's daughter Safia is a British citizen, as are the grandchildren. Both families feel that the Government have not been doing enough up until now to help them with their cases. I commend the Minister of State for the efforts he has made, but will the Foreign Secretary personally look at these cases, now that there may be a window to do more, to see if he can do more, with his Minister of State, to help these families?

Mr Hunt: I thank the hon. Gentleman for championing his constituents' cases. I want to reassure him that the lack of progress we have been able to make is not through a lack of effort or desire on the part of the FCO; it is simply a function of the fact that we cannot get consular staff into Yemen. Our ambassador is based in Riyadh. I met him when I was there last week. As soon as we are able to offer more assistance, we will.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): The Foreign Secretary talks about the need for robust oversight of humanitarian obligations in Saudi Arabia and Yemen. A report by *The Sunday Post* revealed that 366 war crimes allegations in Yemen have been tabled, but only 79 investigations have been undertaken by the Saudi-led joint incident assessment team. That is a 21% rate. Does the Secretary of State view that as an acceptable rate, particularly as British munitions may have been involved in those incidents?

Mr Hunt: The entire humanitarian situation in Yemen is totally unacceptable. I agree with the hon. Gentleman and the shadow Foreign Secretary that there needs to be full investigation of all crimes that have happened. To do that, however, we need a climate that makes that possible. That is why the peace process is so important.

Jim Shannon (Strangford) (DUP): I thank the Foreign Secretary for all his endeavours and for the leadership he has shown so far in his new position. We are very grateful for that. The absence of a peace process in Yemen is worrying. In Northern Ireland, we all know that until peace talks started only then did the fighting stop. There are reports that some 85,000 children in Yemen are dead from malnutrition. Reports in the media this morning—I watched the news before I left my hotel—said that some people were not able to get to where the food was. Will he therefore outline what protocols are in place to ensure that aid is getting to the right places on the ground and to distribution points that people can actually access?

Mr Hunt: I thank the hon. Gentleman for his concern. I always listen carefully to him, considering the history of Northern Ireland. The sad truth is that I cannot give him those assurances, because aid is not getting to where it needs to. There are 22 million people in need of humanitarian assistance and only a third of them are getting it at the moment. That is why, as he rightly says, the first step is for the fighting to stop. We need the confidence-building measures to enable that to happen.

Gosport Independent Panel

1.39 pm

The Secretary of State for Health and Social Care (Matt Hancock): In June this year, the Gosport Independent Panel published its report into what happened at Gosport War Memorial Hospital between 1987 and 2001. It found that 456 patients died sooner than they would have done after being given powerful opioid painkillers. As many as 200 other people may have had their lives shortened, but this could not be proved because medical records were missing.

The findings in the Gosport report are truly shocking, and we must not forget that every one of those people was a son or daughter, a mother or father, a sister or brother. I reiterate the profound and unambiguous apology on behalf of the Government and the NHS for the hurt and anguish that the families who lost loved ones have endured. These were not just preventable deaths, but deaths directly caused by the actions of others. The report is a deeply troubling account of people dying at the hands of those who were trusted to care for them. I pay tribute to the courage of the victims' families and their local MP, my hon. Friend the Member for Gosport (Caroline Dinenage), in their work for and commitment to the truth. Without their persistence, the catalogue of failures may never have come to light.

Along with the Prime Minister, I have met Bishop James Jones, who chaired the panel. He made it absolutely clear that what happened at Gosport continues to have an impact and places a terrible burden on relatives to this day. The failures were made worse because whistleblowers were not listened to, investigations fell short and lessons failed to be learnt. We must all learn the right lessons from the panel's report and apply them across the entire system.

As Bishop Jones writes in the report, relatives felt betrayed by those in authority and were made to feel like "troublemakers" for asking legitimate questions. The report states that

"when relatives complained about the safety of patients...they were consistently let down by those in authority—both individuals and institutions. These included the senior management of the hospital, healthcare organisations, Hampshire Constabulary, local politicians, the coronial system, the Crown Prosecution Service, the General Medical Council and the Nursing and Midwifery Council."

The panel heard how nurses raised concerns as far back as 1988, but were ignored and sidelined. More than 100 families raised concerns over more than two decades, but they were ignored and patronised. Frail, elderly people were seen as problems to be managed, rather than patients to be helped. Perhaps the most harrowing part of the report is when it makes clear that if action had been taken when problems were first raised, hundreds fewer would have died at Gosport. People want to see that justice is done, policies are changed and that we learn the right lessons across the NHS. I will take each of those in turn.

First, on justice, between 1998 and 2010, Hampshire constabulary conducted three separate investigations. None of the investigations led to a prosecution. The panel criticised the police for their failings in the investigations and their failure to get to the truth. Families said that they felt police had not taken their

concerns seriously enough or investigated fully. Because of Hampshire police's failures, a different police force has been brought in. A new, external police team is now independently assessing the evidence and will decide whether to launch a full investigation. They must be allowed to complete that process and follow the evidence, so that justice is done. Much has improved in the NHS since the period covered by the panel's report, but we cannot afford to be complacent. What happened at Gosport is both a warning and a challenge.

Let me turn to the reforms that have been made and the reforms that we plan to make. The Care Quality Commission has been established as an independent body that inspects all hospitals, GP surgeries and care homes to detect failings and identify what needs to be improved. We have set up the National Guardian's Office to ensure that staff concerns are heard and addressed. Every NHS trust in England now has someone in place whom whistleblowers can speak to in confidence and without fear of being penalised. We have established NHS Improvement—a separate, dedicated organisation—to respond to failings and put things right, and the Healthcare Safety Investigation Branch now investigates safety breaches and uses them to learn lessons and spread best practice throughout the NHS.

Those are the reforms that the Government have already made, but we must go further, so motivated by this report we will bring forward new legislation that will compel NHS trusts to report annually on how concerns raised by staff have been addressed; and, we are working with our colleagues in the Department for Business, Energy and Industrial Strategy to see how we can strengthen protections for NHS whistleblowers, including changing the law and other options.

Next is the question of drug prescription. Central to the deaths at Gosport was the prescribing, dispensing and monitoring of controlled drugs. Since the period covered by the report, there have been significant changes in the way that controlled drugs are used and managed and these syringe drivers are no longer in use in the NHS. However, in the light of the panel's findings, we are further reviewing how we can improve safety.

Further, from April next year, medical examiners will be introduced across England to ensure that every death is scrutinised by either a coroner or a medical examiner. Medical examiners are people bereaved families can talk to about their concerns to ensure that investigations take place when necessary, to help to detect and deter criminal activity and to promote good practice. The new system will be overseen by a new independent national medical examiner and training will take place to ensure a consistency of approach and a record of scrutiny.

The reforms that we have made since Gosport mean that staff can speak up with more confidence and that failings are identified earlier and responded to quicker. The reforms that we are making will mean greater transparency, stricter control of drugs and a full and thorough investigation of every hospital death. Taken together, they mean that warning signs about untypical patterns of death are more likely to be examined at the time, not 25 years later.

However, as well as these policy changes, there is a bigger change, too, which I turn to now. Just as with the reports into Mid Staffs and Morecambe Bay, the Gosport report will echo for years to come, and the culture change that these reports call for is as deep-rooted as it

is vital. There has been a culture change within the NHS since Gosport, but the culture must change further still. One of the most important things that we learnt from the report is that we must create a culture where complaints are listened to and errors are learnt from, and that this must be embedded at every level in the NHS.

What happened at Gosport was not one individual error; it was a systemic failure to respond appropriately to terrible behaviour. To prevent that from happening again, we need to ensure that we respond appropriately to error—openly, honestly, taking concerns and complaints seriously and seeing them as an opportunity to learn and improve, not a need for cover-up and denial. I want to see a culture that starts by listening to patients and their relatives and by empowering staff to speak up. That starts with leaders creating a culture that is focused on learning not blaming—a culture that is less top-down and less hierarchical, with more autonomy for staff, and that is more open to challenge and change. We need to see better leadership at every level in the NHS to create that culture across the NHS.

Today marks an important moment. Lessons have been learned, will be learned and must be applied. The voices of the vulnerable will be heard. Those with the courage to speak up will be celebrated. Leaders must change the culture to learn from errors, and we must redouble our resolve to create a health service that will be a fitting testament to the Gosport patients and their families. I commend this statement to the House.

1.48 pm

Jonathan Ashworth (Leicester South) (Lab/Co-op): I thank the Secretary of State for an advance copy of his statement. I welcome the statement and the tone of his remarks, and I thank him for repeating the unambiguous and clear apology that the previous Secretary of State, the right hon. Member for South West Surrey (Mr Hunt), offered at the Dispatch Box before the summer—it is good to see the previous Secretary of State sitting on the Treasury Bench today.

We welcome the Secretary of State's apology today. The whole House was shocked when the previous Secretary of State reported the findings of the Gosport inquiry to the House. This Secretary of State is right to remind us that everyone who lost a life was a son or daughter, a mother or father, a sister or brother. As he said, our thoughts are with the families of the 456 patients whose lives were shortened because of what happened at Gosport, and the families of the 200 others who may have suffered—whose lives may have been shortened; because of missing medical records, we will never know for sure. That lingering doubt—never knowing whether they were victims of what happened at Gosport—must be a particularly intolerable burden for those families affected.

Like the Secretary of State, I pay tribute to the victims' families, who, as he says, have in the face of grief shown immense courage, fortitude and commitment to demand the truth. I think the whole House will pay tribute to them today. I also reiterate our gratitude to the former Bishop of Liverpool, James Jones, for his extraordinary dedication, persistence, compassion and leadership in uncovering this injustice. Finally, I applaud those hon. Members who played a central role in establishing this inquiry, not just the previous Secretary of State, but the right hon. Member for North Norfolk (Norman Lamb)

and the Minister for Care, the hon. Member for Gosport (Caroline Dinenage), who in recent years has played an important role in her capacity as a constituency MP.

The Secretary of State is correct to say that lessons must be learned and applied across the whole system. We all understand that in the delivery of healthcare and the practice of medicine, sadly, tragically, things can and do sometimes go wrong, but we also understand, as Bishop Jones said in his report, that

“the handing over of a loved one to a hospital, to doctors and nurses is an act of trust”,

but that that trust was

“betrayed.”

I still believe that that betrayal was unforgivable. Patient safety must always be the priority, so when there are systemic failures, it is our duty to act, learn lessons and change policies.

I wish to respond to the Secretary of State's announcements today. We welcome his commitment to legislation placing more transparency duties on trusts, and we will engage constructively with that legislation. Is it his intention to bring forward amendments to the Health Service Safety Investigations Bill, and if so when, or should we expect a new bill altogether? We look forward to his proposals on strengthening protection for whistleblowers, but he will know that the NHS has just spent £700,000 contesting the case of whistleblower Dr Chris Day, a junior doctor who raised safety concerns. He will also be aware of the British Medical Association survey showing that not even half of doctors feel they would have the confidence to raise concerns about safety. Moreover, he will be aware of how Dr Bawa-Garba's case played out, with her personal reflections effectively used in evidence against her. Can he offer more details on how he will change the climate in the NHS so that clinicians feel they can speak out without being penalised?

I welcome the thrust of the Secretary of State's remarks on medical examiners, and I agree they are a crucial reform, but can he offer us some more details? Is it still the Government's intention that they will be employed directly by acute trusts? He will be aware that this has provoked questions about their independence. We would urge him to go further and base them in local authorities and extend their remit to primary care, nursing homes and mental health and community health trusts. If legislation is needed, we would work constructively with him.

We welcome the review into improving safety when prescribing and dispensing medicine. Clearly, one of the first questions that comes to mind when reading the Gosport report is: how were these prescriptions monitored? The Government's own research indicates that more than 230 million medication errors take place a year, and it has been estimated that these errors and mix-ups could contribute to as many as 22,000 deaths a year, so this review is clearly urgent. Can the Secretary of State tell us whether it will be an independent review, who will lead it and when we can expect it to report?

Finally, patient safety is compromised when staff are overworked and overburdened with pressures. He will know that we have over 100,000 staff vacancies across the NHS. Some trusts are proposing closing A&E departments overnight because they do not have the staff, and some are even proposing closing chemotherapy wards because they believe that the lack of staffing

[Jonathan Ashworth]

means services are unsafe. How does the Secretary of State plan to recruit the staff our NHS desperately needs to provide the level of safe care patients deserve?

In conclusion, I offer to work constructively with the Secretary of State to improve patient safety across the NHS, and we support his statement today.

Matt Hancock: I appreciate the tone of the hon. Gentleman, who rightly focuses on the need to ensure that this never happens again, and I join him in thanking Bishop James Jones for his work on this and other inquiries. It was quite brilliant empathetic work. I also thank the right hon. Member for North Norfolk (Norman Lamb), for whom I have an awful lot of respect.

The core of the questions the hon. Gentleman raised, about the need to ensure that whistleblowers are listened to and that people are heard in the NHS, comes down to culture change. A whole series of policies underpins that culture change, and I will come to them, but ultimately it comes down to this: errors happen in medicine—it is a high-risk business—but what matters is behaviour, that everything is done to minimise errors and, when they are made, to learn from them, rather than try to cover them up. The culture change needs to be driven across the NHS. It has changed and improved in many areas, but there is still much more to do.

The hon. Gentleman asked whether amendments would be tabled to the Health Service Safety Investigations Bill or in separate legislation on whistleblowers. We are looking at both options. Partly it comes down to the technicalities of scope and the exact distinction and definition of the amendments, but I look forward to working with him on that legislation.

The hon. Gentleman asked why gagging clauses are still in use. I may well ask the very same question. They were deemed unacceptable by my predecessor—I join in the tributes to him—who did so much on this agenda. Gagging clauses have been unacceptable in the NHS since 2013. Trusts, which are independent, can legally use them, but I find them unacceptable, and I will do what it takes to stamp them out.

The hon. Gentleman said that too many people in the NHS feel unable to speak up. To ensure a route for this, we now have, in every single NHS trust, an individual separate from line management to whom staff can go to raise concerns. This is part of the culture change, but it is not the whole. Line management itself in every hospital should welcome challenge and concerns, because that is the way to improve practice. Challenges and concerns that are raised with managers should be deemed an opportunity to improve the service offered to patients, rather than a problem to be managed.

The hon. Gentleman also mentioned medication errors. Of course, this was not a case of medication error—it would have been far less bad had it been; it was a case of active mis-medication that led to deaths. Medication errors are an important issue, however, and we are bringing in e-prescribing across the board to allow much more accurate measurement, audit and analysis of medication.

Finally, the hon. Gentleman said that pressures often come from staff shortages. Again, that was emphatically not the concern here, and we absolutely must not muddle

up the behaviour here with the issue of staff shortages. Nevertheless, I acknowledge the need for more staff in the NHS. Indeed, we are putting £20 billion into it over the next five years to make sure we have the people we need to deliver the NHS that everyone wants.

Dr Sarah Wollaston (Totnes) (Con): I welcome the Secretary of State's statement and commitment to introduce legislation to compel trusts to report on how they handle staff complaints and concerns, but will he assure the House that trusts will not be penalised if they have more staff concerns raised, because it might be an indicator that they have introduced the culture change necessary for staff to feel able to come forward? Will he also clarify how rapidly we will be rolling out the very welcome introduction of medical examiners?

Matt Hancock: My hon. Friend is absolutely right that the number of complaints and concerns raised is not the material factor. A complaint that is actively welcomed and then acted on by management is merely part of the improvement process of any organisation. We should be open to them, welcome them and see them as an important part of the continuous improvement of NHS trusts, which is how many successful organisations see them. As I set out in the statement, medical examiners will be introduced from next April, but I am happy to give her more details of that whole policy.

Dr Philippa Whitford (Central Ayrshire) (SNP): I, too, welcome the Secretary of State's statement and the proposals in it. As he says, these 450—possibly even 650—deaths were not accidental, but deliberate.

I welcomed the Secretary of State's attendance at our event yesterday, when we discussed the need for a just and learning culture in the NHS. Obviously, he heard the stories that were related during the event: stories of patients who had lost their lives, and families who have ended up spending their entire lives fighting for justice or change, so they have suffered over and above their bereavement. Staff were obviously not listened to. One witness compared a whistleblower with someone reporting to the police, or a state witness, and pointed out how shocked we would be if the police tried to shut that case up. Whistleblowers should be welcomed as people giving evidence against wrongdoing or failure.

I particularly welcomed the Secretary of State's comment about reform of the Public Interest Disclosure Act 1998, which I think needs to be replaced. I think we need legislation that gives definite protection to people who come forward. As one who has been a clinician for more than 30 years, I can tell the Secretary of State that the long trail of clinicians who have reported concerns and then had their careers ended lies there like a threat to every whistleblower who thinks of speaking up.

If patient safety and the ability of people to speak up in safety are not enshrined in the NHS, we are all under threat. I am sure that not just the hon. Member for Leicester South (Jonathan Ashworth) but Members in all parts of the House would work with the Secretary of State to reform the legislation here and inspire the culture change that is needed in the NHS itself. I certainly would.

Matt Hancock: I agree with an awful lot of what the hon. Lady has said, and I appreciate the wisdom that she brings to this issue with her clinical experience.

The need for a just culture in the NHS is very clear, and the Gosport report makes it clearer still. A just culture means that, yes, there is accountability, but the accountability is established with the intent that the system will improve and people will learn; that people can come forward with concerns rather than covering them up; and that when concerns are expressed, they are welcomed.

I am also pleased about the hon. Lady's attitude to potential legislation. I look forward to working with her, and, indeed, learning from some of the improvements that have been made in Scotland, to try to ensure that we can get this right.

Alan Mak (Havant) (Con): The events at Gosport are of substantial interest to my constituents in Havant and across the Solent region. I agree with the Secretary of State that lessons must be not only learned but applied. Will he confirm that ensuring patients' safety will remain at the heart of all that the NHS does, including the development of its new 10-year plan, and will he confirm in particular that better medical records can be produced through, for instance, the use of new technologies?

Matt Hancock: Absolutely, and I pay tribute to my hon. Friend's work. People from across the country, and certainly from across the region, were affected by this. The need for better medical records is underlined in the report. In the case of several hundred people, we do not know whether their lives were shortened or not. Of course technology has a huge part to play in this. From about 15 years ago onwards it is highly unlikely that medical records would have been lost or misplaced in this way, and therefore new technology has a role to play, but it needs to be improved so that access to those records can be made available to the right people at the right time.

Norman Lamb (North Norfolk) (LD): I welcome the ambition in the statement for the culture change that is clearly still needed in the NHS. This is the most extraordinary scandal. The Secretary of State is right to highlight the extent to which loved ones were patronised and ignored and staff were often crushed, and how that facilitated the ongoing scandal at Gosport War Memorial Hospital. Clearly, the pursuit of justice is the most pressing priority for the relatives, given how long delayed that is, but may I specifically highlight the Secretary of State's reference to working with the Business Secretary to establish whether reforms to the legislation are necessary? Does he agree that reformed legislation that allows staff to feel able to speak out—not just in the NHS, but in any occupation—can facilitate the very culture change that he needs so much?

Matt Hancock: Yes. I pay tribute to the right hon. Gentleman's work, especially as a Minister in the Department, to make sure that people got to the bottom of this and that the truth was published and brought out in the way that it has been. He is right about the question of justice, but it is currently—rightly—a matter for the police, so I will go no further than that.

I strongly agree with the right hon. Gentleman that the legislative framework that we set here in Parliament leads to and underpins the culture that is critical. That is, of course, a matter for the whistleblowing legislation. There are also questions of legal liability. As the right hon. Gentleman well knows, often what patients who

have been wronged—or the families of patients who have been wronged—want most of all is an apology, an explanation and a commitment that others will not be affected because the lessons will be learnt. Too often what has been offered instead is the phone number of a no-win, no-fee lawyer, and that is not the way to solve this problem.

Suella Braverman (Fareham) (Con): I welcome the Secretary of State's announcement and his plain and self-evident commitment to learning from this episode and righting the wrongs. The findings of the report are shocking and heartbreaking, and they affect some of my constituents whose families have suffered so much grief because of the life-shortening policy employed at Gosport War Memorial Hospital. Many of them still have questions many years on, about such matters as criminal investigations. I welcome the Secretary of State's announcement that an external police team will be carrying out an investigation on whether to press charges, but can he provide some guidance on the timeline and whether the police can realistically expect justice to be done, and seen to be done, through the criminal courts?

Matt Hancock: My hon. Friend is right. The grief over the loss of a loved one whose life has been foreshortened is compounded if that is not acknowledged by the authorities, and we therefore acknowledge it once again today. As for the police investigation, the timings are of course a matter for the police themselves, who are rightly independent. The process currently under way is the reviewing of all the evidence to establish what and whether prosecutions should be brought forward. That will continue into the new year, and the police will then make a statement on the next stages of their investigation.

Ruth Cadbury (Brentford and Isleworth) (Lab): On 10 October, my constituent Bridget Reeves submitted a petition with more than 100,000 signatures to the Government to trigger a parliamentary debate. Today is the anniversary of her grandmother Elsie Devine's death at Gosport War Memorial Hospital. She died after concerns had emerged from staff at the hospital.

I thank the Secretary of State for his statement and for his commitment to addressing many of the problems that have already been identified and are emerging from the various inquiries. The families want justice, among other things, but they will not get it until the outcome of the fourth police investigation—and I welcome the fact that it is being carried out by a different police authority.

I have two questions. First, will the Secretary of State meet the families face to face? Secondly, while I acknowledge his points about concerns of culture in the NHS, I am concerned about the culture in the coroner service, in relation to not just this case but others, including one that I met constituents to discuss this morning. There is a governance issue relating to when the coroner service needs investigating in the case of some inquests. Will the Secretary of State work with the Attorney General and pick up the concerns that Members expressed about a number of inquests?

Matt Hancock: The point about coroners is a matter for the Ministry of Justice, but I am pleased to see that the Under-Secretary of State for Justice, my hon. Friend

[*Matt Hancock*]

the Member for Charnwood (Edward Argar) is present. He would be delighted to meet the hon. Lady to take up that point—

The Parliamentary Under-Secretary of State for Justice (Edward Argar) *indicated assent.*

Matt Hancock: Yes, good.

I will, of course, be happy to meet the families, but the advice of Bishop James Jones is that that will be appropriate after this stage of the police investigation. I wrote to the families to explain the position before making my statement. It is important that we go through the process properly during the police investigation to ensure that justice can be done, but I shall be more than happy to meet the families at the appropriate moment.

Several hon. Members *rose—*

Mr Speaker: Order. I always listen to all of my colleagues with equal doses of respect and affection, but I am moved to observe as we approach the festive season that it would probably be a good idea for the right hon. Member for New Forest West (Sir Desmond Swayne) to send copies of his textbook on succinct questions as Christmas presents to all colleagues.

Mr Philip Dunne (Ludlow) (Con): I join the cross-party support for my right hon. Friend's statement and add my voice in commending the dedication and commitment of Bishop James Jones, who, I am pleased to say, is I think in the Chamber listening to the Government response to his report.

I am a great supporter of the National Guardian's Office and the "freedom to speak up" guardians; in fact I am such a strong supporter that I wear its lanyard around my neck and have done ever since I was in the Health Department. But a number of people who make complaints either do not yet have sufficient confidence in these guardians or feel that their complaints are not properly addressed. There are however good examples of best practice, where some chief executives of trusts have a regular, routine meeting with guardians to make sure that complaints are brought directly to their attention. Will my right hon. Friend work with the senior leaders across the NHS and the National Guardian's Office to ensure that best practice is used so we can give the most possible confidence to people with concerns about safety?

Matt Hancock: Yes, absolutely I am happy to do that, and I am happy to commend my hon. Friend's lanyard, too. Ultimately culture change and having a good culture comes down to the leadership within the NHS and individual trusts. It has struck me in the four months that I have been doing this job that the trusts that have the best results in terms of outcomes for patients, waiting times and waiting lists and finances are also those that are hot on this subject; they listen to complaints and act on them, because they know that that is the way to improve their organisation. I want to see that sort of best practice right across the board.

Stephen Lloyd (Eastbourne) (LD): Like colleagues, I welcome the Secretary of State's statement. It was my constituent Gillian Mackenzie 21 years ago who was the first relative to raise concerns, and she has been

battling ever since. She came to me 11 years ago and it was with pleasure that I introduced her and the other families to my colleague, my right hon. Friend the Member for North Norfolk (Norman Lamb). I am grateful for the changes in the health service that will hopefully prevent any such dreadful and shocking episode from happening again.

I must bring the Secretary of State back to the justice issue, however, as it is very important. I appreciate that it concerns a different Department, but the Secretary of State said in his statement that the police

"must be allowed to complete that process and follow the evidence, so that justice is done."

A few weeks ago I had a constructive meeting with Assistant Chief Constable Downing, who is in charge of that. I would like a commitment from the Government that there will be sufficient funding for the full assessment, and, if it goes to investigation, sufficient funding in the budget for a proper investigation to be done so that relatives can get the justice they have been denied for so long.

Matt Hancock: Yes, of course that is the Government's position, and I am very happy to reiterate it today. The police need to be able to follow the evidence without fear or favour.

Maria Caulfield (Lewes) (Con): I declare an interest as a registered nurse and someone who has worked in areas using syringe drivers and controlled drugs. I welcome the measures announced today, but may I make two further suggestions? First, there are very strict guidelines for nurses on controlling the stock of controlled drugs, and wrongdoing is picked up very quickly. There is not, however, enough training in the use, the dosage, the method and the route of controlled drugs that would give nurses confidence to speak up. Secondly, this situation could have been picked up much sooner if we had a proper IT system that shares medical notes between hospitals and doctors.

Matt Hancock: My hon. Friend is right on both points, and I am very happy to work with her on them. On the latter point, there is still much more work to do to have a system that is fully interoperable between secondary and primary care. As she says, many patients' GPs might have picked up on the unusual patterns if they had had access to hospital notes. That now does happen in a small number of hospitals, but it is central to improving the technological capability of the NHS.

Nigel Huddleston (Mid Worcestershire) (Con): I welcome the Secretary of State's statement and his overall approach on patient safety. We have talked a lot about the need to change the culture from one of blame to one of accountability and transparency. That is easy to say, but difficult to implement so, as well as the changes to the annual report and procedures and process changes, will there be additional training and practical support that can help embed this new culture?

Matt Hancock: Training has improved over the last couple of decades. The training programmes are independently devised for doctors by the royal colleges and are developed and implemented with the General Medical Council and the Nursing and Midwifery Council.

There is still much to do to drive through the modern culture of inclusivity and bringing in ideas from all places and to remove some of the unnecessary hierarchies in the world of medicine, both within the NHS and without. I look forward to working with my hon. Friend on that.

Finally, may I end by saying that there is still work to do, not least on the judicial element, and all of us should thank Bishop James Jones for how he has handled this process and made sure that people feel that justice can be done and that the learnings can be taken?

BILL PRESENTED

PALESTINIAN STATEHOOD (RECOGNITION) BILL

Presentation and First Reading (Standing Order No. 57)

Layla Moran, supported by Richard Burden, Sir Vince Cable, Mr Alistair Carmichael, Tim Farron, Wera Hobhouse, Ben Lake, Norman Lamb, Stephen Lloyd, Caroline Lucas, Jess Phillips and Dr Philippa Whitford, presented a Bill to make provision in connection with the recognition of the State of Palestine.

Bill read the First time; to be read a Second time on Friday 8 February 2019, and to be printed (Bill 295).

Marriage and Civil Partnership (Consent)

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

2.16 pm

Fabian Hamilton (Leeds North East) (Lab): I beg to move,

That leave be given to bring in a Bill to require the person registering a marriage or civil partnership to attest the valid consent of both parties to the marriage or civil partnership before it is solemnized; and for connected purposes.

Last year, a constituent of mine, Daphne Franks, came to my advice surgery on a Saturday morning to tell me the horrifying story of her mother, Joan Blass. It was a story that I could hardly believe was possible in modern Britain, and it showed clearly that our marriage laws are sadly deficient in one important aspect, which has provided the reason for my Bill.

Born in April 1924 and widowed in 2008, Joan Blass lived next door to her daughter in the Gledhow district of my Leeds North East constituency. Towards the end of 2011, Joan was working in her garden one afternoon when she met Colman Folan, who struck up a conversation with her while she was standing at the gate from her garden to the street. She invited Mr Folan into her home for a cup of tea, and within one month of their first meeting, Colman Folan had moved into Joan's house, taking up residence in her spare bedroom.

Joan had been diagnosed with vascular dementia in early 2011. At first it appeared that Colman was looking after her very well, although he seemed to be rather controlling and secretive. He also became increasingly hostile towards her family. He began to take Joan to visit her friends, as well as some relatives, all over the country, and in 2015, he and Joan flew to Budapest, even though by this time she was getting very frail and travelling made her stressed and exhausted. For the 10 days that they were away, Daphne, her daughter, had no idea where she was.

Sadly, on 26 March 2016, Joan Blass died of cancer, not long before her 92nd birthday. When her daughter saw her shortly after her death, she was still wearing her first husband's wedding ring, but three days after her mother's death, Daphne discovered that Colman and Joan had been married in a civil ceremony at Leeds town hall on 26 October 2015.

Hon. Members may imagine what a shock that discovery was to Daphne, her brother and the rest of Joan's family. At the time of the marriage, Joan was 91 and Colman was 67. No family member or friend had been told about the secret marriage ceremony.

Daphne asked her solicitor and the police for help. She recalled that Colman had stopped even communicating with her or any other family member in 2014, for no obvious reason. Although Daphne continued to see her mother every day in her home, she always felt a little frightened of Colman.

Joan had made a will some years before meeting Colman, but Daphne discovered, to her surprise and shock, that a marriage automatically revokes a previous will. Colman now had complete control over Joan's estate, in spite of the fact that Daphne had previously had power of attorney on behalf of her mother during her lifetime. The solicitor advised the family that it was

[*Fabian Hamilton*]

almost impossible to annul a marriage after death and that the only ground on which the marriage could be annulled would be if it could be proved that either partner had a lack of capacity to make a free and rational decision to marry. Unfortunately, no such evidence existed.

Further pain was caused to Joan's family after her funeral wishes were denied by Colman. Joan had always made it clear that she did not wish to be buried, yet Colman insisted on it. The family's solicitor advised that a single day's hearing at the Leeds division of the High Court would settle the matter in Joan's and the family's favour, upholding the wishes of the deceased. However, after a four-day hearing that cost the family all their savings and assets—more than £200,000—the judge ruled in Colman's favour because Joan had never written down her wishes. Furthermore, even if it had been possible to annul the marriage, an annulled marriage cannot overturn the revocation of a will through marriage. Parties in a marriage must understand the financial consequences of entering into that marriage, as we see in the Court of Protection judgment in *E.J. v. S.D.* in 2017.

I am presenting my Bill in an attempt to close some of the loopholes in the statutes governing marriage in this country. It is not good enough for a registrar to say that simply because one of the participants in a marriage ceremony was smiling at the time, consent was happily given. Much of the anecdotal evidence suggests that Joan had no idea she had ever been married to Folan, and there was clear evidence that her mental capacity was severely reduced in the last years of her life. However, there is no requirement for registrars to ensure that both parties in a marriage are aware of what they are doing when they enter into a contract to be married. There are protections under the law to prevent marriage under duress, but believing that duress is not present simply because one of the parties looks content does not mean that there is the mental capacity for consent.

My Bill would establish a number of improvements and protections against what I would call predatory marriage—a term already in circulation in Canada and now used by Joan's family. First, the Marriage and Civil Partnership (Consent) Bill would establish that marriage

should no longer revoke a previous will in every case—or, indeed, in any case. The majority of those affected are entering into second marriages and are from the older generation. Secondly, the Bill would establish that there should be better training for registrars to ensure that robust procedures for safeguarding vulnerable individuals are put in place. Mark Thomson, the Registrar General for England and Wales, has said that he wants to “modernise” registration procedures.

Thirdly, the Bill proposes that capacity to marry should be established via a simple questionnaire to alert registrars that an assessment of capacity may be needed before the ceremony is carried out and that a medical capacity assessment may also be required. Simply smiling during a marriage ceremony should not be assumed to mean consent if there is no mental capacity to make such a decision in the first place. Fourthly, the Bill proposes that notices of intention of a marriage should be published on the internet so that families such as Daphne's can discover much sooner that a marriage has taken place, or is to take place, even if their presence is not requested or wanted.

I would like to thank Daphne and Stephen Franks for bringing their very distressing case to my attention as their local Member of Parliament. I believe that the case has profound implications for many hundreds of other families across the country who may find themselves in a similar situation, and of course it goes without saying that this could affect many other Members. I would also like to thank Sarah Young, a solicitor and partner in the firm of Ridley & Hall in Leeds, who has specialised in marriage law, for her help and advice in bringing this to the attention of hon. Members, including, I hope, members of the Government and my colleagues on the Opposition Front Bench.

Question put and agreed to.

Ordered,

That Fabian Hamilton, Rachel Reeves, Alex Sobel, Tracey Crouch, Alec Shelbrooke, Preet Kaur Gill, Caroline Lucas, Sir Edward Davey, Karen Lee and Richard Burden present the Bill.

Fabian Hamilton accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 25 January 2019, and to be printed (Bill 296).

Fisheries Bill

Second Reading

2.26 pm

The Secretary of State for Environment, Food and Rural Affairs (Michael Gove): I beg to move, That the Bill be now read a Second time.

It is a pleasure to introduce the Second Reading of the Fisheries Bill under your chairmanship, Madam Deputy Speaker. If I may, I should like to begin my introduction of this legislation on a personal note. My father was a fish merchant, and my family have made their living from the sea for generations. That has given me a deep personal appreciation of the risks and sacrifices undertaken by those who go to sea to ensure that we have healthy and nutritious food. There are Members of this House who know those who have made the ultimate sacrifice to provide us with the food that we enjoy, and I would like to say that those who work so hard and take such risks to bring us the bounty of the sea will be first and foremost in my mind in our deliberations today. We are in all their debt.

I want to underline the fact that I am deeply grateful to the team at the Department for Environment, Food and Rural Affairs for the work they have done on the preparation of the White Paper that preceded this Bill, as well as on the Bill, the explanatory memorandum and everything that goes with them. DEFRA has some of the finest civil servants in the Government, but the fisheries team stand out. They are men and women of dedication, deep knowledge and commitment, and I am grateful to them, as I am also to my predecessors in this role as Secretary of State. Every single one of my predecessors has sought to do their best for the fishing industry, and it would be invidious to single any of them out. However, I want to pay a special tribute to three ministerial or ex-ministerial colleagues. My right hon. Friend the Member for North Shropshire (Mr Paterson) has done an enormous amount to champion the interests of the fishing communities across the United Kingdom. My right hon. Friend the Member for Newbury (Richard Benyon) has done an enormous amount to improve the operation of the common fisheries policy while we have been in it. And the Minister for Agriculture, Fisheries and Food, my hon. Friend the Member for Camborne and Redruth (George Eustice), has been an outstanding negotiator on Britain's behalf, and in his time in office—which I hope will continue for many years to come—he has done an enormous amount for coastal communities across the country.

One of the pleasures in bringing forward the Bill is to be able to acknowledge that, whatever position individuals may have taken in the referendum on our membership of the European Union, there is a widespread recognition across the House that the common fisheries policy did damage. It did environmental damage to fish stocks and to our marine environment. It also did economic damage to the fishing industry, which has been such a critical part of this country's heritage and which can again become a vital part of our economic future. The common fisheries policy did social damage as well, because coastal communities suffered. Their economies were hollowed out and businesses collapsed as a result of its operation. Whatever position we may have taken in that referendum, taking back control of our waters, leaving the common fisheries policy and once again becoming an independent

coastal state will give us an opportunity to lead environmentally, to revive the fishing industry economically and to ensure that our coastal communities once more have the opportunity for a renaissance.

Stewart Hosie (Dundee East) (SNP): I agree with the Secretary of State, on behalf of the Scottish National party, about the damage the CFP did. However, the political text on the withdrawal agreement states that there will be:

“Cooperation...internationally to ensure fishing at sustainable levels, promote resource conservation... the development of measures for the conservation, rational management and regulation of fisheries... a new fisheries agreement on, inter alia, access to waters and quota shares”

and so on. That is the current form, in black and white. Although that might mean something new and better, is it not the case that, given the UK's negotiating failures so far, what we will end up with will look very similar to the terms of the CFP?

Michael Gove: No, not at all. I am grateful to the hon. Gentleman, for whom I have enormous respect, for acknowledging many of the defects and flaws in the common fisheries policy, but we have been clear—this is reflected in both the draft withdrawal agreement and the accompanying draft political declaration on our future economic partnership—that we will be negotiating at the December 2020 Fisheries Council as an independent coastal state, ready to ensure that we decide on access to our waters, that we decide on total allowable catches and that we decide on quotas, and it is on that basis that we can ensure that the interests of our coastal communities are respected.

Of course, as an independent coastal state, we will be governed by the United Nations convention on the law of the sea. That landmark piece of international law makes it clear that all independent coastal states will negotiate with their neighbours to ensure that the environmental health of fish stocks are preserved and that an equitable share of each nation's bounty can be agreed, because we as a nation depend for the fish we eat not just on the fish in our waters—of course, we have the healthiest stocks of any country in the existing European Union—but on negotiating with other independent coastal states, including Norway, the Faroes, Iceland and others, to ensure that we get the mix of fish that consumers demand and that society has a right to expect.

Mrs Sheryll Murray (South East Cornwall) (Con): Does my right hon. Friend agree that any party represented in this Chamber that promotes continued membership of the European Union is letting our fishermen down, because it is already promoting continued membership of the common fisheries policy?

Michael Gove: My hon. Friend knows what she is talking about, and she is absolutely right. The Scottish National party wants us to stay in the European Union, and therefore in the common fisheries policy, and the Scottish National party's MEPs, when given the chance to vote in the European Parliament, voted to stay in the common fisheries policy. However, I do want to acknowledge that there are independent members of the SNP who do not toe the line of their leadership. There are individual voters who have lent the SNP their

[*Michael Gove*]

votes in the past but who do not agree with that view. Also, to be fair, the Scottish Government and the Minister responsible, Fergus Ewing, in helping to ensure that this legislation can work for Scotland, have operated in a constructive manner, as indeed have officials in the devolved Administrations—sadly, we do not have the Executive in Northern Ireland, but the officials there have negotiated in good faith, as have the Labour Administration in Cardiff. I want to underline that the legislation we bring forward will see powers moving to the devolved Administrations. It will be a diffusion of power and a strengthening of devolution.

Richard Benyon (Newbury) (Con): Many individuals and organisations campaigned very hard to get the firmest rules on sustainability as part of reform of the common fisheries policy. Will my right hon. Friend give them an assurance that any vessel fishing in British waters after we leave the European Union will be required to maintain the highest levels of sustainability for those fish stocks and to work with the Government to do so?

Michael Gove: My right hon. Friend is absolutely right. The Bill makes it clear that there are principles, to which the Government will be held, that ensure that fishing will be sustainable and that our marine environment will be restored to full health. The Bill will give the Government powers to ensure that no vessel can fish in our waters unless it adheres to those high environmental standards.

Kate Hoey (Vauxhall) (Lab): Can the Secretary of State just be absolutely clear about this? At the end of March, we will leave the common fisheries policy, but then we will immediately be back in it, by giving the EU the right to make all decisions for however long the transition goes on. It worries me very much when I hear more and more Ministers talking on the “Today” programme about the transition being extended again and again. Why did he allow the Prime Minister to accept in the withdrawal agreement that fisheries would stay as part of the transition?

Michael Gove: I will give the hon. Lady, for whom I have enormous respect and affection, one piece of perhaps unsolicited advice: I find that in the morning it is better not to listen to the “Today” programme; Radio 3, or even Radio 2, ensures that I have a more equable morning. However, she makes a very important point about the transition period. A number of Members of this House hoped that in the transition period, when it was agreed earlier this year, the common fisheries policy would be outside, but there is one very significant departure from the overall transition period, which applies to the common fisheries policy, which is that the European Union acknowledged that from 2021 we will be an independent coastal state. Therefore, when we negotiate in the December 2020 Fisheries Council, although we will still legally be a member of the European Union, we will be negotiating then as an independent coastal state. That is why I said at the time that we need to keep our eyes on the prize of making sure that after that transition period we can have all the opportunities to do the right thing environmentally, economically and socially, as I mentioned earlier.

Several hon. Members rose—

Michael Gove: I would like to take as many interventions as possible, in fairness to all those Members who necessarily cannot stay for the duration of the debate.

Owen Smith (Pontypridd) (Lab): A moment ago, the Secretary of State offered the House some warm words about his commitment to sustainability. Could he therefore explain why the Bill contains only one vague mention of maximum sustainable yields? Can he give us a guarantee that, under his new vision for fisheries management, we will adhere to maximum sustainable yields and to scientific advice, as opposed to what we have done for years and years, which is to allow total catches to exceed those sustainable yields by up to 50%?

Michael Gove: The short answer is yes.

Mr Alistair Carmichael (Orkney and Shetland) (LD): I am grateful to the Secretary of State for giving way on that point, because it is germane to the point about co-operation with our neighbouring states and the implications arising from the transitional arrangements. Can he tell the House how the EU-Norway-Faroes mackerel deal, which is currently up for renegotiation and renewal in 2020, will be handled in practical terms, and what his Government are doing to ensure that the voice of our fishermen is heard in that important negotiation?

Michael Gove: We will be taking part in bilateral and multilateral negotiations in the run-up to December 2020, in anticipation of being, as I have said, a fully independent coastal state from January 2021. We will be negotiating with all our neighbours to ensure that we get the very best deal for our fishermen. On the right hon. Gentleman’s second point, which was very fair, about collaboration with fishing organisations, in preparing the Bill we have worked with the Scottish Fishermen’s Federation, the National Federation of Fishermen’s Organisations and a variety of other producer organisations, and every single one of them has said that it wants to see the Bill on the statute book. Of course there will be debate in Committee, and there may well be amendments that can refine and improve what we want to do, but there is not a single representative organisation that speaks for the fisheries industry or for fish processors anywhere that does not want to see the Bill on the statute book as quickly as possible.

Ian Paisley (North Antrim) (DUP): The one fly in the ointment is, of course, the elephant in the room: the withdrawal deal that the Prime Minister has produced in recent weeks. Can the Secretary of State confirm that article 6(2) of the protocol relating to Northern Ireland could be interpreted to read that every EU fisheries regulation in existence will continue to be applied to Northern Ireland fishermen alone if the backstop is applied?

Michael Gove: I do not believe that is the right interpretation. I do recognise that a number of colleagues across the House have concerns about the backstop arrangement, but let me underline one point. Under the backstop arrangement, were it ever to come into place, the United Kingdom would be an independent coastal

state. Some people have read the withdrawal agreement and taken it to mean that somehow the common fisheries policy would be extended if the backstop were to come into operation and that we would not have control over our territorial waters and our exclusive economic zone. That is not the case. Even in the event of the backstop coming into operation, we will be an independent coastal state, and fishermen, whether they are in Northern Ireland or anywhere else in the United Kingdom, will be able to take advantage of the additional fishing opportunities that arise as a result.

Joanna Cherry (Edinburgh South West) (SNP): Is the Secretary of State aware that article 6(2) of the Northern Ireland protocol enables vessels registered in Northern Ireland, but not vessels registered anywhere else in the United Kingdom, to sell their goods into the European Union tariff free? Does he therefore accept that vessels registered in Scotland, and indeed in the rest of the UK, will be at a competitive disadvantage when that part of the backstop comes into force, which, incidentally, under article 154 will be immediately?

Michael Gove: The hon. and learned Lady draws attention to an important point. On the backstop, as the House will hear at other points, there are some who argue that Northern Ireland is placed at a competitive advantage compared with other parts of the United Kingdom, and there are some who argue that Northern Ireland is disadvantaged relative to other parts of the United Kingdom. One thing that is clear, however, is that Northern Ireland—an integral and valued part of the United Kingdom—when we leave the European Union, will leave alongside the rest of the United Kingdom and be part of one independent coastal state that is capable of taking advantage of all these fisheries opportunities.

John Redwood (Wokingham) (Con): Will the Secretary of State give us some idea of his ambition for after we leave the common fisheries policy? It seems to me that we could have a big expansion of our domestic fishing industry, with a lot more fish landed and a big increase in fish processing in the UK. Is that his ambition, and how big will it be?

Michael Gove: A whopper, I am tempted to say. My right hon. Friend is right. Even the Scottish Government acknowledge that there could be a £1 billion bonanza for the United Kingdom if we manage fish stocks effectively. That makes it all the more surprising, when the analysis of the Scottish Government's own statisticians has the bonanza at that level, that Scottish National party politicians in Europe and elsewhere are standing in the way of our leaving the common fisheries policy, in stark contrast to Scottish Conservatives.

Richard Drax (South Dorset) (Con): Will my right hon. Friend give way?

Michael Gove: I am very happy to give way to a distinguished English Conservative.

Richard Drax: If the backstop is not implemented but the implementation period is extended, can the Secretary of State confirm that that would mean we have to remain in the CFP beyond the 21 months? Is he

aware—perhaps he can reassure the House—that the French are circling, as we all expect them to do, with Sabine Weyand saying that the British

“would have to swallow a link between access to products and fisheries in future agreements”?

Michael Gove: I note the reporting of what Ms Sabine Weyand said. One of the interesting things—again, I alluded to this earlier—is that different Members will have different assessments of the advantages and disadvantages that lie within the draft withdrawal agreement, but it is instructive that the negotiator on behalf of the European Commission, Ms Weyand, felt that she had to sweeten the pill, particularly on fisheries, to get EU nations to sign, because there is an acknowledgment on the part of EU nations that UK negotiators have safeguarded access to our waters and secured our status as an independent coastal state. The initial negotiating mandate of the European Union has not been satisfied in these negotiations with respect to fisheries, but the red lines laid down by our Prime Minister have been defended. It is absolutely critical, without prejudice to any other conversations, to acknowledge that.

Alan Brown (Kilmarnock and Loudoun) (SNP): On the powers of the devolved nations, the Secretary of State said during the Vote Leave campaign that one of the Brexit dividends is that immigration powers could be devolved to Scotland. Immigration is crucial to the seafood processing industry and to the fishing boats, particularly on the west coast of Scotland. Does he agree that Scotland should get control of immigration so we can manage our fishing industry?

Michael Gove: The hon. Gentleman is absolutely right. I am grateful to those who work in the fish processing industry, and indeed to those who work offshore, who come from across the world, and not just from European economic area nations, to help ensure that industry is strong. That is why my right hon. Friend the Home Secretary has made it clear that our post-Brexit immigration policy will be truly global in scope and focused on making sure this country is an economic success, emphasising that we have taken back control.

Mr Mark Francois (Rayleigh and Wickford) (Con): The Secretary of State mentioned the red lines. The Prime Minister has told the House on numerous occasions that we will leave the customs union, yet the withdrawal agreement clearly envisages that we would remain in the customs union under the backstop and that, having entered, we could not leave unless the EU consented—the so-called “Hotel California” arrangement. The Prime Minister has also assured the House in very strong terms that she would never contemplate a border down the Irish sea, yet in the agreement, including the Northern Ireland protocol, exactly that is envisaged. I regret to say that, given that, I find it difficult to take seriously the commitments that the Prime Minister has now given to the House. If I have trouble believing her, why should I believe the Secretary of State?

Michael Gove: My right hon. Friend, like all hon. Members, must make his own judgment on what he chooses to believe, and on who and what he wishes to support.

Several hon. Members *rose*—

Michael Gove: I will answer my right hon. Friend the Member for Rayleigh and Wickford (Mr Francois) and the hon. Member for Kilmarnock and Loudoun (Alan Brown) before giving way. We have been told at different times that we will have to bend or buckle when it comes to fisheries. The Prime Minister and the negotiating team have absolutely not bent or buckled, which is why the European Commission's own negotiator has had to attempt to sweeten the pill.

It will not have escaped my right hon. Friend the Member for Rayleigh and Wickford that other countries are expressing their dissatisfaction with the withdrawal agreement for precisely that reason. He spent a distinguished time as a Minister and as the Conservative party's Europe spokesman, and he must know that if other countries are complaining that they have lost out, it is a sign that this country has secured an advantage.

Dr Sarah Wollaston (Totnes) (Con): Further to the Secretary of State's earlier point about expanding fishing opportunities, I am happy to report that Brixham in my constituency has had another record year and in 2017 landed over £40 million-worth of fish, but it is now limited because it is at full stretch. Brixham is anxiously waiting to hear what my right hon. Friend will do to guarantee that it can have access to funds such as the European maritime and fisheries fund to allow it to expand. Brixham is really keen to get on with it.

Michael Gove: My hon. Friend makes a good point. I congratulate her on championing her constituency so successfully, and I thank the fishermen of Brixham for their work. In the EU we have the EMFF, which provides support for individual fishing communities, and this Bill makes provision for a replacement so that grants and loans can be provided for just such investment.

Martin Vickers (Cleethorpes) (Con): I want to believe everything the Secretary of State has said, but he will know that the industry has a long memory, and it can remember the last-minute sell-out in the original Common Market negotiations. The industry still fears that is going to happen again. Can he give a categorical answer that under no circumstances will any further concessions be granted?

Michael Gove: I have been very clear about how determined we are to fight on fisheries. We have defended our red lines. My hon. Friend mentions what happened in the 1970s. I was a boy then, but the consequences had a profound impact on my family and on my father's business. There is no way I can ever forget what happened then, and no way that I will be anything other than a resolute champion for the interests of coastal communities such as the one my hon. Friend serves and represents so admirably.

Maria Caulfield (Lewes) (Con): According to the withdrawal agreement, we will be in the common fisheries policy until December 2020. Who will represent the UK at the annual Fisheries Council meeting in 2019, after we have left the EU?

Michael Gove: The Minister for Agriculture, Fisheries and Food, the hon. Member for Camborne and Redruth (George Eustice).

Several hon. Members rose—

Madam Deputy Speaker (Dame Rosie Winterton): Order. The Secretary of State has been very generous in giving way, but it is important that he is allowed to answer one question before taking another.

Michael Gove: Thank you very much, Madam Deputy Speaker. You are right to say that I want to make sure I can answer as many questions as possible, from Members in as many parts of the House as possible, but this is a well subscribed debate and I have been able to make only about two or three of the points I wanted to make while I have been answering questions.

Mr Charles Walker (Broxbourne) (Con) rose—

Michael Gove: But because this legislation is so important and because of the passions aroused, I am happy to give way to my hon. Friend.

Mr Walker: I thank the Secretary of State for that. It would be nice if we could talk a little more about fish, and I want to talk briefly about bluefin tuna. For the first time in about 50 or 60 years, these wonderful fish are appearing off the shore of Cornwall and up the west coast. When we have left the EU, will we look at having a recreational catch-and-release fishery for bluefin tuna? If we could discuss that, and if I could bring a delegation to see the Secretary of State to discuss it, I would be extremely grateful, because there is huge commercial and conservational opportunity attached to such a fishery.

Michael Gove: I quite agree and we are actively exploring that. One of the points I was due to make is that recreational fishing is a crucial part of the life of the nation; it provides, through tourism and other expenditure, support for many important parts of our rural and coastal economy.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): A bluefin tuna was washed up on Tolsta beach in Lewis last weekend. I would be happy to join any delegation with the hon. Member for Broxbourne (Mr Walker), because we have the same interests and needs. On the wider point, the Secretary of State mentioned "bend or buckle" a while ago. In the debate on 27 February 2018 in Westminster Hall, an astonishing number of Tory MPs supported this claim:

"Ideally, at 11 pm on 29 March 2019, we need to have absolute and 100% control of our fisheries, without it being part of any implementation or transition deal."—[*Official Report*, 27 February 2018; Vol. 636, c. 290WH.]

That was echoed by loads of Tory MPs. Was that bend or was it buckle?

Michael Gove: Interestingly, an extraordinary number of Conservative MPs were in that debate because an extraordinary number of Conservative MPs want the very best for our fishing industry. Scottish Conservative MPs have stood up for coastal communities in a way that the Scottish National party has signally failed to do. I will tell the hon. Gentleman who bent and who buckled. It was the SNP MEPs who bent and buckled in Strasbourg and Brussels when they agreed to keep us imprisoned in the CFP.

Gareth Thomas (Harrow West) (Lab/Co-op): There are at least 65 co-operatives in the fishing industry, which are worth more than £48 million at the moment. Would not one of the best ways to help boost the fishing co-operatives sector, which keeps profits in hard-pressed coastal communities, be to ensure a radical reform of the quota system, two thirds of which is held by just three opaque companies?

Michael Gove: The hon. Gentleman makes an important point. As we leave the CFP, there is an opportunity to reallocate quota. We have already seen a reallocation, with a 13% uplift for the under-10 metre fleet under this Government. There is a crucial point to make: some of the quota that is necessarily allocated is allocated for the types of stocks—pelagic stocks—of which the under-10 metre fleet, simply because of the nature of where those fish are found, would be poorly placed to take advantage. So he is absolutely right to say there is a case for reform, but a significant amount of quota could not, at this stage, be allocated in the way that he might suggest.

Rebecca Pow (Taunton Deane) (Con) *rose*—

Michael Gove: I am keen to allow my hon. Friend, who has shown remarkable patience, the chance to intervene.

Rebecca Pow: I thank the Secretary of State for allowing me to intervene and not avoiding me altogether. We have talked about a “bonanza” of fish and about recreational fishing, but will he give assurances that we will not bend from our standards on sustainability? After all, we are talking about a wild harvest; fishermen have to make money, but they cannot make it unless the stocks are sustainable. Does he also agree that the Bill has included references to the 25-year environment plan and the nature capital approach and that this is the right way to go, demonstrating that our Government have the environment and sustainability at their heart?

Michael Gove: My hon. Friend is absolutely right: we adhere to the principles behind the maximum sustainable yield. The early clauses in this Bill set out clear principles by which any Secretary of State must be bound in order to put the environment and sustainability first. More than that, as we all know, under the CFP we have not had policies that put the environment first. Now, as an independent coastal state, we can work with organisations ranging from Greenpeace to Charles Clover’s Blue Marine Foundation to ensure that we have a policy that is right environmentally and right economically.

Dr Matthew Offord (Hendon) (Con): I am pleased that we are now starting to put the environment first, but almost 80% of the UK fishing fleet is small-scale and it lands only 11% of the fish by value. Given that this fleet is not only more profitable to local economies, but employs more local fishermen and uses more sustainable fishing practices, will the Bill allow larger quotas to independent vessels under 10 metres?

Michael Gove: Absolutely, the Bill explicitly allows us to ensure that new quota can be allocated to the under-10 metre fleet, which exhibits all the virtues that my hon. Friend outlined. As I mentioned in response to the

question from the hon. Member for Harrow West (Gareth Thomas), it would be inappropriate to transfer some aspects of quota, but it has been the case, not least under the leadership of my right hon. Friend the Member for Newbury (Richard Benyon), that we have already been transferring quota to the under-10 metre fleet, for the reasons that my hon. Friend mentions.

Mr Alister Jack (Dumfries and Galloway) (Con): I thank the Secretary of State for giving way; he is generous with his time. On the comments made by the hon. Member for Na h-Eileanan an Iar (Angus Brendan MacNeil), the Scottish Conservatives can safely say they will take no lessons on the CFP from the SNP, who would sell us straight back into it if they had their way of re-entering Europe.

Michael Gove: My hon. Friend is absolutely right on that. I am tempted to say, because so far we have not had a pun in this debate, that the SNP wants to have its hake and eat it. The truth is that SNP Members pose as defenders of Scotland’s fishing communities, yet all the time we were in the EU scarcely a peep they emitted on behalf of the fishing industry. Now that we are leaving, they still want to tie us to the CFP, because they put the abstract ideology of their separatist sentiment ahead of the real interests of Scotland’s communities, and that is why they were so decisively rejected by Scotland’s coastal communities at the last general election.

Steve Double (St Austell and Newquay) (Con): This point has been made, but I will make it again. I have the great honour of representing the fishing village of Mevagissey. The Secretary of State may remember that he promised to come to see the fishermen there—they are still very much looking forward to his visit. That thriving fishing community is made up of under-10 metre vessels. So will he confirm that this Bill will provide opportunities for our under-10 metre fleet to take advantage of the new quota that will be available, so that it can grow, thrive and rebuild the great industry that we have lost?

Michael Gove: My hon. Friend makes an important point, one that was highlighted by my hon. Friend the Member for Hendon (Dr Offord)—

Pete Wishart (Perth and North Perthshire) (SNP): Will the Secretary of State give way?

Michael Gove: I am about to use a word that I rarely use, but I am going to use it with greater pleasure than I have ever used it before—no! I am tempted to say: no, nae, never, no more. The one thing I did want to underline is that the under-10 metre fleet, for the reasons outlined before, is a crucial part of the health and vibrancy of coastal communities and of our fishing industry overall. The profitable nature of its enterprise and its commitment to high environmental standards should be emulated by others.

Several hon. Members *rose*—

Michael Gove: I am going to make a wee bit of progress now, if that is okay. One thing that is clear about this Bill is that it has benefited from the support of the devolved Administrations and of non-governmental

[*Michael Gove*]

organisations. As a result, it now allows us to ensure that, as an independent coastal state, we can do what so many have wished, which is fully control access to our own waters and allocate quotas as we wish. Clauses 7 and 8, 11 and 12 will revoke the existing rights of EU nations to access UK waters and ensure that the UK will license individual vessels from other nations on our terms, in a way that is consistent with high environmental principles, to demonstrate that we will have taken back control, not just of our territorial waters, but of our exclusive economic zone extending 200 miles out around the whole United Kingdom. We will make sure, as a number of hon. Members have asked, that we put conservation first.

Our fish are a great natural, renewable resource. We need to make sure that the lessons of the past are learned and that the mistakes that have been made while we have been in the common fisheries policy, and that other states have made through over-fishing, are at last corrected. We need to make sure that the network of marine protected areas and marine conservation zones around our nation are used to regenerate fish stocks. We need to make sure that we have available the effective data so that we can set quotas and total allowable catches sustainably. We need to make sure that we use the world-leading science available in this country from CEFAS and others to ensure that we set a global gold standard for conservation.

One particular way in which the environmental argument has been accepted by some but applied in a way that can be economically harmful and sometimes environmentally counterproductive is the way in which the discard ban has operated. It is quite right that we should seek to restrict fishing that is carried out in a way that might damage the health and resilience of individual species, but because of the nature of much of the fishing that goes on in our waters, particularly but not exclusively in the case of the under-10 fleet, there is a risk of bycatch. No matter how sophisticated the gear, there is a risk that some of the fish caught belong to some of the species that we wish to protect and that these choke species, having been caught by fishermen at a level that threatens sustainability, have to be deployed in a way that means that the fishermen can no longer carry on their business.

Angus Brendan MacNeil: Will the Secretary of State give way?

Michael Gove: No, not at this point.

We will introduce, as New Zealand, Norway and other nations have, an approach that means that fishermen can catch and can land, but if they exceed the discard ban, they will pay a penalty. That will ensure that we have a sustainable approach to fisheries, that we enable fishermen to carry on going to sea and that we combine their economic resilience with the environmental resilience of the stocks that we wish to preserve. That change is an example of how we can change individual common fisheries policy rules and regulations by giving effect to the Bill and the framework that it will provide. It is clear from all the representative fisheries organisations that they recognise that individual aspects of the CFP need remedial action and reform. That can happen only if we allow the Bill to pass, which is why it is so important that it makes a speedy passage through the House.

Another point made by several hon. Friends and hon. Members is about the importance of protecting not only diversity at sea but diversity in the fishing industry itself. We need to ensure not only that the pelagic fleets that sail from Peterhead and Fraserburgh have new opportunities, but that those that fish closer to coastal waters—often, the under-10 metre fleets that colleagues have praised—have an opportunity to take advantage of new opportunities. As a result of this legislation, we will have additional quota that we can reallocate in a way that is equitable, fair and sustainable.

Angus Brendan MacNeil: Before he moves on, will the Secretary of State give way?

Michael Gove: For the hon. Gentleman, yes.

Angus Brendan MacNeil: What do the Secretary of State's words on bycatch and everything else mean for spurdog bycatchers?

Michael Gove: Sorry?

Angus Brendan MacNeil: What does it mean for spurdog bycatchers?

Michael Gove: It will be easier for those who are responsible for that bycatch to ensure that they can continue to fish in a way that is both environmentally sustainable and economically resilient. I will come back to the hon. Gentleman in due course.

Owen Smith: I am grateful to the Secretary of State for giving way; he is being very generous. I am trying to reconcile two things that he has said: first, that we are going to be more mindful of sustainability, and secondly, that we are going to catch more fish. The total allowable sole catch in the Irish sea is currently set at 40,000, when the scientific advice is that it should be zero. Will we be catching more or fewer sole in the Irish sea under the Secretary of State's future plans?

Michael Gove: When it comes to individual species, we will follow the scientific advice that CEFAS and others give us. Overall, however, as we take back control we will have the opportunity to catch more fish in our own waters. The majority of the fish that are caught in UK waters are not caught by UK vessels. Let me give the hon. Gentleman one example. I do not know whether he knows what percentage of cod caught in the English channel is caught by French boats—I do not know whether anyone in the House does—but it is 83%. What percentage of cod caught in the English channel is caught by UK vessels? Just 7%. That is a fundamental inequity in the allocation of national resources. The Bill will allow us to decide who catches what and where, and in line with which environmental principles.

It is not often that a piece of legislation comes before the House that provides us with an opportunity to say to some of the most fragile communities in our country, our coastal communities, "There is real hope and a chance of an economic renaissance. Your suffering has been recognised and we can make a positive difference." It is not often that legislation comes before the House that, if passed, would see an industry potentially double in size and in its capacity to generate new jobs and new economic opportunities. It is very, very rare that legislation that comes before the House achieves such social and economic goals and at the same time allows this country

to underline its credentials as a leader in environmental practice of a kind that other countries would wish to emulate. Not only does this Fisheries Bill manage to bring hope to coastal communities and to reinforce the economic gains of leaving the European Union, but it underlines our credentials as an environmental leader, which is why I commend the legislation to the House.

Several hon. Members *rose*—

Madam Deputy Speaker (Dame Rosie Winterton): Order. I have now to announce the result of today's deferred Divisions.

In respect of the question relating to taxation relief and international tax enforcement (Jersey), the Ayes were 302 and the Noes were 238, so the Question was agreed to.

In respect of the question relating to taxation relief and international tax enforcement (Isle of Man), the Ayes were 302 and the Noes were 238, so the Question was agreed to.

In respect of the question relating to taxation relief and international tax enforcement (Guernsey), the Ayes were 302 and the Noes were 238, so the Question was agreed to.

In respect of the question relating to the immigration health charge order, the Ayes were 300 and the Noes were 232, so the Question was agreed to.

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

Before I call the shadow Secretary of State to speak, let me say that I hope colleagues realise that there is a lot of pressure on time. A lot of people wish to speak so, apart from Front Benchers, obviously, I will be asking everyone else to try to keep their speeches below 10 minutes. I do not want to impose a time limit at this point, and that would, I hope, allow everybody to get in.

3.7 pm

Sue Hayman (Workington) (Lab): I join the Secretary of State in his words of support for all those who work in the fishing industry. It is important that we recognise them.

Amid all the ongoing chaos that we have seen over the Brexit negotiations, Ministers have consistently identified leaving the common fisheries policy as one of the few policy areas in which the Government's deal can deliver. When the White Paper was published in July, the Secretary of State said:

"Outside the Common Fisheries Policy we can take back control of our waters and revitalise our coastal communities."

He is also on record as having said:

"The day after we vote to leave, we hold all the cards and we can choose the path we want."

I intend to set out why the Bill and the current approach to negotiations being pursued by the Government will not, in our view, "revitalise" our left-behind coastal towns, which have been hit hard by years of Tory austerity. I will also set out why, having heard the Secretary of State outline his position just now, I am even more convinced that only a Labour Government can secure the twin goals of a healthy marine environment and thriving coastal communities.

Mrs Sheryll Murray: Will the hon. Lady explain to me why my late husband suffered financially, quite considerably, for 12 years under a Labour Government, but she is now blaming Conservative austerity? I have witnessed it myself. Will she explain why she has not admitted that and apologised for it?

Sue Hayman: We know that coastal communities have suffered from austerity, and I will be talking about that further. However, I do not think it is appropriate to talk about individual cases.

However, having said what I have just said, we do not oppose the Bill at this stage, as it has turned out to be a mostly enabling Bill for making future decisions. It is clear that the Government have some way to go before we can all be satisfied with what is before us today. I hope that Ministers will reconsider parts of this legislation so that we can reach a consensus on the direction of travel. We intend to bring forward a number of key amendments in Committee to make those improvements.

In addition to looking at quotas, the Secretary of State also talked about the need to revitalise coastal communities, which have been badly let down by successive Tory Governments and the eight years of austerity. I represent a coastal community myself and have seen that damage at first hand. Those communities have been starved of investment. They have reduced services due to local government cuts, lower wages and stalled economies. If we look at the 98 local authorities that are on the coast, 85% of them have pay levels below the UK's average, and, to date, the Government have done nothing to address that. Labour believes that well-managed fisheries and sustainable fishing practices can help reinvigorate many of these communities. This is a unique opportunity, as we have heard from the Secretary of State, to transform the way that we manage our fisheries to improve lives by driving economic prosperity, tourism and environmental benefits to our beautiful and unique British coastal areas.

However, if we look at the current distribution of quotas, it is clear that the system is not working in a fair or equitable way. According to research by Greenpeace, more than a quarter of the UK's fishing quota is owned or controlled by just five families on the rich list of *The Sunday Times*. We are well-accustomed to hearing about taking our fair share of quota at the European level, but many in our coastal towns and smaller fleet want to know when they will get their fair share of the existing national quota.

The Secretary of State has talked about the unfairness in quotas, but the clear lack of proposals in the Bill to redistribute existing and future quota can be seen only as an endorsement of the current unfair system. Labour will bring in amendments to improve that situation. Given what the Secretary of State said earlier, will he support us in those amendments?

Recreational fishing also has an important role to play in the development of our coastal towns. The Angling Trust believes that many towns could prosper by attracting anglers who would travel right across the UK and from overseas to take advantage of top-class angling in healthy, well-managed waters.

Angus Brendan MacNeil: I am very grateful to the hon. Lady for giving way. She talks about quotas and about who holds quotas. I have actually written to the

[*Angus Brendan MacNeil*]

Chair of the Environment, Food and Rural Affairs Committee for an inquiry into who holds quotas, where they got the quota from and where a quota might be better distributed, including the idea of community quotas and the geographical share of quotas. Is she supportive of such an idea?

Sue Hayman: We are looking for the Government to address the historic imbalance and inequality in the fishing industry that these quotas show. The companies that we have looked at have benefited from a system that has led to a long-term consolidation of quota into the hands of a very few operators. We are very keen to look at ways in which that can be changed.

Gareth Thomas: May I take my hon. Friend back to the point that she was making about the impact of austerity on coastal communities? Does she not accept that, given the success of co-operatives, there might be an opportunity, through this Bill, to promote the co-operative sector in the fishing industry a little bit more, not least because one of the great things about co-operatives is that the surplus they generate stays within the local community?

Sue Hayman: My hon. Friend makes a very important point. We would certainly support increasing co-operatives. I understand that there is an opportunity to double the number of co-operatives if we go about it in the right way. That was an incredibly important point.

Dr Philippa Whitford (Central Ayrshire) (SNP): I am very grateful to the hon. Lady for giving way. Obviously, she is talking about coastal communities. Does she recognise—unfortunately, I was unable to make this point with the Secretary of State—that processors will not have a bonanza? If they are trapped having to pay 11% to 12% to land filleted and processed fish in Europe, but can land their fish directly to fish processors in Poland, harbours, markets, ice producers and processors will crumble. Certainly, the fishing associations on my coast do not support the Scottish Fishing Federation. The Clyde Fishermen's Association and the Scottish Creel Fishermen's Federation are not happy with this notion that all Scottish fishermen support Brexit—they do not.

Sue Hayman: Yes, that is a very important point about processors. I have a processor in my own constituency, so I fully understand the hon. Lady's concerns. We want to see more British fish landed in British ports.

Mr Charles Walker: The hon. Lady was starting to make a good case for recreational angling before she was dragged away by colleagues who wanted to talk about commercial landings. Recreational angling accounts for about £2 billion into the economy, whereas commercial fishing accounts for about £200 million. If we want to maximise the UK's fish stocks, as I am sure that we do, we need to focus on recreational angling and the value of recreational angling, and we need to have fish species that are largely kept back for recreational anglers.

Sue Hayman: I thank the hon. Gentleman for that very well-made point. Yes, I support exactly what he is saying. We know that the Secretary of State also recognised

in his speech the importance of recreational angling. If we are to achieve the goals that we are talking about, can the Secretary of State confirm that he intends to bring forward future measures to support recreational sea angling? If so, can he provide us with some details on those plans today?

Ministers, when questioned about their support for our smaller-scale fishing communities, often point to the coastal communities fund. Members may be interested to know that, in response to a parliamentary question asked by my hon. Friend the Member for Halifax (Holly Lynch), it was revealed that only about 6% of the fund has been awarded to the fishing sector to date. If the Government really think that fishing is the lifeblood of coastal communities, why do they not back this up with the funding that the industry so desperately needs?

Dr Matthew Offord (Hendon) (Con): I am listening to the hon. Lady with great interest, but I am finding it very difficult to reconcile the issue of fishing generally with the demise of coastal communities. Does she not agree that, just as in rural areas, it is not just the issues surrounding agriculture and fishing that contribute to a decline in coastal communities; it is tourism, lack of a manufacturing base and the brain drain? When we look in her own constituency, for example, any increase in the fishing industry will not help the village of Flimby, as it needs a greater package than just additional resources for the fishing industry, which she seems to be advocating.

Sue Hayman: Well, of course, any kind of regeneration needs to cover a number of different areas, but we know that fishing would regenerate many, many coastal communities if we were able to land more fish into British ports and if we were able to change quotas. The Secretary of State has said that we have a huge opportunity here to regenerate our coastal communities through investing in fishing, but, obviously, we must have other funding as well, which is why I mentioned earlier the importance of tourism.

Let me turn now to trade. I understand that around 80% of what we catch, we export, and that 70% of the fish that we eat, we import, yet in the Bill there is no mention of trade, customs or tariffs. Labour's commitment to membership of a customs union would reassure both processors and catchers that they could invest in their industry safe in the knowledge that they would have tariff-free access to the European markets.

I want to talk briefly about the marine environment. Labour welcomes the language in the Bill about reducing the environmental impacts of fishing, but the Bill provides only a vague future framework and does little to explain exactly what this would look like.

Kate Hoey: My hon. Friend is absolutely right about the marine environment. She knows that the EU banned electric pulse fishing and then gave a 10-year derogation for Dutch boats—I think, 100 of them—to carry on with it. This really is ruining the ecosystem and the Bill does not ban it. Is this something that my hon. Friend might seek to put into the Bill in Committee?

Sue Hayman: Yes, my hon. Friend makes an excellent point. I can confirm that we will absolutely look at this matter in Committee.

We are asking for more detail about discard charges as well as the environmental and sustainability objectives around maximum sustainable yield fisheries management.

Labour would go further on environmental protections than the provisions outlined in the Bill and would categorically oppose any move away from a science-led, ecosystems-based approach. As my hon. Friend the Member for Pontypridd (Owen Smith) mentioned, there is only a vague reference to MSY in the Bill, and no clear roadmap on when and how this can be achieved. We would like to know whether Ministers are still committed to it as we leave the EU. We believe that stocks should at least meet this standard by 2020 and will seek to bring that into the Bill if the Government do not.

Will the Secretary of State respond to the concerns of environmental groups such as Sustain that are worried that the Bill's objective to gradually eliminate discards is far weaker and slower than the EU's commitment to end discarding completely within a set deadline? This is an important point.

Mr John Hayes (South Holland and The Deepings) (Con): I think it would be reassuring to the House to know that the Opposition share our disdain for the common fisheries policy, which has allowed foreign potentates to devise a policy, paradoxically, that is simultaneously bad for fishermen and bad for fish. The Secretary of State set out his view about how we can improve on that. Presumably Labour would want to join us in condemning the CFP.

Sue Hayman: I am trying to make it clear that we are not opposing the Bill; we really do want to work with the Government to improve it and make it better for both the fishing industry and coastal communities.

Importantly, we have been told that environmental standards are not going to be weakened after Brexit. However, we are concerned that the Bill could allow the UK to fall behind where we would be as a member of the EU, so we want to ensure that this is tightened up and clear. On the international level, we would boost support for an ambitious new UN treaty for the high seas. The Government must stand up for our sea life by leading efforts for large-scale international protection—a goal that has been limited to date by the ineffectiveness of the existing regulatory framework. British diplomacy is vital to fill this gap, and I hope that Ministers are taking this very seriously.

As we leave the EU, it is right that we put in place the framework to ensure that any deal on fishing can be implemented, but, as have I said, we have concerns that the Bill falls short in a number of areas. There is no strategy to redistribute our existing quota so that the small-scale, often family-owned, boats can get a fairer slice of the pie. There is no provision for dealing with future trade uncertainty, nor any mention of customs or border arrangements. And despite the Secretary of State's assurances, the Bill does not set out the full details on how we will manage our seas more responsibly. Without sustainable management of operations, there will be no fish and no fishing industry, so it is disappointing there is no commitment to getting stocks to a maximum sustainable yield by 2020.

What we are discussing today is fundamental to the future of British fishing, and it is crucial that we get the Bill right. I hope that the Secretary of State will take on board the real concerns that I have outlined. Earlier he

mentioned the opportunity ahead of us to refine and improve the Bill. I would ask that he works constructively with the Opposition to make those improvements.

3.24 pm

Neil Parish (Tiverton and Honiton) (Con): It is a great pleasure to speak in this fishing debate, and I very much welcome the Secretary of State's speech. On this grey November day in this House, where we seem to have little to cheer us up at the moment, fishing is one of the things that we can cheer ourselves up with, because we now have the opportunity to get more fish, for our fishermen and under-10 metre fleet to have more quota, and for anglers to access more fish, which is another great economic opportunity. There will also be more fish for our processors to process.

The whole thing about bringing back control of our fishing is that we can actually put right the wrongs that happened about 40 years ago. There is no doubt—those of us in and around coastal constituencies know this full well—that if anybody suffered when we went into the then Common Market, it was our fishing industry. As we consider the Fisheries Bill, let us make sure that we right those wrongs and get our stocks back, and ensure that those who fish in our waters—if we allow them to do so—fish under our rules and regulations. Let us ensure that we have a sustainable fishing policy.

I very much welcome the fact that the fisheries White Paper says:

“Fisheries will be a separate strand of our future relationship with the EU.”

For far too long our fisheries have been controlled by the EU under the CFP, and for too long our fishermen have been managed as a single EU exclusive economic zone. The Bill gives us the framework to take control of our waters, to come out of the CFP and to become an independent coastal state. The UK alone will be responsible for our exclusive economic zone of some 200 miles or the median line. Now we need to make sure that the Bill works. However, it can be improved, and I welcome the fact that the Labour party is taking a positive view on the Bill, because it always helps when there is not too much of a great political divide across the House.

It is not clear to me what practical arrangements the Government have made for enforcement when foreign fishing boats have access to our waters, because there is no doubt—under a no-deal Brexit, or any other Brexit that we achieve—that we will need to ensure that we have control of our waters. We also have to ensure that the cameras and systems on the boats that monitor fishing are working and not being switched off. Those systems not only cover quantities of fish and who is fishing, but work very well as far as discards are concerned. If ever there was a benefit of coming out of the CFP, it is with regard to discards. Not only is it a huge waste of resource to throw back into the sea good, healthy fish, most of which will die and probably putrefy the sea bed, but it is important that we land all the fish that are caught, as that means that we can have a proper monitor of what is in the sea and what is being caught so that we know that the science is absolutely right. Those of us who have been involved in fishing for many years, as many Members have, will find that while the scientists say one thing, the fishermen will tell us that they could walk to America on the back of cod because there are so many in the sea. There may be a slight exaggeration, but I think that Members get the gist of my argument.

Mr Carmichael: The hon. Gentleman makes a very important point. The root of the disjunction between science and the industry is the fact that the advice that is given is often based on data that are very old—almost two years old by the time they are used for decision making. Does he agree that in this brave new world of fisheries management, one of our first priorities ought to be the quick and dirty use of the data that are being harvested by the scientists?

Neil Parish: I thank the right hon. Gentleman for his intervention—he is right. I think that DEFRA is working much more with fishermen, and they will need to work more closely to ensure that the collection of that information happens more quickly. We also need to learn from the monitoring of how fish are caught and what is happening on the fishing boats, because all this is important. There needs to be trust between the fishermen and DEFRA officials, because that is sometimes lacking. There is a great deal that can be positive. I know that the Secretary of State and our Fisheries Minister are really driving towards that, and I think we can do it.

Richard Drax: My hon. Friend is making an excellent speech. The point that is often ignored in fishing debates is that fish are born in one place, and then swim and live in another.

Neil Parish: My hon. Friend makes a really good point. Fish will move, perhaps because of water temperature or where the food is. Also, of course, they do not always swim together. Cod swim together and haddock swim together, so we can go out and make sure that we catch only one species of fish, but other types of fish swim separately, and we will often catch many species. That is especially the case in the south-west waters, where we are very much a mixed fishery, and that is why the discards are so important. We do not want the fishermen to target particular species, but we want them to be able to catch fish and land it all. The challenge is going to be making sure that we recompense fishermen for delivering fish that they did not have the quota to catch, but do not stimulate them into catching fish that they perhaps should not be catching.

Mrs Sheryll Murray: Does my hon. Friend welcome the study by one of the northern universities and CEFAS to look at zonal attachment as a way of assessing fish stocks within the United Kingdom 200 miles from the median line limit?

Neil Parish: As always, my hon. Friend speaks great sense on fishing, and so she should, given her knowledge of it. Zonal attachment is an interesting way of looking at this. When we are managing our own waters, we should be able to manage that much more quickly, so that an area that can be fished can be opened up, or if an area needs to be closed down, for reasons of the environment or fish breeding, we can do so much more quickly.

Dr Sarah Wollaston: Further to the point about zonal attachment, does my hon. Friend agree with Brixham fishermen that sprats would be an ideal kind of species to look at, because 90% of them are caught within the 12-mile limit but we have only 52% of the total allowable catch? Does he agree that that would be a much more sensible way to proceed?

Neil Parish: My hon. Friend makes an interesting point. By moving to a different system, we perhaps remove ourselves from some of the existing quota restrictions. Because those are historical, and because we did not necessarily get a good deal—far from it—when we went into the common fisheries policy, we have the opportunity to do this.

Andrew Bowie (West Aberdeenshire and Kincardine) (Con) *rose—*

Neil Parish: I think I am going to use up most of my time at this rate, but I give way.

Andrew Bowie: I thank my hon. Friend, who is being very generous with his time. He may or may not be aware that in 2015 Conservative MEPs tried to force the European Union to allow individual member states to use European fisheries funding to help fishing communities to implement the discard ban on the quayside. As we are now coming out of the CFP, will he join me in urging DEFRA and the devolved authorities to use the funding that they have to help to implement these new regulations on the quayside, because we are leaving it up to individual fishermen and organisations to do a lot of the work themselves, and some are working to very tight budgets?

Neil Parish: My hon. Friend makes a good point. This is about how we help these fishermen. Can a certain amount of help be given regarding the fuel needed to bring back the fish? What is the value of the fish when it is brought in? Is it going to be sold on the open market, and do we then put a super-levy on it so that bringing it back is not too attractive? These are some of the issues that I am sure that our Fisheries Minister and Secretary of State will deal with in due course, if not necessarily in the Bill.

Mr John Hayes: My hon. Friend is displaying that his grasp of fisheries is at least as great as his grasp of farming. As he develops this thesis, which is essentially about replacing discards and quotas with closed areas and other measures to preserve fish stocks, will he say a word about industrial fishing? While it is true that fishermen should be able to keep what they catch, industrial fishing sweeps the ocean floor, and the CFP has been singularly ineffective at dealing with its environmental consequences.

Neil Parish: My right hon. Friend makes an interesting point. We were talking earlier about pulse fishing, which is used in particular by the Dutch. That causes huge damage to not only the seabed but, potentially, fish stocks. I often think that going out to fish should be much more a question of licking a finger to see which way the wind is blowing, but it does not work like that anymore. We use huge sonar equipment so that we know exactly where the fish are, and we can Hoover them up in massive amounts. As we fish, we therefore have to be careful that we keep the stocks sustainable. I always say that the difference between fishing and farming is that with farming, we can at least replace the stock if we want to, but fish are a wild stock and must be bred in the sea, so we cannot take out too many fish if we want to keep the stock sustainable. Those are very good points.

You probably do not want me to go on for too much longer, Madam Deputy Speaker, so I will do my level best to move on quickly. We need more clarity in the Bill

about the practical arrangements, which we have talked about a lot, and I look forward to seeing more detail. In particular, I am concerned that fisheries might get bogged down in unnecessary bureaucracy. Many of these companies are made up of five employees or fewer, so we must ensure that the burden of bureaucracy is as small as possible.

There are concerns that once we have left the EU, we will no longer have an automatic right to land fish in any EU ports. That interesting point has already been raised today. While I am very enthusiastic about our getting out of the common fisheries policy and getting back these stocks of fish, we have to ensure not only that we have access to EU markets, but that too much of our fish is not landed in EU ports, because we have to make the best of the processing. All these things are essential. I know that some of them are not covered in the detail of the Bill, but they need to be recommended.

I feel that we can do a much better job with our own Fisheries Bill and by taking back control of our waters. Our fishermen, fish processors and anglers can and must have a better deal. I am sure that the Secretary of State and Ministers are aware that there is a huge expectation that we are going to do much better as an independent coastal state than as part of the common fisheries policy. Let us welcome the Bill, make a few little alterations that might be necessary, and do a much better job than has been done in the past under the CFP.

3.38 pm

Deidre Brock (Edinburgh North and Leith) (SNP): I would like to start with a couple of points that arose from listening to the Secretary of State's speech. First, he claimed that the SNP has not opposed the CFP and, in fact, wanted the UK to remain in the CFP. He clearly does not recall the Fisheries Jurisdiction Bill 2004, promoted by then Member Alex Salmond and signed by the right hon. Members for Orkney and Shetland (Mr Carmichael) and for Belfast North (Nigel Dodds) and some Tory and Labour MPs.

Stewart Hosie: For the avoidance of doubt, that was a Bill designed to see the UK leave the CFP, in the name of the right hon. Alex Salmond, the right hon. Member for Orkney and Shetland (Mr Carmichael), the right hon. Member for Belfast North (Nigel Dodds), the late Eddie McGrady, Elfyn Llwyd and Tory and Labour MPs. Does that not rather make a mockery of what the Secretary of State said earlier and show what a tenuous grasp of reality he has?

Deidre Brock: It certainly points to some short memories in this place.

Secondly, in March, the Secretary of State said that the Government had accepted a sub-optimal outcome for fishing in the Brexit negotiations. Will he tell us whether he still thinks that is so, and whether that view is reflected in the Bill? I look forward to that being addressed in the Minister's closing words.

Douglas Ross (Moray) (Con): Could the hon. Lady give us a history lesson about what a former Member of this House did? Does she agree with me that my predecessor as the Member of Parliament for Moray, in the most recent general election campaign—[*Interruption.*] I notice

she is getting a whisper from the hon. Member for Dundee East (Stewart Hosie). In the general election campaign last year, when asked umpteen times on the BBC whether the Scottish National party would agree to go back into the CFP if Scotland became independent and wanted to get back into the EU, my predecessor said yes. The party's sole aim is to go back into the CFP.

Deidre Brock: On our terms, of course. That is the point the hon. Gentleman is leaving out.

If we are looking for a history lesson, let us remind ourselves about the Tories, who have been selling out Scottish fishing for nearly half a century. Under Ted Heath in the 1970s, fisheries were considered expendable. In the 1980s under Margaret Thatcher, the UK Government signed us up to the original doomed common fisheries policy, which consigned our fishermen to decades of mismanagement. John Major's Tories signed up to a revised common fisheries policy in the 1990s, which scrapped vessels and destroyed livelihoods. In the 21st century, the Tories were attempting to enshrine the common fisheries policy in European treaties, while the SNP was trying to return controls to the fishing nations. Let us not forget that, very recently, Ruth Davidson was reported in *The Times* as calling fisheries a red line issue, and a Scottish Tory source was quoted as saying:

"We won a lot of votes in the northeast on the back of our stance on fishing and wouldn't be able to show our faces in Banff and Buchan if we renege on this one."

Pete Wishart: Does my hon. Friend not agree with me that the Scottish Tory MPs have made 20-gallon galoots of themselves with their resigning/non-resigning nonsense? I do not know if she knows exactly where they are just now, but are they going to be in or out when all this has concluded?

Deidre Brock: I am as baffled as my hon. Friend on that particular issue; that is for sure.

Returning to my speech, I think the context of this Bill has changed somewhat as a result of the withdrawal agreement. Some of the content of that agreement makes some of the apparent intent of the Bill a little more difficult to deliver and more dependent on negotiation and agreement with the 27 remaining members of the EU.

Having said that, let me pay tribute to the EFRA Secretary for staying the course and being determined to see things through to their conclusion. That seems to be a principle or a staying power that is somewhat lacking in his colleagues—erstwhile colleagues, I should say. They may have fallen by the wayside, weary of the march, but he carries on indefatigably. I understand that his father, as he mentioned, was involved in the onshore side of the industry, so he certainly comes to the Bill with some knowledge, but with a rather poor recall of facts if the newspapers are to be believed.

I acknowledge that the Secretary of State comes to the table with a backstory—if not a backstop—but that does not mean that he necessarily comes with the solutions the industry needs. The withdrawal agreement that was greeted with such delight by Government Members keeps our fishing industry in the common fisheries policy for a further two years after Brexit day, although of course our lack of membership means that the EU will decide the rules, while we have no say in them, no

[Deidre Brock]

say in how they should be implemented and no voice in the discussions about whether the CFP is meeting its policy objectives.

Stephen Gethins (North East Fife) (SNP): My hon. Friend makes an excellent point. Obviously, the SNP has persistently voted against the common fisheries policy in the European Parliament, as the records show, as well as in this Parliament. My other point is: has the Secretary of State given her any reassurances about the customs union, which is critical for this excellent produce to get to its markets on the European continent?

Deidre Brock: Absolutely not, no. My hon. Friend makes an excellent point. I hope he has jogged the Secretary of State's memory a little with his first point.

Mr Charles Walker: May I mount a bit of shameless lobbying? To tackle illegal lobster potting, the Scottish Government have put a limit on recreational lobster fishermen, such as myself, of one lobster landing a day on the west coast of Scotland. As the hon. Member for Na h-Eileanan an Iar (Angus Brendan MacNeil), who represents Barra, will know, it is often very difficult to get your boat out more than once every four or five days. Will the hon. Lady ask the Scottish Government whether, instead of putting on a limit of one lobster a day, they will look at a limit on the number of pots a recreational fisherman can have—say, five or six—beyond which they would need to get a licence?

Deidre Brock: I thank the hon. Gentleman for his intervention. I am certain that the Scottish Government will be closely following the debate and that they will make a note of his request.

If the steady stream of Ministers heading for the exit delays negotiations on the future relationship between the UK and the EU, we could find ourselves in an extended period where our fishing industry just complies with the rules, rather than having someone in the room standing up for it. Mr Barnier has already suggested that it will last for at least two years, which could be an underestimate if we consider how long it took to reach the much simpler withdrawal agreement.

We may have to suffer the CFP for quite a few years to come and it may change to the advantage of the remaining members of the EU, and not to ours. We may lose markets to sell fish into, or at the very least, find that our competitive advantage disappears because we will be subject to the same tariffs as other non-member states. I hope they will be the same tariffs, but going by the poor negotiation results that we have seen so far, we may end up with higher tariffs that reduce our fleet's traditional competitive advantage.

It will not come to that, of course, because the new fishing deal has already been written into the withdrawal agreement by the departing Brexit Secretary. On page 4, the political declaration tells us that he has agreed to a new fisheries agreement with access to UK waters and assigned quota shares being

“in place in time to be used for determining fishing opportunities for the first year after the transition period.”

That means the common fisheries policy will carry on regulating our fishing fleets after we have left the EU. Taking back control has never sounded so hollow.

It is a sad state of affairs for this Secretary of State to have to deliver that news, because in March he said that he feels a

“debt to fishing communities who are looking to government to deliver a better deal for them”

and promised that he would ensure that our

“fishermen's interests are properly safeguarded”

during the implementation period. That period starts on 29 March and lasts for an indeterminate amount of time, during which access to some important markets might be limited. France, for example, is the UK's most important export market for fish. It is nearly twice as lucrative in cash terms as the US, and almost three times as strong in export volumes. Spain, by the way, is just behind the US in cash terms and slightly ahead in volume. Ireland, Italy, the Netherlands and Germany are all significant customers for our fishing fleets. Two thirds of our fleet's fish is exported—perhaps a case of EU citizens jumping the queue to buy fish.

Once the deals are done and we finally leave the CFP, however, we will still be in it. It is a conjuror's trick, and not a good one. Last year, the Secretary of State spoke to leaders of the Danish industry and guaranteed them continued access to our waters after Brexit. Earlier this year, the UK embassy in Spain reassured Spanish trawlers that their access to UK waters was assured. The withdrawal agreement replaces common decision-making on the CFP as a member of the EU with CFP rules handed down from Brussels and no input from Ministers from these isles on behalf of the industry here. Well done to the Brexiteers—they certainly landed a whopper there.

The Norwegians sometimes describe their relationship with the EU as a “fax democracy”, because the rules just come down the line from Brussels. That seems to be what removing ourselves from the EU will do, except, of course, that the European maritime and fisheries fund money will vanish. We have heard nothing about what might replace that in due course.

We will be left to accept the rules that are handed down; we will lose access to the decision-making body and the funding from the EU; and we will have to deal with the consequences of the Government's poor negotiation techniques and the uniquely weak position that they have left us in. When the Minister for Agriculture, Fisheries and Food gave evidence to the House of Lords EU Energy and Environment Sub-Committee 26 months ago, he said that

“we have to recognise historic rights... In some sectors, for instance on scallops, access to the French part of the channel is quite important to the UK industry. I accept there are trade-offs. All these things will be a matter for negotiation in a new world.”

During the referendum campaign, the Secretary of State for Scotland said:

“I think the fishermen are wrong in the sense there is no way we would just go back to Scotland or Britain controlling British waters. There are a whole host of international rules and agreements even if we were outside the EU which would impact on their activities.”

Then of course there is the same problem agriculture has in relation to workforce planning. We will lose

access to EU workers, who make up 58% of Scotland's fish processing workforce and 70% in Grampian, where the Secretary of State's family business was based.

Scotland's seafood and fishing industries could be destroyed without access to EU markets. Scotland's processing industry could be irreversibly damaged without access to EU workers. We also have to consider Scottish farmed salmon, the UK's most valuable food export, and how losing the market advantage over Norwegian salmon that EU membership gives us could be utterly devastating. Scotland stands to lose a lot without access and there is little indication of how any of it might be replaced.

Dr Philippa Whitford: Fishermen in the north-east are often quoted as saying that more fish will be consumed in the UK, rather than exported. In my constituency, however, the south-west Scotland market consists of nephrops, crustaceans, langoustine and lobster. Some 85% are exported to the European market. It might well be that we all eat a little bit more white fish after Brexit, but I cannot see anybody being in a financial situation where they are going to be eating more lobster.

Deidre Brock: My hon. Friend makes a very good point and I am delighted that she brings up the interests of the south-west part of the country.

Once more, Scotland's needs are massively different to the needs of England. Once more, we cannot have the Scottish industry locked into a rigid framework that will satisfy the English industry. Fishing, of course, has been a devolved matter since 1999 and the responsibility for nearly all the policy area rests in Edinburgh. I think the Government acknowledge as much, with the legislative consent motion they have asked for at Holyrood.

The industry cannot be squeezed into the same box as the English industry, but I appreciate the desirability of common frameworks to allow co-operative working on various issues—kind of like the EU managed with the CFP. Where such frameworks are sought and agreed by both sides they will be mutually beneficial, but they cannot be imposed. They must recognise the devolution settlement and respect it. There must be an element of trust that runs between Whitehall and Holyrood. Her Majesty's Government must allow Scotland's Government to govern in the devolved areas and this Parliament must allow Scotland's Parliament to legislate in devolved areas.

Luke Graham (Ochil and South Perthshire) (Con): This is a characteristically divisive speech from the hon. Lady. On the subject of division, can she explain how, under Scottish National party policy, Scotland will be better served when it has to go into negotiation with England for access to its waters, and how Scotland would somehow get a better result under the SNP policy when it has to negotiate with Europe alone and trade with an even smaller WTO box?

Deidre Brock: I am always amused when Scottish Tories stand up to talk about divisiveness and accuse the SNP of being divisive about anything.

Returning to a more serious subject, in general the provisions in the Bill that relate to this area seem to fit those provisions, and, while I reserve the right to check that I am correct in thinking that, I welcome the drafting of the Bill in this respect.

I cannot offer the same welcome to some other aspects of the Bill, such as the setting of quotas. Quotas for Scotland's waters should be set in Scotland, just as quotas for English waters should be set in England and Welsh waters in Wales. That is devolution. I am sure the Minister or any Government Members would not want the Scots and the Welsh to set quotas in Cornwall, so they will understand why Scots would not want our effort limits set here. The same applies to foreign vessels in our waters. We know that the Secretary of State has been a little free with his pledges of access to our waters, but it should more appropriately be the devolved Administrations that determine such things.

The principle upon which devolution was determined, the division of responsibilities and powers, was that anything which was not reserved was devolved. Power does not flow from here to there, but is, rather, only held here where it is written in the devolution legislation. Matters determined on an EU platform but not written into schedule 5 of the Scotland Act 1998 are devolved and should go straight to Holyrood. They will go straight to Holyrood unless there is some power grab, some clawing back of responsibility, some deliberate diminution of Scotland's Parliament. That would be unthinkable and we should do our level best to ensure that we do not legislate across that boundary.

Let us endeavour to ensure that we can modify the Bill appropriately so that we do not overcomplicate what should be a simple process. Let us make sure that the responsibilities and powers over our fishing waters and industries rest in the most appropriate places: the devolved Administrations for the most part, and this place, when there is no choice.

3.54 pm

Mr Owen Paterson (North Shropshire) (Con): It is a pleasure to follow the hon. Member for Edinburgh North and Leith (Deidre Brock)—it is always good news when she finishes. In a competitive field, fishing is a clear winner of the stakes of the area in which the EU has shown maximum incompetence and caused maximum damage. I was made the shadow Fisheries Minister a long time ago, way back in 2004. I travelled all around the coast of the United Kingdom, down to South East Cornwall and up to Whalsay in Orkney and Shetland. I also went right across from east to west, seeing really successful fisheries in Norway, the Faroes, Iceland, Newfoundland, Nova Scotia and down the coast of the United States, and I went to the Falklands. My conclusion, which I do not resile from, is that the common fisheries policy is a biological, environmental, economic and social disaster. It is beyond reform, and I do not resile from a single word of my Green Paper, written back in January 2005.

Brendan O'Hara (Argyll and Bute) (SNP): On the common fisheries policy, just in case the right hon. Gentleman should be tempted to try to rewrite history, I hope that he acknowledges that despite all the bluster that we are hearing from Government Members about the CFP, the Conservative party's fingerprints are all over it. The Conservative party was compliant in its creation and has been actively implementing the CFP for the past 40 years. Will he acknowledge his party's role in implementing it for the past four decades?

Mr Paterson: I remind the hon. Gentleman that this Green Paper was the policy on which we fought the 2005 general election, and his party opposed it. I will have no more humbug from the Scottish National party. We are sick to death of hearing from a party that supports the EU and then tries to weasel around on the CFP. The fishermen listening to this debate will be sick to death of this petty party political bickering. We have seen catastrophic damage to our most remote coastal communities, which could really benefit from a wonderful resource. We are world leaders in this area, yet we have allowed foreign fishermen to come in and take that resource. This resource could be a massive benefit to some of our most remote rural communities. We currently only take £900 million. That could go up to £1.5 billion to £2 billion, and if we processed the fish we could be talking about a £6 billion to £8 billion boost. That is a massively disproportionate benefit considering the remoteness of many of these rural communities.

Mr John Hayes: My right hon. Friend has highlighted the role that he played as shadow Fisheries Minister, and he did a great job. I was his predecessor in that job, and throughout the period that he described, the Conservative party was resolutely and entirely convincingly—to most people at least—hostile to the CFP, when parties sitting opposite had not woken up to the problem. The Conservative party has opposed the CFP consistently; other parties have failed to wake up and see the writing on the wall.

Mr Paterson: Let us move on to what we proposed in that Green Paper, on which we fought the 2005 election. There are a whole range of points, and looking at the clock, I see that I do not have time to go through them all now, but one is absolutely key.

First, there is the insane hostility of the European Union to modern technology. In Manomet in Massachusetts, I saw really interesting work on selective gear, but when I went back to Kilkeel, I found that that was being stopped by EU regulations. That is something that we really should look at.

The other issue is the insanity of discards. What is wicked is trying to fix a really local activity at a continental level. Someone mentioned that the data on which the European Union makes its annual decisions is guaranteed to be completely inaccurate because of discards and is probably six months to two years out of date. We do not know the level of discards—it is thought to be possibly 25%. It is absolutely disgraceful.

I remember going out on a trawler from Fleetwood and seeing baby plaice being cast back, because the mesh sizes were wrong. I went with the Secretary of State to North Shields not long ago. We saw baskets of whiting—completely healthy fish—that had to be cast back. I remember during the referendum campaign going to Looe with my hon. Friend the Member for South East Cornwall (Mrs Murray), who is a witness to the terrible suffering in the fishing industry when people cannot afford enough labour—her husband died because he was alone on a boat. We should not forget that. We saw on the harbour wall a drawing for tourists of lots of different fish, but the one fish that was not there was haddock, and what is the problem off the coast? Her constituents are catching masses of haddock, because the fish have moved, but they have to be cast back. It is

absolute insanity to have a bycatch problem and to address the discards without addressing the cause of it, which is the quota system.

I learned a clear lesson in the Faroes. The situation has been modified since, using techniques such as catch composition, but I ask the Minister to promise that we will do some pilots around the coast on catch composition-based effort control, because it means working with the grain of nature. It was mandatory in the Faroes to land everything. The Fisheries Minister there said, “You may not like what you find, but at least you know what’s going on.” Our scientists do not know what is going on because we discard so much. Technology has advanced enormously, as I saw at Succorfish in North Shields, which used modern equipment to track not just the boats, but soak times, catches, and so on. If we did this using modern technology, we could monitor every single fishing boat every hour. Every fishing boat would become a scientific vessel sending back data.

I saw that in Iceland years ago now. Fisheries management there would send out radio signals, and boats around Iceland would be told to move on because there were too many discards. Way back then, the UK was doing it in the Falklands—the same management based on accurate, instant data. I appeal to the Minister. I am not thrilled with clause 23 on discard prevention charging schemes—those will be good, healthy fish that should be sold to consumers. We should work out pilot schemes for mixed fisheries. I admit that Scotland is different—pelagic fisheries probably need a quota system—but I really make that appeal.

Probably the most important issue is whether we really will take back control. That was the promise in the referendum and in our manifesto, in which we made it clear that we would take back control:

“When we leave the European Union and its Common Fisheries Policy, we will be fully responsible for the access and management of the waters where we have historically exercised sovereign control.”

I would like the Minister to address this point. He is being bombarded with a helter-skelter of questions, but I ask that he take careful note of article 56 of the UN convention on the law of the sea, relating to exclusive economic zones—as he knows, those are 200 miles or the median line. Article 56(1) reads:

“In the exclusive economic zone, the coastal State has...sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil”.

Can the Minister absolutely guarantee that every decision affecting our marine environment, as well as that which lives in it and that which is extracted from it, will ultimately be decided by sovereign UK politicians who come to this Dispatch Box and answer to this House? Can he think of any circumstances after we have left the CFP—I would like him to tell us exactly when that will be—in which decisions would be imposed on our fishermen that ideally our politicians would like to resist? That is the nub of the CFP.

The most shocking mismanagement has been imposed on this wonderful industry and these incredibly brave people because we have always been outvoted. When I was Secretary of State—we have discussed this in respect of the common agricultural policy, too—my right hon. Friend the Member for Newbury (Richard Benyon), who has just left his place, bravely did his best, but

we were outvoted. I want an absolute guarantee that article 56(1) of UNCLOS will prevail and that the Minister will be able to come back and be answerable to every one of us for fishing decisions. There must be no circumstances in which appalling decisions can be imposed on us once we have left. That cannot happen. If it does, we will have let down the 17.4 million, as well as the 16.3 million who voted for us in the general election, and all those Labour voters—do not forget the 85% who voted in the general election to take back control. Can he please guarantee that?

4.4 pm

Angela Smith (Penistone and Stocksbridge) (Lab): It is a pleasure to follow the right hon. Member for North Shropshire (Mr Paterson).

I speak as a former shadow Fisheries Minister, a member of the Environment, Food and Rural Affairs Committee, and someone who—as some Members who are present already know—grew up in Grimsby. I remember it as a bustling fishing port when I was a girl; moreover, it was the biggest in the world at that time. I remember the numerous trawlers in the docks, and the sense of pride among workers who were doing something that they knew was incredibly important: providing the nation with one of its favourite foods.

However, I also remember the decline that followed the so-called final cod war with Iceland. The devastation that it wreaked both economically and socially was vivid. I was a teenager at the time, but I remember areas, particularly around the docks—such as Freeman Street and East Marsh—suffering disastrous consequences. I am sure that my hon. Friend the Member for Great Grimsby (Melanie Onn) will refer to that later. Gone, too, are many of the food processing plants that lined Ladysmith Road. Findus has gone. Birds Eye has gone, no longer anchored by the town's status as one of the greatest food towns in Europe.

It is my witness of this decline, and the fact that my father was, for a period, a deep-sea fisherman—fishing off the coast of Iceland, at Reykjavik—that gives me an understanding of why our coastal towns and fishing communities matter more than their contribution to our national GDP would suggest. At this point, I want to pay tribute to all those who died serving the fishing industry. In Grimsby, every time a trawler went down or men were washed overboard—that was the commonest cause of death—the children in their primary schools would repeat the “Fisherman's Prayer” and sing “The Fisherman's Hymn”. It was all too common, particularly in the 1950s, for those children to have to sing that hymn and say that prayer.

Let me now deal with the Bill. I have a number of concerns about it. First, the Government's stated aspiration is to develop “world leading fisheries”. Clause 1 sets out how this would be developed, including objectives such as creating a sustainable industry. We would all support that, but, unfortunately, the light-touch duties placed on the authorities potentially undermine the delivery of those aspirations. For example, while the Bill rightly contains an ambitious objective to ensure that all harvested stocks are recovered to, or maintained at, a biomass above that capable of producing maximum sustainable yield, the Bill places no duty on regulatory authorities to ensure that fishing pressure is managed in a way that delivers on that objective.

We have to ask whether the Government are really committed to restoring stocks, or whether they will put political pressures first, at the expense of the science and the data available. There is a history of those pressures leading to that kind of over-exploitation of our stocks, not just in our waters, but throughout the waters of the European Union.

Secondly, there are concerns in relation to our marine environmental regulations. The fisheries White Paper acknowledged concerns about a possible “governance gap” which could threaten accountability for the implementation of the regulations. It also suggested—as have consultations on the proposed environmental principles and governance Bill—that a new independent environmental regulator should have a role in relation to the marine environment. As things stand, this Bill is opaque about how the forthcoming environment Bill will protect our marine environment and how the “governance gap” will be closed. Clarifications of those issues would be welcome as the Bill proceeds, and I hope that the Minister will comment on them when he winds up the debate.

Clause 28 will give new powers to introduce financial schemes to promote sustainable growth and to improve the marine and aquatic environment. They will replace existing powers and allow new funding schemes to replace funding currently received under the European maritime and fisheries fund. However, as the clause is currently drafted, those grant-making powers do not reference clause 1's sustainability objectives, such as an ecosystem-based approach. That strikes me as rather strange and concerning, and, again, I would welcome clarification. I understand that the fisheries statement will reference clause 1 and the powers will come under the remit of the statement, but clarification would be welcome.

My final point relates to the very important fact that the fishing industry is not just about the catching side; there is still a very important processing and aquaculture industry alongside it, most of which, unsurprisingly, is based in or nearby fish-landing towns such as Grimsby and Immingham. Indeed, 21% of the industry is in Yorkshire and the Humber. It is an important provider of jobs in those areas, and for my home town of Grimsby, it is still an important source of employment, with some 4,200 jobs dependent on the sector. These processing plants also export much of their product into the EU, in a market worth £1.3 billion, where we still enjoy a trade surplus. It is therefore vital in the drive to create world-leading fisheries that processing is not forgotten, as so far it has been in this debate. Full tariff-free access to the single market must be retained for the industry.

Mr John Hayes: The hon. Lady is absolutely right about processing, and it also requires concentration on productivity, investment in technology and making sure our processing industry is as competitive as possible. I hope that can be debated during our deliberations on the Bill and included in the Government's objectives.

Angela Smith: I do not disagree with the right hon. Gentleman. Grimsby makes some of the very best premium products in the world. One of the local fish-finger producing plants can take the fish from the moment it has landed at Immingham and have it in the lorry going

[Angela Smith]

to the supermarket in six hours. One of the reasons why that is possible, and why the time from the moment of departure from Iceland to getting the product in the shops is concentrated into a minimum, is the single market. That fish is as fresh as possible and those products are as good as they are because the single market has made it possible to ensure guaranteed standards while at the same time maximising productivity.

Dr Whitford rose—

Angela Smith: I am not going to give way again as many Members wish to speak.

Any failure to secure access to the single market, such as by sacrificing our access to the market in return for keeping access to our waters broadly to ourselves, will represent a betrayal and could decimate processing in areas where the jobs and economic activity it provides are vital. I am convinced that the processing side of the industry, which accounts for 64% of the employment in the sector, will not want its interests to be sacrificed on the grounds that we will give no, or very limited, access to our waters to foreign vessels.

We now have a withdrawal agreement on the table alongside the political statement, giving something of an indication of the direction of travel. This political statement, however, gives only the faintest glimmer of what will happen after the transition period, which is not good enough, particularly so far as fisheries are concerned. It is also true that this Bill, like the Agriculture Bill, is enabling and contains a number of Henry VIII powers. Like others in this Chamber, I worry about the use of this mechanism given the lack of effective parliamentary scrutiny that accompanies the use of statutory instruments. I therefore hope the Government will think more carefully about this Bill and allow it to be amended to ensure it gives greater clarity on the direction of travel of our fishing industry.

4.14 pm

Mrs Sheryll Murray (South East Cornwall) (Con): First, I want to thank the hon. Member for Penistone and Stocksbridge (Angela Smith) for her tribute to the bereaved families of fishermen, and I also want to put on record my grateful thanks to the Secretary of State. My family would also like me to say thank you. I would also like to pay tribute to the Royal National Mission to Deep Sea Fishermen and to the rescue services who go out in all weathers to ensure that our fishermen are safe.

The Bill provides the legal framework for the UK to operate under the United Nations convention on the law of the sea after we have left the European Union on 29 March 2019, something that my late husband and I worked towards since the late 1980s and early 1990s. However, it is important to look at the wider matter of the terms of our exit from the European Union and at the political declaration that the Prime Minister is in Brussels talking about now. I know that the terms will be a cause of concern for many of my constituents and for the fishing industry throughout the UK.

It is no secret that many people feel that the UK's rich fishing resources were sacrificed when we joined the European Economic Community. Agreeing to the principle of equal access to a common resource—the total EU pond—at the time was in my opinion a dereliction of

duty by the then Conservative Government, and I would like personally to apologise, even though I was not a Member of this House in 1972. Indeed, I was not even old enough to vote. It was a dereliction of duty, and the disastrous permanent share-out of the catch for each species in UK waters from January 1983 has left the UK fishing industry a shadow of its former self. An example is that of channel cod, of which the UK is permitted to catch 9% a year while France takes about 80%. We now face a situation in which other EU vessels take five times more in monetary value from the UK exclusive economic zone than UK vessels take from all the other EU EEZs. I have to say to the hon. Member for Penistone and Stocksbridge that the massive value of that fish could benefit the economy of the United Kingdom, but at the moment it is just being given away, with other member states coming in, catching and taking away. There is no benefit to us in that arrangement.

On the morning of 14 November, it was reported that Sabine Weyand—Michel Barnier's deputy who leads the EU's negotiations at a technical level—said that the UK would be forced to concede on fisheries as part of the withdrawal agreement, meaning that Britain would have to

“swallow a link between access to products and fisheries in future agreements”.

The French are leading a group of other member states in demanding a link between access to waters and a trade deal. Lots of reports have shown this, but we must not accept such a link. That would be a complete repeat of what happened in 1971 when the UK Government caved in at the last minute and allowed equal access to a common resource.

David Duguid (Banff and Buchan) (Con): I should like to associate myself with my hon. Friend's comments in paying tribute to the various associations and organisations that support our fishermen. Does she agree that there is no precedent anywhere for access to a third country's natural resources forming part of a trade agreement?

Mrs Murray: I completely agree with my hon. Friend. In relation to Norway and the EU, access to resources is negotiated on an annual basis and Norway has tariffs attached to its fish. There is no link there, and it is completely wrong for people to say otherwise.

I see that my Cornish colleague, the Minister for Agriculture, Fisheries and Food, my hon. Friend the Member for Camborne and Redruth (George Eustice), is in his place. I was going to ask the Secretary of State this question, but I shall ask my hon. Friend instead. Will he please ask the Secretary of State to categorically reaffirm that British fish will not be used to buy a trade deal with the EU? Will he also ensure that only the fish that United Kingdom vessels—I do mean United Kingdom vessels, because Scottish vessels will benefit from this as well, as will those from Wales and Northern Ireland—cannot catch will be made available to other nations? Can he also assure me that, because the catch levels of the UK fleet have been artificially deflated since 1983, allowance will be made for UK fishermen to realise their total catching capacity?

The NFFO would like the Government to establish a formal advisory council to guide policy, promote collaboration between central Government, the devolved Administrations and the industry, and allow an ongoing

dialogue in what is a naturally variable industry. An advisory council could play a leading role in the use of secondary legislation to ensure an agile and responsive approach to fisheries management.

It is understandable that the Bill refers to maximum sustainable yield as an approach to sustainable fisheries management. However, if maximum sustainable yield is set as a rigid, time-bound objective, it will prove unworkable. We have seen that happen time and again, and the CFP is the prime example. Setting quotas for sustainable fisheries management in mixed fisheries must take into account a number of different, and sometimes competing, factors. In an earlier intervention, I mentioned zonal attachment, which is an important new way of looking at fisheries management and the assessment of stocks.

Where agreement between fisheries administrations cannot be reached, some sort of approach is needed that allows appeal. It would be useful if the Minister considered putting in place a dispute resolution system that would not impact on fisheries.

I have a few asks for the Minister. Will he look at clause 42, particularly subsections (3) and (5). We need a date for when the provisions come into force, because the fishing industry needs to be able to plan. It has accepted that the implementation period will not end until 31 December 2020, but it would be reassured if we inserted the words “no later than 31 December 2020” into those two subsections.

To sum up, setting aside the complex and controversial questions surrounding parliamentary approval for the withdrawal agreement, much still hinges on the negotiations ahead. The UK’s legal status has altered and its leverage in fisheries negotiations has changed dramatically, but unless that new status is used to address the distortions in quota shares, fishermen will question what it has all been for. English fishermen in the channel have struggled with a 9% share of the cod quota, compared with France’s 84% share—it has been exactly the same for haddock, which my right hon. Friend the Member for North Shropshire (Mr Paterson) mentioned.

To deliver the fair share of fishing opportunities that they rightly see as theirs, British fishermen, in this second round, will expect our negotiators to be as tough, astute and hard-nosed as they need to be to realise the benefits of our new status as an independent coastal state. I really hope that the Prime Minister and the Secretary of State have got that message from fishermen today.

4.24 pm

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): Scotland has 8.4% of the UK population and 60% of the total catch, so fisheries are hugely important to ports such as Fraserburgh on the east coast, Lerwick in the north, Kinlochbervie in the west and, of course, on my own islands on the west coast. *Fishing News*, a great newspaper to read at the weekend in my constituency, had an article this week stating that the annual turnover of UK fisheries has hit £1 billion for the first time, which is remarkable. Fisheries are about 0.5% of UK GDP.

As Chair of the International Trade Committee, I am often told that sectors bigger than fisheries do not get the same attention, but in coastal communities we know why fisheries get such attention. They are integral to the lives we lead and to the people we know. Indeed, the

Secretary of State mentioned the lives lost at sea in his opening remarks, and I personally know people who have lost their lives at sea working as fishermen.

I worked as a fisherman a number of years ago, although not for long, over the summer, which is the right time of year to work in fisheries. I have always had sympathy for the guys who fish all year round. Fisheries are vital, and it is vital that we get this right. We know things have been wrong in the past, and there is a lot of expectation management happening at the moment—and it probably needs to happen.

The largest fishery organisation by membership in Scotland, the Western Isles Fishermen’s Association, has flagged a number of things as important and, as the MP for Na h-Eileanan an Iar, it is right that I repeat them. Those with Facebook friends in the Hebrides will know that at the weekend a large bluefin tuna washed ashore on a beach in Tolsta, on the east coast of Lewis. Bluefin tuna are all around. Indeed, Angus Campbell from Harris was in touch yesterday with a tag of a bluefin tuna that was found around Scarista in the west of Harris, and he regularly comes across shoals of bluefin tuna on his trips to St Kilda.

We expect to see a trebling of the allowable catch of bluefin tuna to 38,000 tonnes, and we are now seeing a lot of tuna in our waters, now seemingly all year round if a bluefin tuna has washed up in Tolsta in November, so our big ask—or our moderate ask—is that we have access to that allowable catch, as the hon. Member for Broxbourne (Mr Walker) said, both for catch and release for sporting use and for catch and sale. If the allowable catch is increasing threefold, surely one of the benefits we might see from this upheaval is that we have such access, because bluefin tuna are becoming increasingly plentiful in our waters.

The Western Isles Fishermen’s Association, through its excellent secretary Duncan MacInnes, has done a power of work over the past few years, and it raises a number of areas of concern. There is a concern about the over-10 metre fleet. The Highlands and Islands development board, which some will remember from years past, gave grants for an awful lot of vessels to be built, and some of those vessels are still catching and still contributing. There is a need to upgrade, to reinstate and to reconsider how exactly we retool and re-equip coastal communities to make sure they are ready to catch.

Western Isles Council runs a loan scheme in conjunction with the banks, and it has a very low failure rate, but we are looking for the Government to introduce a business loan guarantee scheme to assist the fishing industry, with similar terms to those offered in other industries.

The Western Isles Fishermen’s Association also refers to access to quota opportunities, and it notes that in the last 40 years the fleet has reduced from 273 vessels to 220, and the number of fishermen is down from 499 to 377. In addition, whereas pelagic and whitefish landings used to account for 97.5% by volume and 73% by value in 1973, the position now is that shellfish account for 96% by volume and 90% by value.

An Eriskay fisherman once told me, “I can remember a time when I sold off my rights to fish mackerel and herring to 20 boats and to 50 families on the east coast of Scotland.” I have written to the Chair of the Select Committee on Environment, Food and Rural Affairs to

[Angus Brendan MacNeil]

ask that the Committee looks into who holds the quota, where they got the quota from and whether the quota might be better distributed and, of course, that it considers the idea of community and geographical quotas. Community quotas have worked very well indeed in other areas.

A prickly area that has not been properly touched on is seal management. I cannot resist mentioning the volume of seals and the amount of fish they are taking. There is a colony of about 30,000 seals around the Monach islands, west of Uist. The annual consumption is 2.5 tonnes per seal, so an estimated 75,000 tonnes of fish are being eaten. A very conservative estimate of the value of that fish is about £1,000 per tonne, so we are talking about some £75 million of fish. I put this suggestion out there for people to ponder, but we could have a seal management plan that might involve something like contraceptive darts to limit the number of seals, because their numbers are out of balance with the marine environment. Perhaps a lack of killer whales is our concern and an issue in that area.

I mentioned the spurdog to the Secretary of State—he looked like a rabbit caught in the headlights and I had to say the word twice. The spurdog is a dogfish with a particular spur on its dorsal fin. It is often caught in bycatches at the moment; it cannot be landed and cannot be used. Fishermen have sent me photographs of 20 or 100 boxes of spurdog that they have caught. In this winter period—probably from about now until March—spurdog will regularly turn up in the nets. At one point when I was fishing, they were not great to spot with sonar—because of the lack of a swim bladder—although that might be different now, but they are certainly ending up in nets by accident. They are a nuisance to clear and fishermen cannot land them, despite their having value in other countries, so let us make sure something happens on this issue of spurdog.

One thing I want to mention is the expectation management that will probably be required. I can see from Government Members that Brexit will never be great for Brexiteers who have envisaged Brexit in a slightly different form, but in Iceland there has been a change in fisheries. Some 80 or 90 years ago, 24% or 25% of the Icelandic population were involved in fisheries, but now the figure is about 4%, and that is due to technology. Iceland wants to see fewer people involved in fisheries. The fishing concern HB Grandi, which is based in Reykjavik, wants to see itself with even fewer fishing boats than at present, such is the way technology is moving. Its fishing boats are very different from those we see; they are about the size of car ferries, and on board there are hot tubs and so on.

Bill Grant (Ayr, Carrick and Cumnock) (Con) *indicated assent.*

Angus Brendan MacNeil: I see nods of knowledge from one Conservative Member.

Similarly, the Faroe Islands has managed to change a number of things. It recently introduced a concept in law under the Fisheries Minister, Høgni Hoydal, who was mentioned by the right hon. Member for North Shropshire (Mr Paterson), whereby the fish that swim in Faroese waters are the property of the Faroese people.

The idea of fish being the property of the people of the relevant jurisdictions might be a useful thing for our jurisdictions in the United Kingdom.

I come on to one of the big things in fisheries. I received a text message before I got up to speak from Donald Joseph Maclean at Barratlantic, who is a first cousin once removed of mine, asking whether there is any movement on the EEA fishermen and getting guys on boats. We have been talking all summer to the Secretary of State and to the Home Office, but where the UK has got control it has done nothing. The hon. Member for Banff and Buchan (David Duguid), the right hon. Member for Orkney and Shetland (Mr Carmichael), the hon. Member for Strangford (Jim Shannon) and I all went to the Home Office to ask for this in May or June, but nothing has happened. We have lost a lot of money this summer because the Home Office, where the UK Government have control, has not taken its hands out of its pockets to help fisheries. Indeed, I was told in the Home Office, “Angus, it is our Conservative manifesto on one hand and the economy on the other.” What is the answer? It is the economy, surely. But no, months later, nothing has been done, and that is absolutely negligent. I hope that if Donald Joseph Maclean is watching, this will at least help his blood pressure on this issue, because it is fair near bursting at times.

Kirstene Hair (Angus) (Con): The hon. Gentleman talks about UK Government support for the fishing industry. Will he welcome their support in the recent Budget of £12 million that will support our fishing communities across our United Kingdom as we leave the EU?

Angus Brendan MacNeil: If we look at where this is going, we see that it is not going to be the headline figure the hon. Lady states. I hope that she wants the UK Government to replace absolutely any loss of subsidy and grants from the EU, because that is going to be a big concern of fishermen. As a young fisherman in Castlebay told me, “I am lucky: I have got a fishing boat, through help from the European Union. Will that remain afterwards?” I said, “The Tories are in charge. I cannot guarantee that one at all.”

We have to think about our access to markets as well, and we have to be worried about a sell-out. We need to remember that when David Cameron went to Europe to try to find concessions, fisheries were nowhere near where he or the Conservatives were looking—not a cheep was heard. It was all about migrants but, as I have just said, we need migrants. We need people who come to help us on our boats and who work in our communities—they are very important. If one thing comes out from this debate, it should be that the Scottish National party has a big welcome for people who want to come and work in Scotland. We would have more people. My community wants them; my Government want them; my local council wants them; my local processing sector wants them; and my local fishing boats want them. Only one office in London—the Home Office—is stopping people from coming, to the economic detriment of my community.

We should think of the patriotism that crops up in fisheries debates. Let us have some patriotism in landings as well. We must also think about aquaculture and about salmon, which accounts for a huge part of our industry.

We have to be sure that nothing is stopped at borders. Once, at Prime Minister's questions, I asked the Prime Minister about shellfish exports being stopped on lorries—she, too, was like a rabbit in the headlights. She did not quite understand that the catch goes live to France and Spain, because they pay the top prices. If we do not get to those markets, we will not replace them in the United Kingdom, because people here will not pay the price that is paid elsewhere for crab and shellfish, so we will see a loss. The £1 billion that I mentioned earlier would be lost and would not be as large an amount in subsequent years. The Government who are treading this path have a real responsibility. For years they ran along with the common fisheries policy and did not take anything on board, but now they take a different tack. We are watching what they are doing very closely, and we will watch them with a beady eye in the years to come.

Several hon. Members *rose*—

Madam Deputy Speaker (Dame Eleanor Laing): Order. Members have not been too bad at sticking to the time limit suggested earlier, but as the House can see, a great many people still wish to speak. I would like to try to impose a voluntary time limit of six minutes. *[Interruption.]* I appreciate that this is a bit of a surprise for the hon. Member for Banff and Buchan (David Duguid), who has much to say on this subject, so I shall not hold him to six minutes, but everyone else is now warned.

4.36 pm

David Duguid (Banff and Buchan) (Con): Thank you very much, Madam Deputy Speaker; I appreciate that, as I had already tried to pare down my speech to the 10 minutes suggested earlier.

It is a pleasure to follow the hon. Member for Na h-Eileanan an Iar (Angus Brendan MacNeil). As he mentioned, he, the right hon. Member for Orkney and Shetland (Mr Carmichael), the hon. Member for Strangford (Jim Shannon), who unusually is not in the Chamber, and I have the same consistent issue of access not to EU labour—this is not a Brexit issue—but to the non-EEA labour on which the fishing industry has become dependent over the years.

I welcome this opportunity to speak about the Bill, and I welcome the Secretary of State's opening speech. The fisheries sector is hugely significant in my constituency of Banff and Buchan. Peterhead is the largest white fish port in Europe, and a little further up the coast is the port of Fraserburgh. They are the two largest towns in my constituency. A little further around the coast is the smaller—but no less significant to its local community—port of Macduff. In terms of tonnage, almost half the fish landed by UK-registered boats is landed in my constituency.

Not just fishermen, but the wider communities around the coast of my constituency and of the UK have lost a great deal over the decades we have been in the common fisheries policy. There has been not only a loss of livelihood, the scrapping of boats and the closure of businesses, but fundamentally a loss of what identifies these coastal communities and the people who live there, who remember what once was. Quite rightly, the people in these communities look forward to making the most of the sea of opportunity presented by our leaving the EU and the CFP.

Everyone who speaks in this debate, and those watching in fishing communities around the UK, are keenly aware that Parliament will soon review the proposed EU withdrawal agreement, the impact on fisheries of which is not insignificant. It is therefore difficult to discuss the Bill without referring to the withdrawal agreement, the outline political declaration, or any new future fisheries agreement. I am very much aware of concerns expressed by fishing interests in my constituency and beyond. I have been reviewing the text of the agreement, as well as taking on board input from members of the fishing community, industry representatives and trade bodies, among a host of various stakeholders. My Scottish Conservative colleagues and I have made our position clear to the Government, and we look forward to working with Ministers to find a resolution to the range of concerns raised.

The variety of concerns can be summed up in two words: timings and leverage. On timings, we will leave the EU in March 2019, and when we do so, we leave the common fisheries policy. That is not a political decision, but a matter of legality—we cannot be in the CFP if we are not in the EU. Likewise, we cannot be in the EU, which would be the position of Opposition Members, and not in the CFP.

The agreement states that we enter an implementation period at that point, with that period ending on 31 December 2020. As others have mentioned, it would be welcome if clause 42 included the phrase “no later than December 2020”, because by that time, we must be in a position in which we have completed our first negotiations as an independent coastal state in time for our beginning to realise the opportunities that that presents for the calendar year 2021.

When we first enter negotiations in December 2020, we must have the maximum possible leverage. We have seen in recent media reports from the continent that EU fishing interests are far from pleased that the text of the agreement makes no mention of retaining guaranteed automatic access to UK waters post Brexit. If we are to have the maximum possible leverage in annual coastal state negotiations from December 2020, we must resist the EU's demands for any continued automatic access to our waters. As the Prime Minister confirmed in her response to my question on this subject last week, we must not accept the EU's attempts to link future trade agreements with automatic access to UK waters.

Alan Brown: I assume that the hon. Gentleman understands that the trade agreement is equally important. Clearly, it is important that we are able to get products to markets. We talk about everything being in isolation, but we must look at this in the mix, because that helps the whole sector.

David Duguid: I thank the hon. Gentleman for his comments. I will get to that point a little later.

The Fisheries Bill itself, and the White Paper before it, has been welcomed by organisations across the industry, including the Scottish Fishermen's Federation. This vital legislation lays the groundwork for the revival of our fishing industry outside the common fisheries policy. It is important to note that, in the event of no deal, the Bill will ensure that all UK vessels can legally continue to fish in our own waters. For example, clause 7 revokes the CFP regulation that allows EU vessels unfettered

[David Duguid]

access to our waters. Clause 8 introduces the common-sense principle that any foreign vessel that wants to fish in our waters must do so on our terms. This is taking back control of our waters, and it is the basis of the British fisheries sector's revival. Clause 9 covers those UK fishing boats that are required to be licensed, as well as stating those for which licensing will not apply.

Clause 1 defines the fisheries objectives, as many Members have said, and chief among them is the sustainability objective, which ensures that fishing and aquaculture is environmentally sustainable in the long term and managed in a way that is consistent with contributing to the economy and to food supplies. I was going to go through all the other objectives, but as I am pushed for time, I will skip them.

Clauses 9 to 17 set out rules for the licensing of UK and foreign fishing boats—I just want to cover that briefly. Although the devolved Administrations are responsible for licensing boats in Scotland, Wales and Northern Ireland, licences issued by any UK fisheries administration will be valid across UK waters. The UK Government will agree access arrangements internationally and, although each of the devolved Administrations is responsible for issuing licences to foreign vessels in its zone, it is encouraging to know that the UK Government will administer the system, having already been provided with consent by the devolved Administrations.

Clauses 18 to 22 cover the allocation of fishing opportunities, an area on which I would like specific clarification from the Minister. Clause 18 deals with the Secretary of State's power to determine fishing opportunities. I would appreciate it if Ministers commented on the appropriateness of the Secretary of State setting quotas for lobster or brown crab in Scotland which, I believe, are subject to international agreement. Clause 22 is about the sale of English fishing opportunities. Given that English-registered vessels operate in Scottish producer organisations and vice versa, will the Minister please provide clarification on whether these would be available for all UK vessels?

Finally, let me say something about the future of the fishing industry in my constituency and of fishing communities around the UK. After decades of deterioration within the CFP, we will not see a full recovery overnight. Government support will be required, and this House has previously been assured of that support by the Prime Minister and others

“to secure a sustainable and profitable fishing industry that will regenerate coastal communities and support future generations of UK fishermen.”

I conclude by reassuring the Minister that after we leave the CFP and become an independent coastal state, with all the powers and control that that entails, I will look forward to continuing to work with the Government to deliver that ambition to regenerate not only the fishing industry, but the wider communities and economy for which the “sea of opportunity” will deliver.

4.44 pm

Mr Alan Campbell (Tynemouth) (Lab): This is an important Bill. Leaving the EU and the CFP will require effective management of our fisheries, and it is just as crucial that fishermen and fishing communities get as much certainty as possible, as far as there ever can be

certainty in fishing. I think that fishermen will broadly welcome many of the provisions in the Bill, including those on controlling access to UK waters, quota and equal access for UK vessels in UK waters. However, I believe that there is still a strong case for ensuring a link between landings and home port, because it is important to recognise that fishing is more than just about catching fish; there are also issues about the sustainability of ports and port jobs.

I welcome any emphasis on a quota increase for smaller boats. Most of the North Shields fleet are under 10 metres. As been has already been said, these are the very boats most likely to land at local ports, and to fish selectively and environmentally. Despite the assurances of the Secretary of State, I still think that the Bill as drafted is in danger of missing an opportunity. If the largest five quota holders control a third of UK quota and half of UK quota is currently owned by big companies based overseas, there has to be an opportunity for a much fairer approach. Also, if 80% of the fleet are smaller boats, why is it that they get 6% of the quota? The Secretary of State attempted to give assurances for the future, and he will be held to those assurances.

I want to talk a little bit about politics—we have seen a little bit of it this afternoon—because every Fisheries Minister and every fishing representative I have ever met who has attended the annual Fisheries Council speaks about the debilitating effect of politics coming into play. Whoever the Ministers are, we must recognise the potential for politics coming into play in any alternative process. The NFFO itself describes the joint fishery statements, which it welcomes, as having scope for friction; that could be an understatement. For example, while there is support for equal access for UK vessels, there would be concerns for fishermen in my area if different regulations were introduced by different devolved authorities, so this may well prove to be a difficult matter.

I will mention another political risk for Ministers. The drift net salmon fishery in the north-east is a heritage fishery. The few licences that remain have come under pressure from successive Conservative Fisheries Ministers, who want to phase them out. Ministers have blamed the EU, saying that the fishery is part of a wider discussion on stocks. The fishermen say that it is about appeasing landowners who want to rent out fishing rights. They cannot both be right. In taking back control, Ministers need to recognise that they are going to have to own their decisions; they will not have the EU and the CFP to hide behind.

Also politically, the Bill puts a great deal of emphasis on secondary legislation. Now, it may offer greater flexibility and responsiveness, both of which would be welcome, but the emphasis, particularly in clauses 31 and 33, is on negative statutory instruments. I think we need to avoid replacing one inflexible framework with another, so I would generally favour affirmative SIs, as well as the establishment of an advisory council—perhaps on a statutory footing—that would include, for example, the NFFO.

On the issue of flexibility, I understand the reluctance to put a maximum sustainable yield in the Bill on a statutory basis, but if the Bill does have a vision of sustainability, as Ministers claim, and if they want the UK to be a world leader, the Government and other authorities need to be held to account for what this legislation delivers in the future.

Leaving the EU and the common fisheries policy means that we will no longer be able to access the European maritime and fisheries fund—a fund from which the UK has benefited by £190 million between 2014 and 2020. There is no guarantee in the Bill that this funding will be replaced, other than a vague reference to grants. North Shields is a working fishing port, so it needs constant investment. We hope that the protection jetty, which is crucial for the fleet, will be renewed. The problem, however, has not been the EMFF—it is not that bit of the funding that has proved difficult. The problem with funding is turning to local authorities that have had their funding cut, or turning to the port authority, which is concerned about the fall-out from Brexit. I want to hear what the Minister is going to do about making sure that ports like North Shields have access to funding in the future.

The White Paper talks about the coastal communities fund. That fund followed on from Sea Change, which the previous Labour Government introduced to implement regeneration in coastal and seaside towns. In my constituency, the successful regenerations of Tynemouth and Whitley Bay have partly been funded from those funds. But seaside towns sometimes have no link with the fishing industry. What we need to avoid at all costs, with a fund that is of limited resource, is getting competition and having to choose between something that will make the port work and something that is there to regenerate seaside towns so that people visit our coasts.

The EMFF includes money for data collection—€52.2 million between 2014 and 2020. It also pays, in part, for enforcement, with €45.2 million between 2014 and 2020. I ask the Minister: where will the money come from to pay for those essential elements of a future fishing policy? If we control our waters, and infringements are going to be regarded as offences, that needs enforcement, as the right hon. Member for North Shropshire (Mr Paterson) said. Last year, the Joint Maritime Operations Coordination Centre was established, but I understand from fishermen I talk to that its resources are stretched. In addition, we have dependencies in other parts of the world that require our help in policing the environmental protection zones that they have established.

So where is the money going to come from for enforcement? I fear, and many of my fishermen will fear, that it will come from a word often used in the Bill—“charging”. Fishermen operate small businesses, and, like many small businesses, they operate on the edge. A charging regime based on recouping the full cost of a regulatory regime may prove very costly. If clause 29 is anything to go by, we are talking about a substantial charging regime, and one that can be introduced and amended at the will of the Secretary of State through statutory instrument.

Let me turn briefly to something else that will determine the future of the fishing industry. Fishing is about catching fish, but it is also about selling them. The EU is our biggest importer and exporter, and market access is absolutely crucial. North Shields is the biggest prawn port in England; 95% of the prawns that are landed in North Shields are taken to be sold in Europe. They have five days to get there. Any delay, any bureaucracy or any tariff would put at risk not just the livelihood of the fishermen but perhaps the port itself. Fishermen tell me—I would like the Minister’s view on this—that if

they do not have clarity by March 2019, or if there is no deal, they intend to tie up their boats, not just for weeks but for months on end.

The Government, as we have heard, have to stand by the promises that they have made. Fishermen felt let down when we went into the Common Market, and they will feel very let down if they do not get a good deal when we come out of the EU and the common fisheries policy. There is a lot in this Bill to commend it, and a lot of good ideas that should be applied whether we are in or out of the EU and the common fisheries policy.

Several hon. Members rose—

Madam Deputy Speaker (Dame Eleanor Laing): Order. Hon. Members have been very good in observing a time limit, but to make sure that everyone has a chance of speaking, I am now going to impose a formal time limit of six minutes.

4.54 pm

Scott Mann (North Cornwall) (Con): It is always a pleasure to take part in a fisheries debate and, more importantly, a debate on a fisheries Bill. This Bill is naturally important to my constituency, and I welcome what it sets out to do. Fishing is an integral part of our coastal communities and their economy and culture, and it is part of our proud heritage in Cornwall, so I welcome this ambitious Bill for the fisheries industry as we leave the European Union and the common fisheries policy.

The CFP has damaged the whole UK fishing fleet. I am slightly concerned about the impact that the current withdrawal agreement could have on the UK’s sovereign control over our fisheries, but I commend the Bill and what it sets out to do. In North Cornwall, many of my constituents are quite rightly concerned about the impact that the CFP has had on coastal communities and the economy. I therefore welcome the revocation of the requirement for equal access rights for EU boats, which sits at the core of the Bill, to truly take back control of our waters and its resources within the UK and the Northern Ireland Executive economic zone. It is important to recognise that, as an independent coastal state under the UN convention on the law of the sea, nothing short of the UK Government having full control over access to fishing waters, sustainable quota and environmental measures being set in the UK is acceptable.

As the UK parliamentary bass champion, I fully agreed with Samuel Stone of the Marine Conservation Society when he said:

“This is the time for the UK to demonstrate strong leadership and to show that it can be ambitious and serious about the protection of our seas.”

I welcome the discard objectives in the Bill, which aim to gradually eliminate discards on a case-by-case basis by avoiding and reducing unwanted captures; that is particularly difficult in communities like mine, which are mixed fisheries. However, my understanding is that if the implementation period is extended, we will still effectively be in the CFP, we will still have to bid for quota and we will be subjected to the discard ban and the fines imposed under it.

Owen Smith: Will the hon. Gentleman confirm that it is worse than that? Not only will we still be in the CFP, but we will not be formally taking part in those discussions

[Owen Smith]

about quota. We will be invited to attend, and we may be consulted, but we will no longer have any proper influence.

Scott Mann: That is my understanding of the withdrawal Act. The implementation period should come to an end as quickly as possible, because the discard ban and the fines that might come about from it would place our fishermen under immense pressure.

I welcome the commitments made to supporting sustainable fisheries by ensuring that all our harvested stocks are in line with maximum sustainable yield. I was told recently that we must follow the science, and that is equally important with fisheries management. It is great to see the UK committing itself to internationally defined standards adopted by most successful fisheries and fisheries management regimes around the world.

However, more could be done through the Bill to ensure that we meet those targets. A light-tough approach to the duties placed on authorities to deliver on these objectives risks the complete undermining of the Government's stated ambition. There is an absence of duty on fisheries managers to set fisheries limits on exceeding levels, to restore stocks or maintain maximum sustainable yield, and a lack of deadline for restoring stocks above maximum sustainable levels. I therefore recommend a binding duty to ensure that, as soon as the Bill comes into force, fisheries managers cannot set fishing limits above scientific recommended levels. That would deliver the UK Government's objective to restore stocks.

I firmly believe that we have a chance to invest in our fishing industry and bring innovation at a time of change and changing technology, to improve both safety and prosperity in the industry. I welcome the Budget announcement of £12 million for the fishing industry, with £10 million of that money coming from UK Research and Innovation, to establish an innovation fund to help transform the fisheries industry, and £2 million being set aside for fisheries safety projects across the UK and on-board safety equipment; I know that my hon. Friend the Member for South East Cornwall (Mrs Murray) has pushed for that for some time.

The fishing industry and its practices have not developed much over the last 40 years, and it is time we brought innovation into the industry. Taking back control of our fisheries policy gives us a chance to ensure that the UK is a world leader in sustainability and safe and productive fishing methods. Investing in technology and technological change will help the UK to stick to its scientific objectives, which commit us to contributing to the collection of scientific data. An example of where we have gone wrong in the past with a fishing technique that has not evolved is the gill net. Currently, juvenile fish can be caught in an overloaded net, and this is one area where the tech innovation fund could look at new ways of developing gill net mesh.

Technology can also boost productivity for independent fishing businesses, support entrepreneurship and provide the ability to create new real-time data to allow fish to be sold directly to restaurants straight off the boats. An example of this is an independent small business in Cornwall that uses an app to register and download fish

information as soon as the fish has gone into the boat, so that it can be sold to restaurants as soon as the boat comes back.

In my last minute, I would like to talk about recreational angling, which is hugely important to coastal communities such as mine. I commend the support in the Bill for promoting recreational angling. One opportunity this Fisheries Bill affords us involves Atlantic bluefin tuna. Stocks have collapsed over decades from commercial overfishing, but with the return of these iconic fish to the British Isles—in particular, to Cornwall—we now have a real opportunity to grasp the nettle and embrace this opportunity. As an independent and sovereign member of the International Commission for the Conservation of Atlantic Tunas, we have the opportunity to request a quota, and I believe we should. A fish that is caught by rod and line and returned to the sea is worth six times more to the economy than a fish that is landed, killed and eaten. I will leave it there, but I commend this Bill.

Mr Mark Francois (Rayleigh and Wickford) (Con): On a point of order, Madam Deputy Speaker. I apologise to colleagues for interrupting this important debate, but the House should know that in the past hour some journalists in Brussels have been tweeting that the proposed European summit this weekend will be cancelled. I have no idea whether or not this is true—it could just be journalistic speculation—but given the importance of that potential meeting for the future of this country, have you had any indication from the Government that a Minister may be prepared to come to this House at 7 pm, before we rise, to clarify the situation? [*Interruption.*]

Madam Deputy Speaker (Dame Eleanor Laing): Order. We will not have sedentary interventions at this point.

I thank the right hon. Gentleman for his point of order, but he knows very well that it is not a point I can answer from the Chair. I could do so if I had had notice of the intention of any Minister to come to the Chamber, but I have had no such notice. However, I am quite sure the right hon. Gentleman appreciates that, as matters have developed outside this Chamber on the subject to which he refers, Ministers have been very assiduous in coming to the House as soon as possible to keep the House, Parliament and the country updated about what is happening. I have every confidence that as soon as a relevant Minister has something of importance to say, he or she will come to the Chamber to say it.

5.3 pm

Mr Alistair Carmichael (Orkney and Shetland) (LD): I just hope that we get through the next six minutes without any major developments of that sort.

May I first associate myself with the remarks of the Secretary of State and others who have spoken in this debate about the very dangerous nature of fishing as an occupation? I was born and brought up on Islay on the west coast of Scotland, and I attended Islay High School, which, from memory, had in the region of 300 pupils. I calculate that at least five men have died in the course of their work as fishermen since I was at school with them. That is one very graphic illustration of the genuinely perilous nature of the work done by these men.

I very much welcome this Bill and the opportunity to contribute to the debate on it. Although my party does not have an automatic right to a place on the Public Bill

Committee, I hope it might be possible on this occasion, as the Bill progresses, for me to serve on the Committee. Fishing is an enormously important industry in the constituency that I represent. In Shetland, it accounts for about one third of the local economy.

We essentially have a piece of enabling legislation before us. I have some concerns about the inclusion of some of the rather broadly drawn powers for negative resolution, but that was always going to be the case, because unless and until we know the full picture of the political settlement on which the future management arrangements will have to be constructed, it will not be possible to have an awful lot more.

It is clear, however, that the fishing industry looks forward to the next few years with a great deal of expectation. Clear promises have been made, particularly on the Government's refusal to allow access to waters for foreign vessels in return for access to markets. The Minister will be aware that the industry looks to him and his colleagues to ensure that those promises are kept, but it is clear from—[*Interruption.*] I do hope my speech is not interrupting the conversation on the Back Benches. It is clear from the answer that the Prime Minister gave me last week that that argument is still very much in play, and it is something on which those of us who represent communities where fishing is important will have to work together.

There has been a lot of knockabout. There was talk of the Fisheries Jurisdiction Bill, which was a 10-minute rule Bill brought forward some years ago by Alex Salmond. Among the supporters of that Bill were Alex Salmond, Roy Beggs, Eddie McGrady, Austin Mitchell, Ann Winterton, Elfyn Llwyd, Angus Robertson, Michael Weir and me. As the last man standing from that somewhat eclectic group, it is useful to remind the House why that Bill was brought forward and supported by that coalition.

The context was that the industry was under the cosh as a result of the cod recovery programme that was then being imposed by the European Commission through the December Council arrangements. As representatives of an industry that did not have a lot of political clout or commercial force, we understood that we would be able to make its voice heard only if we worked together. Many of us came to that position from different starting points and through different routes. I say to all the hon. Members who have succeeded the former Members in that list that the same remains true today. We will get what we need only if we work together. I encourage hon. Members from both sides of the House to understand that.

The question that I want the Minister to answer is how the voice of our fishermen will be heard during the period after March next year and before the end of 2020, when the transitional arrangements will come to a conclusion. It was put to me rather graphically, and rather well, by a representative from Shetland Fishermen today, who said, "If you are not at the table, you will be on the menu." We face that real risk during the transitional period.

How will we influence things such as the annual EU-Norway talks? I asked the Secretary of State and received a fairly broad answer, but perhaps I can get some more detail about how, in practical terms, when it comes to the renegotiation of the mackerel deal between the EU, Norway, the Faroes and Iceland, we will be able

to get our point across. Essentially, we were rolled over once by the EU Commission on that. When we are not sitting at the table at the end of next year, how will we ensure that that does not happen again? Those concerns are not fanciful or insubstantial.

Angus Brendan MacNeil: Surely, fishing was important enough to the Conservative Government for them to have thought about that in their transitional agreement with the European Union. It must be on page something-or-other.

Mr Carmichael: The hon. Gentleman will have heard my comments in March when the agreement was concluded. It was apparent then that the Government—certainly the then Secretary of State for Exiting the European Union and probably the Prime Minister—did not understand its importance. I hope that subsequent events have persuaded them of its importance and that we will not see any backsliding in the future, because they would pay a heavy political price for that.

This is not a fanciful or insubstantial concern. The Minister will know that the International Council for the Exploration of the Sea advice in relation to North sea cod will be looking at substantial reductions again this year. I hope we are not back to the situation in which we found ourselves at the turn of the century, but it is not impossible that we will be. The truth of the matter is that it was almost impossible at that point, with our Ministers sitting at the table, to make our voice heard and to get the deal that was needed. Without anybody at the table, I have to say that I think it will be impossible. The price for that failure to deliver during the transitional arrangements stands to be paid by our fishing fleets.

5.10 pm

Mr Charles Walker (Bromborough) (Con): Madam Deputy Speaker, with your indulgence, may I take you to the sunlit uplands of 2028 as imagined by my great friends in the Angling Trust in this amazing press release?

"In South Cornwall, swathes of new guesthouses, hotels and restaurants have opened up to service the visiting anglers fishing for blue fin tuna in Falmouth bay. The millions of pounds this has brought to the region has resulted in hundreds of full-time equivalent jobs servicing anglers travelling from the UK and from overseas to take advantage of the world-class big game angling opportunities that Cornwall is once again offering.

Meanwhile, nearly a decade of management measures protecting the spawning bass stock in the southern North sea has turned Clacton-on-Sea into the go-to location for weekend Londoners now spending their money bass fishing and enjoying their catches cooked before them in one of Clacton's many new seafood restaurants capitalising on the turnaround of the North sea into one of the UK's most productive fishing grounds. More broadly, the Essex coast is once again seeing former charter captains, such as Stewart Ward, returning to the sea.

It is worth remembering that none of these dramatic developments would have been possible without the Government's brave and radical decision when the UK left the EU to ensure fish stocks were managed sustainably and to maximise the return to the UK of the sustainable use of fisheries resources and protection of the marine environment.

The policy was controversial at the time, but the bold and ambitious move has paid off in ways even the most ardent supporter of such a policy could not have expected at the time. The UK is now a world leader in how to manage fish stocks sustainably, so they deliver the biggest benefits to society as a whole."

[*Mr Charles Walker*]

The press release concludes:

“EU policy makers are now planning to follow suit in the next reform of the Common Fisheries Policy which, like the reforms before it, from 2002 to the last one in 2022 failed to live up to their promises.”

That is the prize—and, my word, is it a prize. Imagine people from around the world travelling to Cornwall to catch 500 lb tuna fish—not to knock the tuna on the head and put them in a refrigerated ship to be cut up on a slab, but to be part of a conservation programme so that they can be tagged, measured and released; a big game fishery that means people who love fishing and catching big fish do not have to fly to Kenya to do it? People from around the world will be flying to London and regional airports to get to Falmouth, so they can go big game fishing. This is going to be a fantastic opportunity. Charter skippers will be able to charge somewhere in the region of £1,500 a day to take three fishermen, fisherwomen or fisherpersons out. Wow.

As for bass fishing, what an opportunity: thousands of beds around Essex filled up with anglers at the weekends and during holidays with their fly rods and spinning rods, coming to Essex and other coastal communities and counties to catch bass; bass that are no longer plundered but preserved for game fishermen. Of course, I do not want to see commercial fishermen cut out of bass fishing, but I know there is a way of managing our bass stocks so both interests can have a sustainable future. As well as the big politics of Brexit, that is what we need to be discussing today: the fish, because the fish are really important.

I want to say a couple more things before I sit down—I said I would be brief. The management of our fish stocks, as far as recreational anglers are concerned, has been nothing short of catastrophic up to this point. Until 1 October, if I had gone bass fishing with my son and we had caught a bass each, we both would have been required to return them. Even if they had been above the 42 cm keep limit, it would have been illegal for us to keep a fish. That is not right; fish stocks belong to everyone. I see in front of me my hon. Friend the Member for South East Cornwall (Mrs Murray), who speaks so passionately about fishing. She understands that they need to be shared out and that recreational fishermen need to be able to keep a fish or two, or maybe three, for their family and friends. That is not being greedy; it is connecting with nature and the sea.

I look around the Chamber and see colleagues who are passionate about fishing, but we need to have a bit more passion about the fish. We need to make sure that we have viable fish stocks for people to enjoy.

Mrs Sheryll Murray: My hon. Friend is a fantastic spokesperson for the leisure and recreational fishing fraternity. Will he tell us how the ban on catching bass has affected the angling fraternity under the common fisheries policy and how they will benefit once we leave?

Mr Walker: The press release that I quoted mentioned Stewart Ward, who is a constituent of my right hon. Friend the Member for Rayleigh and Wickford (Mr Francois), who was sitting here a few moments ago. Stewart Ward lost his business. He was a charter skipper in Essex, and he wrote to me to explain why it happened. When people

pay their £40 or so to go out on a fishing trip, they like to keep a fish or two, which is perfectly reasonable. It is a natural thing for someone to want to bring their catch home—it is part of the harvester in many of us. However, his clients and guests were not allowed to keep the fish, and they could not justify spending the money if they were not able to bring part—not all—of their catch home. It has had a damaging—some would say catastrophic—effect on the recreational angling fleet and those who enjoy recreational angling.

I have spoken for too long. I think I have made the case for fish, and I hope that we in this Chamber can continue to make the case for fish long after we have left the EU in a few months' time.

5.17 pm

Brendan O'Hara (Argyll and Bute) (SNP): As the Member of Parliament for Argyll and Bute, a constituency with an aggregated coastline longer than that of France, I am well aware of the importance of fishing and aquaculture to the economic wellbeing of my constituency and communities around the UK. I am also very aware of the dangers faced by fishermen, with the community of Tarbert, in particular, still mourning the loss of Duncan MacDougall and Przemek Krawczyk when the Nancy Glen sank in January this year.

As well as having an inshore fishing fleet, we in Argyll and Bute also export huge quantities of shellfish—some of the best in the world—and we are proud to be the home of many world-renowned salmon, halibut and trout producers. This means that there are significant differences between the industries on the west coast and those on the east, but that does not mean that they do not share common ground. First, they both rely on guaranteed, fast, unhindered access to markets. Secondly, they need to be able to recruit the right people to crew their boats, and they need sufficient numbers of people to process their catch quickly and efficiently and dispatch it to where it has to go—much of it to continental Europe.

They also share common ground on their justified fear of what is contained in the Government's withdrawal agreement, because that agreement does not provide the frictionless trade that they want and need, nor does it guarantee access to the workforce that they require. Arguably, most damagingly of all, it puts Scotland's fishing industry at a competitive disadvantage compared with Northern Ireland. In short, what the Prime Minister is proposing does not guarantee a bright future for the Scottish fishing industry.

The fishing industry, particularly on the west coast of Scotland, is facing a recruitment crisis. I was very pleased to hear my hon. Friend the Member for Na h-Eileanan an Iar (Angus Brendan MacNeil) raise that issue, because we desperately need the ability to recruit fishermen to work on our boats and in our processing factories.

As I suspected we might, we have heard a great deal this afternoon about the shortcomings of the CFP, and I, for one, will not defend it, but let me be clear: as I said earlier this afternoon, despite all the bluster and obfuscation from the Conservative party, it was complicit in the CFP's creation and has been actively implementing it for the past 40 years. Since 1970, the Conservative party has been in power for 38 years. From Ted Heath, to Margaret Thatcher, John Major and the rest of them, the Conservative party's fingerprints are all over the CFP.

Let the record show that since the early 1970s the SNP in this place has been the consistent and vocal opposition to the CFP. I can understand why that makes nervous listening for Conservative Members. Despite their attempts to position themselves as the champions of Scottish fishing, the truth is that Conservative Governments down the years have time and again sold out the fishing industry when convenient. Deep down, they know that that is exactly what this Government are planning to do again. I look at the sprinkling of long faces on the Government Benches, and their demeanour is very different from what it was a year ago, because the Scottish Conservative Members know that they have been hung out to dry by their own Prime Minister and that the promises they made to the fishing communities in the north-east of Scotland before last year's general election are absolutely worthless.

I am sure that the Scottish Conservative Members will have read, probably through the cracks in their fingers, the article by Mure Dickie in yesterday's *Financial Times*, when he highlighted the reality of what is happening in the north-east of Scotland. One Peterhead-based fish wholesaler told him:

"I think we have been sold down the river once again. It is an absolute disgrace."

He is right—it is an absolute disgrace—but this is what happens when it turns out that the one-trick pony cannot even perform the trick.

It certainly did not take long for the "cast-iron" guarantees of the 2017 general election to become the latest addition to the shameful roll call of Tory betrayal of the Scottish fishing industry. Does anyone believe that had Scotland been in control of its own fishing assets in 1972 we would have allowed this vital industry to be treated as a bargaining chip in the way it has been for the last four decades? Only an independent Scottish Government can adequately look after the interests of our fishing industry; only an independent Scottish Government will recognise the significance of this industry's contribution to our economy; and only an independent Scottish Government can be relied upon not to use our fishing industry as a bargaining chip.

The stark truth is that the glib and hollow promises made last year by career-hungry candidates wearing blue rosettes are now unravelling, because they were all predicated on a UK Government acting in the best interests of the Scottish fishing industry. History has taught them nothing. I look forward to the day when an independent Scotland, as a member of the European Union, can help to shape a common fisheries policy that works for us and is of benefit to our neighbours as well.

5.23 pm

Priti Patel (Witham) (Con): It is a pleasure to speak in this debate, and also to follow the hon. Member for Argyll and Bute (Brendan O'Hara), because I have a message for him: it was a previous Conservative leader and Prime Minister who went to Europe, fought for the United Kingdom and brought money back from Europe. The SNP should not forget that.

I welcome the principle behind the Bill and the fundamental principle of taking back control of our fisheries. We have already debated what an enormous mistake it has been—for our fishing communities, our economy and our environment—to leave our fishing

policy subject to EU control for the last 40 years. Nowhere is the damage the EU has caused to our country more evident than in the decline of our fishing industry and communities across the country.

All those who work tirelessly risking their lives to bring back the fresh fish we enjoy eating and supporting their families and communities should be remembered and respected for their endurance and sacrifice. Our fishing communities have seen their industry diminished, while billions of pounds of our money and taxes have been spent via the EU investing in other fleets, including the Spanish. We have seen the EU allocate more quotas for some species in our waters to other EU countries than to us. As we have heard—in fact, the Secretary of State gave this figure—84% of the rights to fish for cod in the English channel have gone to the French, leaving 9% for British fishermen. That is not right. In fact, about two thirds of the fish caught in UK waters are caught by EU fleets.

Successive British Governments have had to do more in the past, and that is part of the reason we now have the opportunity to take back control. We have seen controls that were placed on our fishermen, in our waters, to protect the environment completely ignored by the fishing fleets of other countries—famously so. Because of EU rules, Spanish and French fishermen in our waters have been able to ignore the environmental protections that we put in place and value.

Let me say to all those—especially Opposition Members—who think that the EU is some sort of guarantor of environmental standards and that we are incapable of protecting our own environment, that we need look no further than the devastation created by the common fisheries policy to see that it is the EU that cannot be trusted with our environment. That applies specifically to discards—the CFP has caused large quantities of healthy fish to be thrown back dead into the sea—and to the French vessels that used to undertake bass pair trawling in our seas, damaging the seabed and ensnaring in their nets all marine life, including dolphins. Of course there has been reform, but the discard ban is flawed, and the only way in which we can support fishing communities and manage the marine environment in a sustainable way is to pass the Bill and take back control.

That, as my hon. Friend the Minister will know, is why the Bill is so important. It is an enabling Bill, but it leaves so much open to future decisions. It empowers Ministers to take control of our own waters, but some of that will happen only in due course. We may be vulnerable to not being able to take back the full control that we expect and that our fishing communities across the United Kingdom expect too. There are fears that come the negotiations on the future relationship, our fisheries will once again be traded away.

I pay tribute to my hon. Friend the Member for South East Cornwall (Mrs Murray) for her speech earlier, but, more to the point, for the robust work that she has done consistently on this issue and for being such an enormous champion of our fishing communities—if only we had more politicians who were so prepared to challenge and question. In response to a question from my hon. Friend last week, the Prime Minister said that "the UK should be an independent coastal state able to negotiate the issue of access to its waters".

—[*Official Report*, 15 November 2018; Vol. 649, c. 461.]

[Priti Patel]

However, as my hon. Friend has rightly said, “Surely we should control access if we are properly leaving the European Union. Are we just leaving the Common Fisheries Policy in name only?”

This is about clarity. It would be a travesty if, after December 2020, the EU remained in control of our fisheries. In no circumstances should our rights to control our fisheries be negotiated away, and it is concerning that there is a risk that that could happen. There is ambivalence—a convenient ambivalence—in the language used in negotiations. Page 4 of the outline of the political declaration on the future relationship states:

“Within the context of the overall economic partnership, establishment of a new fisheries agreement on, inter alia, access to waters and quota shares, to be in place in time to be used for determining fishing opportunities for the first year after the transition period.”

Given the history of fisheries and the critical impact on fishing communities and the environment, I urge the Government not to lock our fisheries into a trade deal that would leave us in a place that is similar to our current position in the CFP. We must show leadership, and show that we will take back control over quota and over what can be fished in our seas. In future negotiations that we have as a coastal state, we should start from the basis that the fish in our seas are ours. The starting point should not be based on current EU agreements and the CFP.

There are many other concerns, a number of which have already been raised, but the fundamental principle must be that we are taking back control. Our Government will fight for our fishing industry and our communities around the country. We have a once-in-a-lifetime opportunity to do this and get it right.

5.29 pm

Ian Paisley (North Antrim) (DUP): It is an honour to follow my friend the right hon. Member for Witham (Priti Patel) in this important debate. As Members have said, this is the first time in over 40 years that the House has considered primary legislation on what is one of our most important industries. While some Members might be churlish and blame the Conservatives for taking us into the CFP, the fact of the matter is that I hope they take us out properly, and get us out totally, completely and absolutely—free, unfettered and unbowed, with a new policy for our fishing industry once and for all. Little wonder there have been waves across the Chamber because of the excitement of our getting out of the European Union. The only reason why we are having this debate is that the people of this United Kingdom took a decision—“It’s time to leave.” I hope that the Bill honours that decision by over 17 million people and that we will leave the EU and do so properly. I look forward to that.

Those member states that wish to stay with the common fisheries policy and to be supplicant to the EU should consider their priorities. My nearest neighbour, the Republic of Ireland, takes 40% of its total allowable catch from our British waters and is further dependent for processing on British trawlers that have landed their catches from the seas of Northern Ireland.

Brendan O’Hara: Will the hon. Gentleman accept that I, as the Member for Argyll and Bute—a constituency that overwhelmingly voted to remain in the EU—am indeed

listening to my constituents when I stand up and fight for their right to remain in at least the single market and the customs union?

Ian Paisley: I have no doubt that the hon. Gentleman represents his constituents in the way he wishes, and does so valiantly. He is of course entitled to do that and to have a different opinion on this matter, but we do have to leave the EU.

I want to address the issue of how the Irish Republic currently treats its neighbour, Northern Ireland. We have the voisinage agreement, which has not been raised today. It disgusts me that the Republic of Ireland keeps talking about not wanting a hard border in Northern Ireland and says that that would be a disgrace, yet has created what is effectively a hard border for County Down fishermen by breaking the voisinage agreement time and again. How is the Irish Republic going to treat Spanish fishermen when they are not allowed to fish in British seas after we leave the EU? How is it going to treat people from other member states? If it treats them in the way it has treated the people of Northern Ireland, those fishermen will feel a hard border within Europe also.

Kate Hoey: The Prime Minister talks about taking back control of our fishing, yet for the last two years, the Republic of Ireland has reneged on that agreement. We could have taken back at least that bit of control by saying, “Sorry, we’re not going to let your fishermen come into our area,” but the Government have not done so.

Ian Paisley: I thank the hon. Lady for making that point. We all know why the Republic of Ireland has decided to have this debate about the hard border: it has taken away from its having to address the important, hard questions that it should have been considering, such as what sort of trade relationship it should have with its biggest trading partner, the United Kingdom of Great Britain and Northern Ireland. It did not want to address that matter; it wanted to hide behind the issue of the hard border to confuse things and camouflage the real, important issue.

I raise that matter because according to the European Union’s most recent report on fishing and agriculture, if the Republic of Ireland does not get a trade agreement with the United Kingdom, it will lose a staggering €5.5 billion from its agri-food and fishing industry. It has been reported that the study

“prepared for the European Parliament’s Committee on Agriculture and Rural Development lays bare the full potential impact of a hard Brexit and singles out the Ireland as one of the most badly hit member states.”

Yet what has that member state done? Has it tried to help in this? Has it tried to make the voisinage agreement work? No, it has done everything to penalise Ulster fishermen and Ulster farmers, and it should be ashamed of how it has behaved.

I hope that that sends the message to the Spanish and the French that that is how the Republic of Ireland is going to treat them, and about what sort of hard border it will have when it suits it. Little wonder that we have had so many problems with the Republic of Ireland over the past two years during this negotiating period.

The Fisheries Bill should lead to a revival of our coastal towns, as we have heard from across the Chamber today, and I hope that it really does. There is one way in

which we could achieve that, and I appeal to the Secretary of State and the Minister to do this. During the transition period, will they use every effort possible, and every investment opportunity available, to invest in our coastal towns and put them in a state of preparedness by increasing their production ability and improving their harbours? I hope that we can do the same for Scotland as well. It is critical that we have harbours across our nation that are able to land the catches that will be available to us and that we have processing industries in place from Argyll and Bute in Scotland to Portavogie and Kilkeel. All those things should be put in place, and we can do that only during the transition period. If we are not ready then, we will not be ready when we leave the transition period. I hope that we actually do this.

There is a fear that the withdrawal agreement, the Fisheries Bill and the transition period, when they are taken together, all mean different things to different folk at different times. As the right hon. Member for Witham said, we need clarity in this debate. We have heard something of that today from the Secretary of State, but we need to hear more. We also need to ensure that all these things dovetail properly so that our fishermen receive the clarity of language and meaning that they are entitled to. We have already heard some discussion about whether article 6(2) actually means what it says. Will it, for example, penalise our fishermen if a backstop is brought into place? I believe that it will, although the Minister assures me that it will not. We need more certainty on that point. If the Secretary of State were a lawyer, he would not be recommending article 6(2) to a client, and if it will penalise our fishermen, we should not be accepting it for one of our key industries in Northern Ireland.

The Bill fails to account for crew shortages. The immigration White Paper is not yet ready, and we will be able to make sense of this matter only when we get that White Paper. I hope that we will hear words today that will address that issue and that we will know sooner rather than later what the immigration White Paper will say about addressing the key matter of crew shortages. In addition, Northern Ireland demands fairness in how it is treated in the sharing out of quotas between Scotland, Northern Ireland, England and Wales. It is essential that we get that fairness; otherwise, it could be catastrophic for how we behave internally as a nation.

I also regret that the Bill does not refer to an advisory council to help with management. Such bodies have proved most beneficial in Norway and Australia. There is also the key issue of our Crown dependencies. The European Union is able to take fish freely from the seas around our Crown dependencies, and we need to ensure that we have some sort of an agreement with Crown dependencies such as the Isle of Man and the Channel Islands. Finally, I pay tribute to the Minister as he prepares for his penultimate or final December Fisheries Council meeting. I wish him all the very best as he wishes bon voyage to Europe.

5.37 pm

Richard Drax (South Dorset) (Con): It is a pleasure to follow my friend and colleague the hon. Member for North Antrim (Ian Paisley). I, too, would like to pay tribute to our fishermen. We have had our share of tragedy in South Dorset, and I have seen at first hand the effect of losing a trawler and its crew on the parents

and friends involved. It is devastating, and I pay tribute to all those who bravely go out to provide food for our table.

Sadly, my hon. Friend the Member for Broxbourne (Mr Walker) is not here at the moment. I agree with his enthusiastic sunny-upland vision of how his constituency would look in, I think, 2028. He had a vision of a time when fishing will be back in our hands, when all the bed and breakfasts will be full, when local fish will be served, and when Weymouth and Portland—the most beautiful part of this United Kingdom—will be full of fishing shops and of people visiting and enjoying the stunning countryside and coastline. That is the vision—it is sadly sometimes lost in the House—that we need to hold on to as we respect the vote that was taken in 2016.

Fish is a particularly totemic issue, and I believe that this is a matter of trust. In this place, however, trust has dipped to a terrible ebb. At Question Time today, we heard the Prime Minister say that there was a threat of no Brexit at all. Afterwards, my right hon. Friend the Member for Tatton (Ms McVey), who was sitting to my right, asked the Prime Minister to confirm that there would be a Brexit, come what may. She did, but those two statements are incompatible.

I would like personally to thank my hon. Friend the Minister for Agriculture, Fisheries and Food, and my right hon. Friend the Secretary of State, both of whom I have immense respect for. I know that they will work hard. The Minister, in particular—he has been in post longer than the Secretary of State—has worked extremely hard for our fishing and farming communities, so I thank him for all that he has done for my constituency.

The Bill revokes the EU legislation that currently sets the UK's fishing opportunities, giving the Secretary of State powers to determine those opportunities. However, the National Federation of Fishermen's Organisations has said:

"If the Government backs down on its promises to the UK fishing industry, many of the objectives that the Fisheries Bill is aiming to achieve will be impossible."

The Government must not back down on their promises to this totemic industry. If we do, it will be to our shame. Clause 7, on "Revocation of requirement for equal access for EU fishing vessels", clause 8, on "Access to British fisheries by foreign fishing boats", clause 11, on "Foreign fishing boats required to be licensed if within British fishery limits", clause 12, on "Power to grant licences in respect of foreign fishing boats", clause 18, on "fishing opportunities", clause 23, on "Discard prevention charging schemes", and clause 28, which relates to grants to the fishing industry in England after the UK's withdrawal from the EU, will all become pointless if we remain in the customs union beyond the transition period.

Let us not forget that behind the scenes our European allies and friends—I regret to say this—are plotting and scheming, as they have been doing. We know that Sabine Weyand, Mr Barnier's No. 2, told EU ambassadors in a leaked note that Britain

"would have to swallow a link between access to products and fisheries in future agreements"

after the transition period as part of any trade deal. She said:

"This requires the customs union as the basis of the future relationship. They must align their rules but the EU will retain all the controls."

[Richard Drax]

That sends a shiver down my spine, and I suspect that the fishing industry will feel the same.

We know that we will not have control of our waters until after Brexit day, which in my view is 21 months after March 2019. That is when this country, I hope, will be truly free. As I understand it, until that time we will remain in the CFP. Earlier I asked the Secretary of State whether extending the implementation period, rather than applying the backstop, would still keep us in the CFP. I would be most grateful if the Minister told us whether the answer to that question is yes or no.

I also seek an assurance that the fishing industry, Members of the House and all those in our fishing communities will not be sold out for the sake of some other deal that can be made with the EU. EU countries are making it clear that they will not accept being locked out of UK waters post Brexit. In return for Britain's continued membership of the customs union after the transition, the EU will demand continued status quo access to UK waters for its trawlers, even though the UK will have departed from the CFP. The French, Danish, Spanish and Portuguese Governments are under particular pressure to deliver for their fleets.

I have an awful lot more to say but only 30 seconds remaining, so I will end on this note. I stand here on behalf of the many fishermen in my constituency—there are a lot in South Dorset—to ask those on the Government Front Bench not to let us down on this issue, and to get us out of the EU totally and utterly. Only then, I believe, can we move to the sunny uplands envisaged by my hon. Friend the Member for Broxbourne.

5.43 pm

Melanie Onn (Great Grimsby) (Lab): It is a pleasure to follow the hon. Member for South Dorset (Richard Drax). I wish to begin my remarks by thanking Associated British Ports in Grimsby for its annual remembrance service, which remembers the Grimsby fishermen on 375 wrecked trawlers that were used as minesweepers in world war one. This week, divers discovered 307 of those that were lost, which have been sitting at the bottom of the sea for the past 100 years. There is a short video about it on the BBC news website. I also thank the Fishermen's Mission for its continued support for fishermen and their families in Grimsby and for organising the annual lost fishermen's memorial, which is much appreciated by the community in Grimsby.

I am pleased that the Secretary of State has returned to his seat, because he concluded his comments with his usual flourishing rhetoric. Although that might suit his populist aims, I ask him for a little caution. The promises of the leave campaign followed similar lines, promising communities like mine not so much a land of milk and honey as a sea of cod and haddock.

The Library briefing shows that landings in Grimsby have now reduced to around 4,000 tonnes of shellfish. Tackling my town's health inequalities, education attainment levels, underinvestment in the public realm, low wages and high unemployment—things that would demonstrate that positive change is coming to my town—surely cannot come from just the two additional trawlers that fishermen have told me they expect to be able to afford to add post Brexit. Surely those two trawlers are not going to change the fortunes of my town, solving years

of complex issues of underinvestment and a sense of limited opportunity locally. If the Secretary of State wants to tell me otherwise. I would be grateful to hear him. There needs to be a sense of realism in this debate, rather than leading people down a false road.

I also hope the Secretary of State has had the opportunity to read the responses to the White Paper from Andrew Marr International Ltd, Peter & J. Johnstone Ltd and UK Fisheries Ltd, all organisations that play an essential role in the local Grimsby community. They provide employment in the community and in the fishing industry, investing in vessels and contributing to the country's economy, as well as its dinner plates.

I echo the comments of my hon. Friend the Member for Penistone and Stocksbridge (Angela Smith), who has returned just at the right time, about the importance of the processing sector to my town. It employs some 5,000 people doing everything, from those working in the fish market to those working on the auctions, to the independent traders who take the product around the country and to the filleters, packers, accountants, logisticians, managers and so much more. We really should hear more of their voices in this debate.

The Bill says that fishery and aquaculture products will not be included in a customs arrangement unless there is agreement between the EU and the UK on access to waters and fishing opportunities. Trawler operators in Grimsby have expressed concern to me that it is precisely because of the value of the catch and the benefit to those EU nations' economies that there is such a desire to keep the two so closely tied. For vessels that are based in the UK and land in the UK, there is little that can persuade them that there is any need to keep the lines of communication and good-natured trading relationships open, but as Grimsby has the benefit of both pelagic and distance fleet interests, particularly in landing, storage and processing, there is a bit of a conflict. The Government must consider carefully the whole UK fleet in all its sizes and purposes.

Where there is commonality, it largely comes through the hard work of the National Federation of Fishermen's Organisations, which has taken a realistic and pragmatic view, with the benefit of knowing all levels of the industry well. The NFFO says it accepts that the sustainability of fish and fishing is important—of course if there are no fish, there is no fishing—and it is open to improving further the relationships with science and the broader industry, supporting a review of the quota system and advocating for an adaptive, responsive fisheries policy.

My time has run short very quickly. Concerns have been raised about the Bill, and the current framing provides for east coast vessels to fish in Scottish waters, but it still empowers Marine Scotland to provide the rules under which they fish. The Bill does not give any detail of what that will mean in practice, and there is concern that conditions may be placed on activity that cause unnecessary disadvantage due to issues such as the subtle differences in activity or in the place of landing. It is envisaged that there will be a memorandum of understanding among the devolved nations to agree a template for fishing management activities, but MOUs are not legally binding and can be withdrawn from at any time.

Angela Smith: Does my hon. Friend agree that there is too little detail in this Bill that gives us any idea of certainty in the future?

Mr Deputy Speaker (Sir Lindsay Hoyle): Order. We will be going down to five minutes after this speech.

Melanie Onn: Thank you, Mr Deputy Speaker. My hon. Friend makes precisely the point that has been raised with me: leaving future rules under which boats may fish to the whims of what is, in effect, a gentleman's agreement does not provide any assurance or security to the east coast industry. There is a sense of history repeating itself, as the same industry feels that the fisheries concordat has also not served it well and that those who make the decisions have not fully heard the concerns raised by this section of the fishing industry. As an MOU may be withdrawn from, there is also the issue of the proposed joint fisheries statements to address. The Bill would allow for a devolved Administration to walk away simply by stating their reasons. There really must be a dispute resolution mechanism; allowing for a collective statement to fall simply due to a lack of administrative preparations seems short-sighted at best, but it would also render such a statement useless.

5.51 pm

Peter Aldous (Waveney) (Con): I welcome this Bill, which will hopefully provide the framework for regenerating the Lowestoft and East Anglian fishing industry, which in the past has been an important component part of the local economy. It has sadly declined in recent years, with thousands of jobs being lost, but with the right support, the right management system and the right policies, the industry can be rebuilt, we can attract inward investments and the industry can play a key role in the regeneration of coastal communities, not just in East Anglia but around the UK.

Fishing has taken place off the East Anglian coast for more than 1,000 years. Lowestoft was previously the fishing capital of the southern North Sea and was the hub of an industry that included many other ports in the region. Today, East Anglia sits next to one of the richest fishing fields in Europe, but little local benefit is derived from it. To revive local fishing, the industry earlier this year formed REAF—the Renaissance of East Anglian Fishing. With support from Waveney District Council, an application was submitted to the Marine Management Organisation for a European maritime and fisheries fund grant for a study that will develop a long-term strategy for the future of the East Anglian industry.

The application was approved earlier this month, and work is just beginning on a project that will help shape a positive and profitable future for the industry as a whole, from the net to the plate. Its objective is to establish how the economic and social benefits of the fishing industry in East Anglia can be best captured and optimised. This exciting project can revive fishing along the East Anglian coast, but to do so it needs the right national policy framework in place, and that is what this Bill needs to provide. From REAF's perspective, the Bill must provide the following: first, the East Anglian fleet must be able to catch and land sufficient fish so that those working on the boats can earn a reasonable living and can supply local markets, processing and retailing businesses—the existing quota system has treated them shabbily, and it must be reformed.

Secondly, the Bill must ensure that local coastal communities benefit from any increase in catches and landings. The economic link policy, which is in the

CFP and which is being transferred to the emerging UK fisheries policy, must have teeth and must actually achieve its objective, rather than remaining a high-minded statement. There is a Lowestoft producer organisation, but its vessels do not land their fish in Lowestoft—they do so in the Netherlands and in Peterhead. We must have more boats landing their catches in East Anglian ports.

Thirdly, the duty to fish sustainably must be ingrained in the Bill's DNA. Management decisions must be made locally, with local fishermen working closely with local regulators and local scientists using up-to-date local knowledge and science. I acknowledge that many fish stocks have improved in recent years, but we really can do better than we do at present, whereby the current system allows the abhorrent practice of electro-pulse fishing to continue, notwithstanding the evidence that it is devastating fish stocks, wreaking havoc upon the marine environment and preventing local East Anglian fishermen from earning a living.

Credit must go to the team at DEFRA, the Ministers and the officials for drafting the Bill in such a short time. We do not need a Bill that just does the job and ticks the necessary boxes; we need a Bill that lasts the test of time and becomes an exemplar for the promotion of sustainable fishing and the reinvigoration of coastal communities. Like most others here, I have received many representations from organisations and specialists with proposals on how the Bill can be improved. Although it is an enabling Bill and much of the detail will be set out in secondary legislation, I urge the Government to look closely at the proposals that have been put forward and to see how the Bill can be improved.

I re-emphasise that the allocation of quota must be fairer and accessible to all and should take place transparently, rather than in the existing opaque way. That will enable all fishermen from all communities to really benefit from Brexit.

5.56 pm

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I declare an interest: I am proud to speak on behalf of my daughter and her partner, who operate a fishing vessel out of Porthdinllaen. I am proud to represent the many coastal communities of Llŷn, Eifionydd and Meirionnydd, and all their fishing families.

Let me begin by outlining the special nature of the Welsh fishing industry, which is structurally different from that of the rest of United Kingdom, and especially different from Scotland's, despite the devolved environment in which both nations operate. There are approximately 400 vessels in the Welsh fishing fleet, the vast majority of which are under 10 metres. These small boats operate in some of the most challenging and dangerous inshore environments. I have spoken to experienced fishermen, such as Brett Garner of Llŷn, as well as to long-serving spokesmen such as Owie Roberts of Edern and Jim Evans of the Welsh Fishermen's Association, and I wish to convey some of their fears and aspirations as we look towards the future of Welsh fishing.

Trading in live produce with a short shelf life is a tricky business at the best of times, but the imposition of customs checks and any slowdown in the trade process will mean deterioration and mortality, making trade desperately difficult under many predictable post-Brexit eventualities. I note, too, that the valuable trade in whelks, which are the mainstay of many Welsh fishermen, the value of whose UK landings in June this year was

[Liz Saville Roberts]

£2.6 million, has South Korea among its primary destinations. That trade is enabled by an EU extended trade agreement. To state the bleeding obvious, the UK currently has no trade agreements with Korea directly. What discussions has the Minister had with the Secretary of State for International Trade to facilitate the future of this important local industry?

Tariff barriers would have an immense impact on viability, but non-tariff barriers could also be truly devastating. Welsh fishermen's spokespeople have urged me to ask the Minister, given the vulnerability of fishermen's livelihoods to any hold-ups in the transporting of their produce to European and worldwide markets alike, what plans he has to set aside financial support for inshore, small-vessel operators, in preparation for the possibility of a no-deal Brexit.

Before quota responsibilities were devolved to the Welsh Government, which is currently the case, the Westminster Government authorised the sale of 88% of Welsh fishing quotas to Spanish businesses. They were content for the market to operate unimpeded and condoned the loss of resources for the Welsh fishing industry. Indeed, only 10% of Wales's quota is currently held in Welsh waters, and only 27% of the quota is even caught in UK waters. That raises the question: why did Westminster permit quotas to be at the mercy of global businesses? How can the Minister assure hard-working fishing families that this will never happen again?

Wales being let down by Westminster is not an unfamiliar tale, but the responsibility for quotas was transferred to Cardiff. The Welsh Government could have made a stand for Welsh fishing and moved to install a moratorium on the sale of any more fishing quotas for businesses outside Wales, as the Scottish Government did in 2014. Instead, after we have left the EU and the withdrawal Act kicks in—with the consent of the Labour Government in Cardiff, I hasten to add—Wales will have gifted back to Westminster the legal capacity to do that.

I seek clarity on the following points. How will the Minister consult the devolved Administrations and what will be the nature of the joint decision-making mechanisms that he surely intends to establish? How does he intend to ensure that consent means consent and not really just the right to be told? If, as appears to be the case, the Welsh Government will now have some responsibility for all Welsh waters—namely from the coast to 6 miles, from there to 12 miles and now, at last, to the Welsh median line—this is indeed to be welcomed. I ask whether the financial resources will also reflect these additional waters. How will maritime and fisheries funding allocations be allocated after 2020 and can he confirm that that will be needs-based?

The reality of the Government's position is that fishing opportunities and the withdrawal agreement's political declaration remain utterly uncertain. How much of the fishing fleet's livelihood are the Government happy to barter? Fishing communities seek clarity and certainty. The Minister's Government presently offer scant comfort.

6 pm

Steve Double (St Austell and Newquay) (Con): It is a great honour to be able to speak in this very important debate. As has previously been said, this is the first time for many decades that this Chamber has been able to debate primary legislation relating to our fisheries.

The fishing communities that I have the honour of representing have a long-standing and proud tradition of fishing that goes back many, many generations. In fact, many of today's fishermen are the sons and grandsons of fishermen. I have two primary fishing communities in my constituency: in Newquay and in Mevagissey. The fishing port of Mevagissey is the second largest in Cornwall and, in many ways, is doing well and is growing. The age of its fishermen is younger than average, and those fishermen are active and looking to the future. I remind the Secretary of State again that he did offer to meet the fishermen of Mevagissey. Virtually every time I speak to them, they remind me that this offer was made, so it would be incredibly good if he came sooner rather than later.

It is a sad but well-established fact that our fishing communities have not fared well under the common fisheries policy. The industry was sacrificed in the 1970s as a bargaining chip when we joined the Common Market, and that sense of betrayal still runs very deep within our fishing communities. We should not underestimate how strongly those feelings are still felt today. Therefore, it is understandable that many fishermen in Cornwall are still suspicious of the Government. Although some good commitments have been made to our fishing communities in recent months, it is absolutely vital that we see those words turned into actions and firm decisions and that we do not let down our fishing communities once again.

The CFP has failed effectively to manage our fish stocks and has all but destroyed the economic competitiveness of our UK fishing industry. Around two thirds of all fish caught in UK waters are now caught by non-UK vessels, and, of some fish stocks, around 85% of the quota is awarded to non-UK boats. By taking back control of our fishing waters and by taking back control of our quotas, we have a once-in-a-lifetime opportunity to put right the wrongs that have been imposed on our fishing industry.

I welcome the clear commitments made by the Government and by the Prime Minister personally when she came, infamously, to Mevagissey last May, at the very start of the election campaign, before our manifesto was launched. She met the fishermen and made some very clear commitments to them, and that was welcome, but it is absolutely vital that we do not again sell out our fishermen.

We are an island nation, and being an island nation presents a number of big challenges. One of the huge opportunities that we have as an island nation should be access to our fishing waters and to reap the rewards that that provides for our nation. That is what leaving the EU and leaving the common fisheries policy will enable us to do. I therefore very much welcome this Bill. It is essential that it is enacted so that we have the mechanism in place to manage our own fishing waters once we leave the EU. This will mean that we will have everything in place to do that if we do end up with a clean global Brexit come the end of March.

We need to look carefully at the matter of discards, which is the most common concern raised by my local fishermen. Discards are an utter and shameful waste of our fishing stocks. As other hon. Members have said, those rules mean that we are not able to know exactly what the stocks are, so it is important that we get it right and put the mechanisms in place to deal with the issue.

I have great admiration for both the Secretary of State and the Fisheries Minister, and I know that they are very much on the fishermen's side, so I would say to them that we have to ensure that we see through the commitments we have made to our fishing industry that we do not sell it out again for access to markets and that we give it the fair and right opportunity that it should have to reap the rewards of our UK fishing waters.

6.5 pm

Owen Smith (Pontypridd) (Lab): Before I get into my speech, I will confess my three interests in this Bill. First, like the Secretary of State, I had family—my grandfather, not my father—who worked in the fishing industry. My grandfather worked behind the wet fish counter in Tonypandy and in Barry. Secondly, I am a very keen angler myself; and thirdly, I am implacably opposed to Brexit, and this Bill and the fisheries debate more broadly is the greatest example I can think of to demonstrate the hollowness of the claims that were made by the Brexiteers, such as the Secretary of State, as well as the hollowness of the promises that he is holding out again today to fishing industries and fishermen right across the country.

On both sides of the Brexit debate, the issue of fisheries illustrates what a dreadful discussion we had, because the remain side ought to admit that the CFP is one of the great failures of the EU. It does not work environmentally and it has not worked for the fishing industry in our country or elsewhere, and we should acknowledge that. We should not seek to stay in or replicate the CFP; we should be trying to reform it. But the biggest deception, of course, was on behalf of the Brexiteers: the promise that leaving the CFP would allow us to take back control of our seas. It is a wonderful phrase, which we have heard from the Secretary of State today, but the seas that we are talking about—the Irish sea, the North sea and the English channel—are shared with the countries on the other side of them. The fish we get out of those seas are sometimes landed and processed on the shores on the other side of those seas, and the markets we rely on are very often on the other side of those seas. That exposes the hollowness of both the Brexiteers' claims and many promises made in the Secretary of State's rhetoric today.

The hollowness is also exposed by a paucity of detail because, frankly, this Bill is long on rhetoric and short on detail. The reason that it is short on detail is that very little is agreed in respect of the future of our fisheries. There are lots of promises, as there were lots of promises in the White Paper in July this year, but the truth is that almost nothing is determined in respect of the future nature of our fisheries and of our agreement. In fact, throughout the withdrawal agreement, it is very clear that nothing is agreed. On page 311 of the deal, it is stated very clearly that

“(‘fishery and aquaculture products’), shall not be covered...unless an agreement”

is established. I think that the Minister wants to get that agreement by June 2020, but there is no guarantee that that will happen. As many fellow Brexit supporters of the Secretary of State have pointed out to him and to Front Benchers today, in the intervening period—during the transition period—we will actually lose influence and leverage in respect of our fisheries.

Article 130 on page 206 of the withdrawal agreement states:

“As regards the fixing of fishing opportunities within...the transition period, the United Kingdom shall be consulted in respect of the fishing opportunities...the Union shall offer the opportunity to the United Kingdom to provide comments on the Annual Communication”.

It also says that the UK shall be invited to the “relevant...fora”. We will be consulted with, we will have the opportunity to comment and we will be invited, but we will not actually be official participants in the decision making—the key decisions on the size and scale of the quotas which, according to the Secretary of State, we ought to see taken back under our control. All that is a clear indication of the hollowness of the claim that we would exercise greater sovereignty as a result of our leaving the European Union.

The Secretary of State, I am not sure whether deliberately, spoke out of both sides of his mouth today. He said that we are going to be taking back control in order to exercise greater observance of the sustainable yields that we have ignored for many, many years when in the common fisheries policy, and at the same time he said that we were going to be increasing our fish catch. Those two things, I say respectfully to him, cannot both be true. We cannot, in future, be more observant of the scientific advice about what are the sustainable yields we can take from our stocks while at the same time taking more fish from our seas. That is the biggest and most egregious example of the fib that is being told to fishermen across this country. I hope that during the passage of the Bill the Secretary of State will clear up some of these misconceptions and is very honest with people about what Brexit could mean.

6.10 pm

Derek Thomas (St Ives) (Con): I am glad to follow the hon. Member for Pontypridd (Owen Smith), because he referred to the restrictions of other oceans and other controlled waters, but I can tell him that actually, when a fisherman from Newlyn launches out to sea, they have 200 miles to go before they get into any sort of international waters. At the moment, as we have heard, they are allowed to access only 7% of the cod in those waters, and so it simply makes mathematical sense that if they get more share, they will get more fish.

I welcome the opportunity to speak in this debate. As my hon. Friend the Member for St Austell and Newquay (Steve Double) said, it is a long time since Members—a Member for St Ives, for example—have had the privilege of talking about primary legislation around a UK fisheries Bill. I am grateful to the Secretary of State and the Minister for—certainly in the case of the Minister—their repeated visits to Newlyn. They were both visitors to the largest Cornish fishing community by a considerable measure. I would suggest, although I do not want to upset my hon. Friend the Member for St Austell and Newquay, that the tragedy of discard is that we probably discard more fish from Newlyn fishermen than are caught in Mevagissey. However, that is something we can discuss on another day.

Steve Double: It is great quality fish.

Derek Thomas: There is great quality fish from Newlyn as well. Actually, that is an important point. The quality of fish caught around the Cornish coast is significant,

[Derek Thomas]

and it is in demand from Europe. I therefore have no doubt that we will get to the point where Europe will continue to want and buy Cornish fish.

My local fishermen welcome this Bill, broadly because its primary objective is to promote sustainable fisheries management. They know more than anyone that sustainable fisheries management arrangements are the right thing, demonstrating a respect for the oceans and its contents and delivering a future for an essential food source and for skilled employment. They know that the UK, particularly Cornwall, is already a world leader in sustainable fisheries management. Fishermen in Cornwall, through the Cornish Fish Producers Organisation, already work on many fronts to promote conservation initiatives and safe working practice and to demonstrate their commitment to realising a sustainable future.

It is important to remind the House of the benefits of Brexit to our fishermen. We will be an independent coastal state. We will have control of access to UK waters and ensure that British fishermen get a fair deal and are able to catch more because of a commitment to sustain stocks. We will revive coastal communities. Perhaps the Secretary of State could talk to the Prime Minister, because we are concerned about permanent workers from overseas potentially being excluded through a new immigration policy, which would have a detrimental impact on our fishing sector. It would be great to get clarity on whether people from overseas who work full-time in fishing can keep their jobs. We will also be able to maintain and develop the UK industry's role as world leaders in sustainable fisheries policy.

The Government must not extend the common fisheries policy beyond 2020 or adopt an interim arrangement allowing the EU to set rules binding UK fisheries in any sort of extended implementation period or backstop. Furthermore, the Secretary of State must confirm today that the Government will not sacrifice the potential of Brexit for the British fishing industry in any way and that they will reject any future proposals from the EU that seek to wrestle away control of access to UK waters. Should the Government back down on their promises, the Bill cannot be delivered, and we will have failed and betrayed our fishing sector.

My fishermen are watching this closely, and they understand the risks of not getting this right. They are paying their mortgages, feeding their families and paying their taxes because of the fishing they do day in, day out, and we should take that seriously when considering their futures.

The Cornish Fish Producers Organisation has set out three simple asks of the Government. First, it asks the Government to establish a formal advisory council to guide policy, promote collaboration between central Government, devolved Administrations and the industry and allow for ongoing dialogue in a naturally variable industry. It is important that fishermen and fishing experts are sat around the table in that advisory council.

Secondly, the CFPO asks the Secretary of State to ensure a practical approach to sustainable fisheries management. Maximum sustainable yields—a key part of the regime—could fail in the same way that the CFP has failed, so it is important that we look at many other options to secure a good, sustainable fishing industry.

Finally, the CFPO asks the Secretary of State to set out a dispute resolution mechanism, so that when things go wrong, they can be properly resolved.

6.16 pm

Jim Shannon (Strangford) (DUP): It is always a pleasure to speak in any fishing debate, as I have done every year that I have been in the House. I would like to begin by thanking the pre-legislative scrutiny Committee for the incredible work it has put into the Bill. It was a pleasure to work on submissions to the inquiry, as a member of the Northern Ireland Affairs Committee, and to have the Committee over to Northern Ireland to see at first hand the success and the needs of the industry in Portavogie in my constituency. I was also pleased to have input from Ardglass and Kilkeel, and I am pleased to see a representative from the Anglo North Irish Fish Producers Organisation in the Gallery, to oversee what we are saying.

I have been contacted by a number of fishermen and fishing bodies, and all have welcomed certain aspects of the Bill, such as the powers for the UK to set quotas and control access over who may fish in UK waters and under what conditions, the expectation of bilateral agreements with the EU, Norway and others with which it shares stocks and the Secretary of State in a position to endorse the content of those agreements. It is important to get that right.

It is also important to ensure that the principle of equal access is upheld when issuing any additional quota gained from leaving the EU. It is essential for Northern Ireland that quota is allocated according to individual vessels active in the fishery or by existing fixed quota allocations. While there is support for the principle of equal access for UK vessels to operate in any of the waters within the UK exclusive economic zone, there is some concern that these freedoms could be compromised if devolved Administrations introduce their own separate measures. Other Members have said that, and I want to reinforce it.

Ian Paisley: Will my hon. Friend give way?

Jim Shannon: No, I will not.

I would like to briefly talk about clause 10. I would add that all licences granted under the authority of the Bill—in other words, those issued from the date of the Act coming into force onwards—are non-transferable. I am an advocate of reviewing the licence system, and I believe that it would be a mistake for us to fail to close the loophole that caused massive issues to begin with.

The Bill sets ambitions and measures to minimise discards. The National Federation of Fishermen's Organisations is one body that contacted me to highlight the belief that reducing discards is an important element of sustainable fisheries management, and it is pleased to see the Government taking a positive and workable approach. Much good work has been done. The Government should establish a formal advisory council to guide policy, promote collaboration between central Government, devolved Administrations and the industry and allow for ongoing dialogue in a naturally variable industry.

It is understandable that the Bill refers to maximum sustainable yields as an approach to sustainable fisheries management. However, if MSY is set as a rigid timebound

objective, it will, as with the CFP, prove unworkable. Instead, the UK must develop an approach to sustainable fisheries management that learns from the failings of the CFP. The NFFO is calling for a more balanced and workable approach, with oversight from the advisory council, and I concur with that.

There is still nothing in the Bill to address the access to labour issues. The natural counter-argument is that labour is outside the scope of the Bill, but it is in fact a critical pillar of the sustainability objective. I believe we can and must address that matter through the Bill, and an amendment can and should be tabled to incorporate access to labour.

I see the Minister in his place, and just for the record, he and I have had discussions on various occasions about the voisinage agreement, which my hon. Friend the Member for North Antrim (Ian Paisley) mentioned earlier. We have brought it up on every occasion we have met in this House, and in our meetings the voisinage agreement has been at the forefront of my mind and of his. He has told us in the past that it is his intention to pursue this legal matter through the courts and to ensure the waters covered by the voisinage agreement that belong to the United Kingdom of Great Britain and Northern Ireland are returned. Will the Minister respond to that in a very positive way?

In my last minute, I want to quote the words of a constituent:

“Setting aside the complex and controversial questions surrounding parliamentary approval for the withdrawal agreement, much still hinges on the negotiations ahead. The UK’s legal status has altered and its leverage in fisheries negotiations has dramatically changed but unless that new status is used to address the gross distortions in quota shares, fishermen will question what it has all been for.”

My constituent says there are

“many examples of where the UK has been systematically disadvantaged by the CFP over 40 years. To deliver the fair share of fishing opportunities”,

all the fishermen of the United Kingdom of Great Britain and Northern Ireland

“in this second round, will expect our negotiators”—

we look to those who will be responsible for this—

“to be as tough, astute, and hard-nosed as they need to be to realise the benefits of our new status as an independent coastal state.”

Good times are ahead. The good times will come, and they will come with some abundance after 29 March. We look forward to it.

6.21 pm

Gillian Keegan (Chichester) (Con): It is a great pleasure to follow the hon. Member for Strangford (Jim Shannon). Indeed, I am doing so for the first time.

We are all aware that since joining what was then the EEC, the UK fishing industry has steadily declined from landings of 1 million tonnes to about 400,000 tonnes today. Despite this, the industry still contributes £1.3 billion to the UK economy and provides over 34,000 jobs nationwide.

In the south-east, the industry is small, representing just over 1% of the jobs in the sector, but there are communities where fishing is the lifeblood of the town. Selsey in my constituency services much of the surrounding coast, including Chichester harbour, bringing in an annual landings turnover of £1 million and boasting the

best crab in the country. Selsey’s small but active fishing industry has about 15 boats, mostly of under-10 metre vessels but with four of over-10 metres. Similarly, across the UK our fishing fleet predominantly comprises smaller vessels. Only about a fifth of our vessels are over-10 metres long. However, today we can see large vessels from France and Belgium fishing just 6 miles off the coast of Selsey. The vast majority of our local fishing is done within a 10-mile radius, so this is rather unwelcome.

We hope that change is on the horizon, as this Bill will set out the framework to make the UK an independent coastal state once again. With that, comes the ability to control our exclusive economic zone, reinstating our sovereign right to explore, exploit, conserve and manage our seas. This change will mean that foreign vessels will have to seek permission to fish here. In cases such as Selsey, I hope that will also mean we can provide some breathing space so our local fleet can access near-shore fishing grounds without competition.

One of the biggest changes brought about by this Bill will be our ability to implement a fair quota system, as currently it is anything but. As has been mentioned, in the English channel, the French take 83% of the cod; by contrast, UK fishers can take only 9%. It was therefore no surprise to hear the French President and his Europe Minister calling over the past few days for guaranteed access to our waters.

The UK has led the way to sustainable fisheries. We have been instrumental in setting rates at levels that will deliver a maximum sustainable yield by 2020, ensuring that species numbers remain stable for future generations. Self-regulation provides the opportunity to be more flexible and responsive to species population changes, allowing fishermen to take advantage of increases in fish populations. It has already been suggested that quotas for rays and skates could be increased by as much as 20%.

A big cause for concern within the industry is how to get more people into fishing. A New Economics Foundation report has highlighted that one of the biggest barriers for new entries is cost. New fishers willing to join the industry are required to purchase vessels with existing track records if they are to access quotas. That is a significant obstacle for those wishing to enter the profession, and it has the tendency to mean that older vessels are overvalued. I hope that in the near future the Government can work with organisations such as the NFFO to establish taster days and promote apprenticeships in this vital industry, which we can and should regenerate.

This debate is not about the disadvantage of the past but the opportunity of the future. The change ahead of us will reinvigorate our fishing industry and create prosperity for coastal communities, while continuing to ensure our fisheries are sustainable for future generations. I believe we can do all this and more, if we develop strategies to get more people into the industry who will help to bring in a new era of growth for our fishing industry.

British fisherman have faced decades of disadvantage, but by ensuring that our seas are once again sovereign we will turn the tides. I will end with a quotation from the president of the NFFO, Tony Delahunty, as he is a constituent of mine. He said:

“The National Federation of Fishermen’s Organisation’s view is that the withdrawal and future agreement...is an extremely

[Gillian Keegan]

important first step towards a new future for the UK as an independent coastal state and are keen to ensure that there are no links between fishing rights and trade in future negotiations.”

6.26 pm

Maria Caulfield (Lewes) (Con): It is a pleasure to follow my neighbour, my hon. Friend the Member for Chichester (Gillian Keegan). I, too, welcome the Bill as it is a clear indication that, after 40 years, we will leave the EU in March, and the UK will once again become an independent coastal state, responsible for managing its own waters. In Newhaven in my constituency, the fishing industry has been in decline for decades. A once thriving fishing port now sees its local fishermen away for long periods, often working for larger fishing fleets and unable to make a living independently. That is the legacy of the CFP.

The Bill provides a ray of hope for the industry, but let us be under no illusion: the changes in the Bill cannot be negotiated away as part of the withdrawal agreement or future trading relationship arrangements. Failure to secure the contents of the Bill will consign the UK fishing industry to the annals of history. I welcome many of the measures in the Bill, but particular highlights for me are the provision revoking the automatic access rights of EU vessels and the new powers for the UK to set catch limits, revoking EU powers to set EU quotas for our waters.

I have some concerns, however, that I wish to raise with the Minister. While the Bill will restore control of our waters, many people are concerned that the withdrawal agreement and, in particular, the future trading relationship paper could override the Bill and that countries such as France and Spain could demand access in future negotiations. In the Northern Ireland Affairs Committee, we heard evidence during our fishing inquiry that the UK will remain in the CFP until 31 December 2020, but we will leave the EU before that. I made the point to the Secretary of State that we have concerns that although the Minister may attend the annual fisheries negotiation in December 2019, he will not have a say to ensure that our fishing rights are not overruled in the transition period. It is really important to have clarity on that point. I would welcome being wrong about it, but we are nervous.

As my hon. Friends the Members for South East Cornwall (Mrs Murray) and for Banff and Buchan (David Duguid) have said, we would also like the reassurance of the Bill including the date when we will actually leave. We want to see the date of 31 December 2020 written into the Bill. We would also like to see the insertion of an economic link into the Bill so that we are clear what we mean by “British”. Fishing for Leave has suggested that any British vessel should be 60% UK crewed and 60% UK-owned, retaining 60% of the catch landed. It is vital to ensure compliance with the term “British” if we are to deliver economic benefits to the communities we have heard so much about today. It is essential that we avoid multinationals buying up our entitlement.

Clauses 9 and 10 will grant powers to the devolved Administrations, but Northern Ireland does not have a devolved Administration, and it could be a while before one is restored. We would like reassurance that while Northern Ireland does not have an Assembly, civil servants will be given powers to prepare for the implementation of the Bill while an Executive is restored.

Following on from the points made by the hon. Members for Strangford (Jim Shannon) and for North Antrim (Ian Paisley) about the voisinage agreement, the historical reciprocal arrangements are not in place and fishermen in Northern Ireland are suffering as a result. The Secretary of State for Northern Ireland said to the Select Committee this morning that that was a matter for DEFRA, so I am putting it back to DEFRA Ministers now. Either we need to challenge the Republic of Ireland Government to open up those fishing waters to fishermen in Northern Ireland, or in this Bill we can take back control and say that the Republic of Ireland cannot access UK waters until that dispute is resolved. I would very much appreciate it if the Secretary of State or the Minister were to comment on that. I will be grateful if these issues can be addressed either in Committee or on Report so that we do not have to table our own amendments.

6.30 pm

Douglas Ross (Moray) (Con): It is a pleasure and privilege to speak in this debate. Similarly to when we considered the Agriculture Bill earlier in the Session, this is the first opportunity for this Chamber of the United Kingdom Parliament to debate a future policy—this time for our fishermen and fishing industry. Communities such as Buckie, Cullen, Lossiemouth and Burghead do not have the same number of fishing boats as they once did, but they still have an extremely strong link to the fishing industry and they look at our debates in this Chamber very closely.

I very much support this enabling Bill, which has widespread support throughout the industry. The Ministers and their team have done a good job in bringing it to this stage. We all want to ensure that we have control over our waters and regenerate the coastal communities that have suffered in the past. There is a great deal to welcome in the Bill.

I want to spend a bit of time looking at the utter tosh—that is the only way I can describe it—that we have heard from the Scottish National party during this debate. We heard from the hon. Member for Argyll and Bute (Brendan O’Hara), who is not in the Chamber. He took us back to 1972, 11 years before I was even born. The hon. Member for Edinburgh North and Leith (Deidre Brock) took us back a number of years ago when Alex Salmond was putting forward legislation. The SNP has not mentioned him recently, so it is interesting to hear his name used again. In an intervention, I took the hon. Member for Edinburgh North and Leith back to last year’s general election—the most recent election—to find the most recent credible position of the SNP. The SNP’s position then, on which all their candidates stood for election, was to go back into the common fisheries policy, and she confirmed that in response to my intervention.

Deidre Brock rose—

Douglas Ross: I am sorry, but because of the time—*[Interruption.]* I will come to the hon. Lady, who confirmed that the SNP’s position—

Angus Brendan MacNeil: On a point of order, Mr Deputy Speaker. The hon. Member for Moray (Douglas Ross) mentioned my hon. Friend the Member for Edinburgh North and Leith (Deidre Brock), but is now refusing to

take an intervention from her. Is that in order, Mr Deputy Speaker, or a convention of the House? *[Interruption.]* Courtesy and decency.

Mr Deputy Speaker (Sir Lindsay Hoyle): The answer is yes, it is in order. Members do not have to give way. What is normal is that if you do mention a Member's name and that Member then comes back, it is up to the Member speaking to decide whether to give way. Normally, they do give way, but I cannot force any individual Member; it is up to Mr Ross whether he wishes to.

Douglas Ross: The hon. Member for Na h-Eileanan an Iar (Angus Brendan MacNeil) has a deaf ear, because I said I would let the hon. Member for Edinburgh North and Leith intervene. I will come to her in a minute, if she has patience.

The hon. Lady confirmed that the SNP's position is to go back into the CFP on re-joining the European Union but, she said, in their terms. I would like to give way to her so that she can tell us what those terms are. What is the SNP going to tell the EU that it would like to negotiate on the CFP, and what is it going to give away? A negotiation needs give and take, so what would it give to the European Union on that?

Deidre Brock: I would just like to quote directly from page 29 of the SNP's 2017 general election manifesto:

"We will continue, in all circumstances, to demand the scrapping or fundamental reform of the Common Fisheries Policy and support Scottish control of Scottish fisheries, as we have done for many years."

Douglas Ross: That is page 29, but there is absolutely no information on how the SNP would do that or what it would do. It is absolutely farcical—you have no plan for how you will go forward on the CFP; you will simply go back into it and do as you are told.

Other things we have not heard are—*[Interruption.]* Oh, come on, please. The hon. Lady mentioned nothing about the Scottish Government's report that says that the fishing industry will benefit from £540 million and see an extra 5,000 jobs in Scotland as we come out of the CFP. The SNP will not mention that, because it wants to go back into the CFP.

I agree with a lot of things said by a number of Members—including the hon. Member for Na h-Eileanan an Iar, my hon. Friend the Member for Banff and Buchan (David Duguid), the hon. Member for Strangford (Jim Shannon) and the right hon. Member for Orkney and Shetland (Mr Carmichael)—about the problems that the Government's immigration policies are causing for fishermen. I held a Westminster Hall debate on the matter at which a number of Members spoke. *[Interruption.]* If SNP Members would stop barracking me, I may be able to answer their questions. This is something for which I believe there is cross-party support. I believe that the Government could make small changes to ensure that we get the right people into our—

Michael Gove *rose—*

Douglas Ross: I give way to my right hon. Friend.

Michael Gove: Is it not an unerring truth in this House that anyone who speaks the truth gets barracked by Scottish National party Members? They are not

interested in debate, the facts, or answering the questions that my hon. Friend is putting; they are interested only in a separatist circus that threatens the jobs and livelihoods of the people they fail to represent.

Pete Wishart *rose—*

Mr Deputy Speaker (Sir Lindsay Hoyle): Order. The hon. Gentleman cannot intervene on an intervention.

Douglas Ross: Thank you, Mr Deputy Speaker. I am grateful to the Secretary of State for that intervention because—

Angus Brendan MacNeil: On a point of order, Mr Deputy Speaker. Is it in order for a Government Minister who has been asked three times for help in lobbying the Home Office about this problem for Scottish fisheries, but who has done nothing about it, to get up and not mention that, yet to make a political point on that very issue?

Mr Deputy Speaker: That is not a point of order, as the hon. Gentleman well knows.

Douglas Ross: I just love how we rile SNP Members so much that they have to make fake points of order to try to disrupt the flow of my speech. However, they will not disrupt the flow of my speech when I am criticising the SNP.

I will mention the hon. Member for Na h-Eileanan an Iar again. He referred to a Westminster Hall debate in which a lot of Conservative MPs spoke. The reason why we heard from a lot of Conservative MPs—and Scottish Conservative MPs—was that the SNP lost so many seats in Scotland in so many coastal communities. The SNP lost 21 seats in Scotland because it would not stand up for the fishermen in our country, and we see exactly what it is doing. Those people know that Scottish Conservatives will be standing up for them—*[Interruption.]* I will take no lectures from the hon. Gentleman as he continues to speak from a sedentary position.

It is extremely important in this debate that we have a robust exchange of views. While there is much in the Bill to support, I have to use this speech as an opportunity to raise my concerns about the withdrawal agreement and the political declaration. Many Members have set out their concerns about the withdrawal agreement and the political declaration, and particularly the first bullet point on page 4 of the outline political declaration. I have to say that I share those concerns. I worry that we may be out of the common fisheries policy but still be in some way tied to a common fisheries policy. I could not support that. I said at a public meeting in Buckie back in March—it was widely reported in both *The Banffshire Advertiser* and *The Northern Scot*, so I am sure those at the highest level of government are aware of my concerns—that if a deal did not deliver for fishermen in Moray, in Scotland and across the United Kingdom, I could not support it. My position today remains the same.

6.38 pm

Andrew Bowie (West Aberdeenshire and Kincardine) (Con): Thank you very much for letting me speak so early in the debate, Mr Deputy Speaker. I do not quite know how I am going to follow that last speech—

Mr Deputy Speaker (Sir Lindsay Hoyle): I assure the hon. Gentleman that he is lucky I have called him at all, given the time.

Andrew Bowie: I am fully aware of that, Mr Deputy Speaker—I know I am chancing my luck. I start by paying tribute to two individuals who, when I was advising on fisheries issues in the European Parliament, did much to educate me in the world of fisheries, which to many is a foreign language. One of them is sitting in the Gallery this afternoon—Simon Collins, the CEO of the Shetland Fishermen's Federation—and the other is a constituent of mine from the beautiful fishing village of Stonehaven, Mr Mike Park, who today received an OBE at the palace for his services to marine conservation. It is therefore more of an honour than usual, for professional, personal and geographical reasons, to speak in this debate, as we set a new and historic course, for the first time since 1973 setting our own regulations for management of the seas and determining who may fish in our waters and on what terms.

I strongly associate myself with the comments of the Secretary of State for Scotland, who, outwith this place, has said he is not interested in playing the resignation soap opera. [*Laughter.*] No, he is not. He has not resigned because, unlike SNP Members, he cares about fishermen and is working hard on this issue. He thinks it far too important to play politics with, which is something I wish the SNP would remember. As my hon. Friend the Member for Moray (Douglas Ross) said, it might be why there are far fewer of them in the House than there were before the general election. If there was ever a time to focus on outcomes for Britain's and Scotland's fishing industry, that time is now. We face a sea of opportunity. The House today has a chance to develop a tangible legal framework in which the UK can operate as an independent coastal state, free from the restrictions of the hated CFP.

I am conscious that today's debate is on the Fisheries Bill, not wider EU relations—not that anyone would know it—but for the Bill to be worth the paper it is printed on, colleagues need to take seriously the reaction across the channel to the withdrawal agreement. As was reported in yesterday's *Times*, the French, Spanish, Belgian, Danish and Portuguese Governments want the Commission to reopen negotiations on fishing and impose tougher level playing field rules, and according to reports, and as confirmed by conversations I had today with British fisheries advisers in Brussels, France is leading a charge to guarantee a fisheries agreement giving French and other European fishing fleets access to British waters. I think that everybody in the House would agree that this is completely unacceptable. The Prime Minister has robustly opposed this from day one, and she needs the support of everyone in the House to continue to do so.

This is a good Bill. We are taking back control of our waters, but as it makes clear, we are not pulling up the drawbridge or building some imaginary sea wall down the North sea. We will continue to work with our European neighbours, but we will be negotiating with them as an independent coastal state in the same way as Norway and Iceland. Clauses 7 and 8 make that very clear, by revoking the existing shared equal access policy, setting conditions on non-British boats entering the UK exclusive economic zone and giving us real teeth as an independent coastal state.

As for those shrill siren voices in the environmental lobby suggesting that British control of our own waters will lead to a diminution of standards or a reduced commitment to the marine environment, I would remind them that it was the British Government who were most vocal on the need to implement a discard ban across the EU and who have driven up standards and pushed other countries to be as committed to sustainable fisheries as us and our fishing industry. The UK has always advocated a science-based approach to fisheries management and argued that total allowable catches should be in line with the CFP's objective and be proposed and set at levels that are at least moving towards maximum sustainable yield-based exploitation rates. That said, DEFRA and the devolved Assemblies could do more to help fishermen and fishing organisations at the quayside to implement some of these environmental policies, as our MEPs demanded in 2015.

Angus Brendan MacNeil: Does the hon. Gentleman still stand by the words he uttered on 27 February 2018, at about 3.22 pm—as *Hansard* helpfully tells us? He said:

"That is why we cannot let fishermen down now, and why before my election I signed a pledge committing me to do what I can to ensure that the UK is taken out of the common fisheries policy at the earliest available opportunity. That means 11 pm on 29 March 2019."—[*Official Report*, 27 February 2018; Vol. 636, c. 304WH.]

Does he stand by those words?

Andrew Bowie: Of course, I still stand by those words. We will leave the CFP on 29 March 2019 and will be negotiating as an independent coastal state from December 2020, none of which would be the case if the SNP had its way. If it did, we would be back in the EU, as full members of the CFP, because—I hate to educate the SNP—a country cannot be a member of the EU and not a member of the CFP, with all that that entails. [*Interruption.*] Mr Speaker, I urge all colleagues to back this fantastic Bill, as I am being coughed at by the Whip to my left.

6.43 pm

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): It is an honour to sum up what has been a fantastic debate with good contributions on both sides of the House, and I echo the words expressed across the House about those fishermen who risk their lives to catch the fish we put on our tables. In particular, I add my thanks to the rescue services, the coastguard and the RNLI, who are true heroes indeed.

We do not oppose the Bill. We know that the UK needs a fishing system outside the common fisheries policy after we leave the EU—we do not dispute that—but it is clear that the Government still have some way to go before the Bill satisfies both sides of the House. The Labour party intends to work with the Government to ensure we have a good Bill that is fit for purpose. Fisheries Bills do not often trouble the House of Commons so we need to make it a good one.

There are some good things in the Bill, but there are far too many missing pieces. It smacks of a measure hurriedly prepared and pushed out too quickly by a Government who were aware of the approaching deadline of Brexit. It needed more work before its publication, and it would have benefited from a round of pre-legislative scrutiny, but as Ministers chose not to do that, I think

they should not be surprised that there have been so many proposals for amendments today and that there will be more in Committee.

The Bill gives the Government a chance to make real the promises made by the Leave campaign. So far, big promises have not been matched by delivery. Fishing communities, in Plymouth and across the country, do not want grand promises; they need honesty, and clarity from the Government, and they want those to be delivered.

Mrs Murray: Will the hon. Gentleman give way?

Luke Pollard: I am sorry, but there have been enough interventions.

My hon. Friend the Member for Workington (Sue Hayman) made a superb opening speech, but I want to reiterate the concerns that have been expressed by Members on both sides of the House.

Mrs Murray: Will the hon. Gentleman give way?

Luke Pollard: I will keep going. I apologise, but the hon. Lady has had enough chances.

The Bill constitutes a missed opportunity—a once-in-a-lifetime opportunity to start afresh and create a truly world-class, sustainable fisheries policy. We need to get this right, but as it stands, the Bill fails in a number of critical ways. It fails to provide a fair deal for our small fleet, or attempt to break up large monopolies in the fishing industry. It fails to regenerate coastal communities and provide the renaissance that our coastal towns need. It fails to create a vision for the UK to have the most sustainable fisheries in the world. It fails to ensure frictionless access to the single market; indeed, given the Prime Minister's bad deal, it poses the risk of tariffs on our fish, and we do not want tax on our fish. It also fails to ensure that there is supply-chain fairness across the board.

As was pointed out by my hon. Friend the Member for Great Grimsby (Melanie Onn), while in theory the Bill gives us greater access to our waters, it says nothing meaningful about redistributing quota more fairly across the British fleet. The fixed quota allocation system has been heavily criticised on both sides of the House during the debate, and it is unfair, but it has not been updated since the 1990s. If I had not been updated since the 1990s, I would still have bleached blond hair, wear cargo trousers and believe that wet-look gel is a good idea. Times change, and so must our fishing regulation. As a result of the existing system, ownership of quota has become increasingly consolidated in the hands of a few, and we need to change that. We need to distribute quota so that it goes back into the hands of the many.

As my hon. Friend the Member for Workington said earlier, more than a quarter of the UK's fishing quota is owned or controlled by just five families on the *Sunday Times* rich list. Quotas should be allocated according to transparent and ecological criteria, to the benefit of fishing communities. For example, a greater share should be offered in return for compliance with relevant regulations, participation in data gathering and good science, full monitoring and recording of catches, compliance with discard rules, and the application of high standards of workers' rights, welfare and, especially, marine safety. Given the loss of two trawlers from Plymouth since my election, and a death in both losses, I am disappointed

that the Bill does not contain more about enhanced marine safety as a qualification for additional quota. We need to reward best practice, not ignore that problem.

The UK has always had the ability to allocate quota to reward particular types of fishing practice or to support broader social and economic gains, but has chosen not to do so in a broad, meaningful way. Ministers have reallocated too little quota, although they have reallocated some. Labour wants smaller boats to be given a greater share of quota after Brexit. Small boats are the backbone of our fishing industry, the small and medium-sized enterprises of the sector, and they need our backing. The small-scale fishing fleet generally uses low-impact gear, and creates significantly more jobs per tonne of fish landed than the large-scale sector. In the UK, the under 10-metre small-scale fleet represents more than 70% of English fishing boats and 65% of direct employment in fishing, and it should be supported.

We have heard that recreational fishing would have huge potential with better management, and I agree. There is not enough in the Bill that values that sector—not yet, at least. More recreational fishing and more sustainable fisheries depend on better science to plug the gap in data. That means more baseline stock levels for non-quota species such as cuttlefish. If ours are to be the most sustainable fisheries in the world, we need to have the best science in the world. Indeed, the data deficiency that we currently see in our fisheries is one of the reasons why many of our fisheries cannot market their fish as sustainable. As we heard from my right hon. Friend the Member for Tynemouth (Mr Campbell), we need to ensure that maximum sustainable yield is achieved by 2020, and that that date is put in the Bill.

There have been many good contributions from across the House. My hon. Friend the Member for Penistone and Stocksbridge (Angela Smith) mentioned the governance gap and the too frequent reliance on Henry VIII powers in this Bill, and that needs to be addressed. My hon. Friend the Member for Harrow West (Gareth Thomas) talked about doubling the size of the co-operative economy, and in fishing we have a proud record of co-operatives; that should be supported. We need to ensure not only that EMFF funds are replaced—with every single penny replaced, not cut—but also that the other funding arrangements, as mentioned by my right hon. Friend the Member for Tynemouth, are put in place. Local government need to ensure that they have the funds to invest in our fishing as well. As the hon. Member for Broxbourne (Mr Walker) said, we must make sure we have a passion about fish, not just a passion about fishing. My hon. Friend the Member for Great Grimsby (Melanie Onn) said we need to talk more about processing, which has the lion's share of employment in the fishing sector.

My party does support this Bill, but we believe it needs more work in a considerable number of areas. Serious concerns have been raised on both sides of this House about fairness, funding, sustainability and trade. The fishing industry has been given grand promises by the Environment Secretary, and many others besides, only to have some of them broken time after time. While I believe that the Fisheries Minister is honest in his efforts, I fear that those higher up in his Government are selling him out and that our fishing industries have been sold out, too. That must not be the case with this Bill: no more betrayals; no more grand promises. To the

[*Luke Pollard*]

Minister I say be up front and frank with fishers about the difficulties and opportunities, because I have not met a fisherman who is not equally frank, up front and honest in their response.

I genuinely believe that there is scope for this Bill to be improved with cross-party working, and I put the Government on notice that if we cannot achieve those improvements, they should not necessarily count on our support in future parliamentary stages.

6.51 pm

The Minister for Agriculture, Fisheries and Food (George Eustice): We have had a good debate with many lively exchanges, particularly during the contribution of my hon. Friend the Member for Moray (Douglas Ross). I join the Secretary of State in paying tribute to the DEFRA officials who have worked incredibly hard to get the Bill to this point, to our officials in the Marine Management Organisation, who have done considerable planning on enforcement, and to CEFAS, our science agency, which is truly the best in the world in fisheries science.

The Secretary of State was generous in giving way in his opening speech, and indeed the debate drifted some distance from the contents of the Bill. I will not be giving way, however, as I want to use the short time available to address as many points as possible.

I welcome the fact that the shadow Secretary of State, the hon. Member for Workington (Sue Hayman) supports the Bill. She made some specific points about reallocating quota. We have been clear in our White Paper that we want to move to a different method of allocating quota to the UK fleet. We have also set out proposals in the White Paper to allocate new quota on a different methodology so that it does not simply follow FQA—fixed quota allocation—unit allocations. In the longer term, we could obviously change the allocation keys on the existing FQAs, but the legal advice based on case law is that that would have to be done gradually over a period of time.

It is also important to note that some of the figures bandied about in terms of who owns what quota can be misleading, as there is a huge difference between the small inshore vessels, which are limited largely to the 0 to 12 mile zone, and the pelagic fleet, which has huge vessels with huge capital investment, and for which mackerel is by far the largest stock.

The hon. Lady made some points about sustainability and the discard ban set out in clause 1. She suggested that that is weaker than we have now, but I can tell her that the wording we use in clause 1 is largely borrowed directly from the EU regulation. We envisage that the joint fisheries statement that flows from that—it is a legal requirement and details of it are set out in schedule 1 to the Bill—will define how we will deliver those sustainability objectives. So the basis of clause 1 is borrowed from the existing EU requirements on sustainability.

My hon. Friend the Member for Tiverton and Honiton (Neil Parish) raised the issue of enforcement capacity. We are doing work at the moment with Border Force, some of whose staff have been retrained to do fisheries duties. We also have additional vessels from the Royal Navy that are being tested at the moment, and we are in

discussion with the Maritime and Coastguard Agency about aerial surveillance. So we are planning on having a significant increase in our enforcement capacity. My hon. Friend also mentioned the danger of the science being out of date. It is always a challenge with the science, but we do put observers on fisheries vessels, and our scientific models attempt to predict the future by looking at particular trends.

The hon. Member for Edinburgh North and Leith (Deidre Brock) mentioned the clause in the Bill that covers the selling of quota rights and said that the tendering and auction processes should be devolved. They are devolved, and the clause is absolutely explicit that it applies only to England. The licensing of foreign vessels is devolved, but we have said that, with the consent of the Scottish Government and others, the Marine Management Organisation might issue a single licence for the whole UK. Clearly, agreements that are made internationally would be a matter for the UK Government. The hon. Lady also suggested that Norway, being outside the European Union, was a victim of fax democracy and had no control over its fisheries. Nothing could be further from the truth. Norway is a serious player and an independent coastal state that controls access to its waters. It conducts its own negotiations on coastal states matters, unlike us; we are currently represented by the European Union.

My right hon. Friend the Member for North Shropshire (Mr Paterson) gave a passionate speech and raised the importance of allowing selective gear types. This is why we have a power in the Bill to enable us to change technical specifications expeditiously. He has long been an advocate of an effort-based approach. As I have said many times, there are some advantages to an effort-based regime, particularly with mixed fisheries and with the inshore fleet, but there are downsides, too. Generally speaking, a quota system makes the most sense for the pelagic fleet, while an effort-based regime could make more sense for a small inshore fleet. We have set out a proposal in our White Paper for further pilot schemes in this area, particularly for the inshore fleet, but it is not an area that we should rush. My right hon. Friend also asked for reassurance on the United Nations convention on the law of the sea, and I can confirm that UNCLOS will be the new legal baseline once we leave the European Union.

The hon. Members for Penistone and Stocksbridge (Angela Smith) and for Great Grimsby (Melanie Onn) and others raised the issue of tariff-free access for our trade, and of course we are going to be seeking that free trade agreement as part of our future economic partnership, but I would point out that we have a trade surplus in fisheries. We export about £1.3 billion but import £1.1 billion. Largely, the fish species that we export, particularly shellfish, tend to have lower tariffs, while the processed products, which we export far less of, are the ones that tend to have the higher tariffs. I have to say that the message from the processors we have spoken to is, “Don’t sell out the catching sector on our account.” I would really welcome such spirit and courage from other sectors of the economy.

My hon. Friends the Members for South East Cornwall (Mrs Murray) and for St Ives (Derek Thomas) mentioned the unfairness of existing relative stability shares as the allocation key, and we agree. We set out clearly in the White Paper our view that we should move to zonal

attachment—that is, where the fish reside—as a fairer and more scientific basis for allocation. We are clear that that is the approach we will take.

My hon. Friend the Member for North Cornwall (Scott Mann) and the hon. Member for Na h-Eileanan an Iar (Angus Brendan MacNeil) raised the issue of bluefin tuna. This is a complex issue and it is not specifically covered by the common fisheries policy—it is covered by the International Commission for the Conservation of Atlantic Tunas, which is a regional fisheries management organisation—but this is certainly something that we can consider.

My hon. Friend the Member for Banff and Buchan (David Duguid) has more fishing in his constituency than any other Member in this House. He correctly identified the importance of maintaining access for leverage in negotiations. He also mentioned the issue of lobster and brown crab, which would be covered by the western waters regime but would largely be a matter for the Scottish Government.

In conclusion, the Bill is essential, whether we have a deal or no deal. It gives us the legal powers to control access, set quota and manage fisheries sustainability, and I commend it to the House.

Question put and agreed to.

Bill accordingly read a Second time.

FISHERIES BILL (PROGRAMME)

Motion made, and Question put forthwith (Standing Order No. 83A(7)),

That the following provisions shall apply to the Fisheries Bill:

Committal

(1) The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

(2) Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Wednesday 19 December.

(3) The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

(4) Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.

(5) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

(6) Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

(7) Any other proceedings on the Bill may be programmed.—*(Amanda Milling.)*

Question agreed to.

FISHERIES BILL (MONEY)

Queen's recommendation signified.

Motion made, and Question put forthwith (Standing Order No. 52(1)(a)),

That, for the purposes of any Act resulting from the Fisheries Bill, it is expedient to authorise the payment out of money provided by Parliament of—

(1) any expenditure incurred by the Marine Management Organisation in connection with the licensing of foreign fishing boats;

(2) any expenditure incurred by the Secretary of State in giving, or in connection with giving, financial assistance to any person for purposes relating to—

(a) the improvement of the marine and aquatic environment;

(b) commercial aquaculture or commercial fish activities; or

(c) the promotion or development of recreational fishing;

(3) any other expenditure incurred under or by virtue of the Act by the Secretary of State or the Marine Management Organisation.—*(Amanda Milling.)*

Question agreed to.

FISHERIES BILL (WAYS AND MEANS)

Motion made, and Question put forthwith (Standing Order No. 52(1)(a)),

That, for the purposes of any Act resulting from the Fisheries Bill, it is expedient to authorise the charging of fees, or other charges, under or by virtue of:

(a) the Act,

(b) the Fisheries Act 1981, or

(c) the Marine and Coastal Access Act 2009.—*(Amanda Milling.)*

Question agreed to.

Business without Debate

DELEGATED LEGISLATION

Mr Deputy Speaker (Sir Lindsay Hoyle): With the leave of the House, we shall take motions 6 and 7 together.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

INVESTIGATORY POWERS

That the draft Investigatory Powers Tribunal Rules 2018, which were laid before this House on 11 October, be approved.

DANGEROUS DRUGS

That the draft Misuse of Drugs Act 1971 (Amendment) Order 2018, which was laid before this House on 17 October, be approved.—*(Amanda Milling.)*

Question agreed to.

Motion made, and Question put forthwith (Order, 23 October, and Standing Order No. 118(6)),

ELECTORAL COMMISSION

That an humble address be presented to Her Majesty, praying that Her Majesty will appoint Lord Gilbert of Panteg and Joan Walley as Electoral Commissioners with effect from 1 November 2018 for the period ending on 31 October 2022; and Alastair Ross as an Electoral Commissioner with effect from 1 November 2018 for the period ending on 31 October 2020.—*(Amanda Milling.)*

Question agreed to.

INFRASTRUCTURE PLANNING

Motion made, and Question put forthwith (Standing Order No. 118(6)),

That the draft Infrastructure Planning (Water Resources) (England) Order 2018, which was laid before this House on 18 October, be approved.—*(Amanda Milling.)*

Question agreed to.

FAMILY LAW

Motion made, and Question put forthwith (Standing Order No. 118(6)),

That the draft Child Support (Miscellaneous Amendments) Regulations 2018, which were laid before this House on 12 September, be approved.—*(Amanda Milling.)*

The Deputy Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 28 November (Standing Order No. 41A).

Luke Graham (Ochil and South Perthshire) (Con): On a point of order, Mr Deputy Speaker. I seek your guidance on the rules about hon. Members using another hon. Member's place of birth as a line of attack in this Chamber. Earlier today, I intervened in the debate on the Fisheries Bill. When I sat down, the hon. Member for Central Ayrshire (Dr Whitford) said from a sedentary position that I should go back and be an MP for Swindon. Now, I am all for robust debate, and I am proud of where I was born, but I understood that the reason we refer to each other by the names of our constituencies is that we are here to represent our constituents, not ourselves, and that therefore where we were born does not matter. I first fought for my seat in 2015 and have represented it since 2017, and I have fought for my constituents every single day. I ask for clarification, for all Members of the House, that whether they were born in Scotland and now represent a seat in England, or whether they were born in Northern Ireland or Australia and now represent a seat in Scotland, it does not matter, because what counts is where we want to be and what we do in this House—

Mr Deputy Speaker (Sir Lindsay Hoyle): Order. To be quite honest, that is not a point of order for me. What I will say, however, is that you have quite rightly clarified that if Members were allowed to represent only the constituency in which they were born, that would not be possible. Your opinion has been expressed and I think that we will leave it there.

PETITIONS

The Asylum of Nelly Gelves

7.2 pm

Melanie Onn (Great Grimsby) (Lab): The petition is about the asylum of Nelly Gelves and is from the people of North East Lincolnshire, including Great Grimsby.

The petition states:

The petition of residents of North East Lincolnshire,

Declares that the situation in Venezuela is desperate and inhumane; further that it would be wrong for an asylum seeker of 73 years old to be returned to political and religious repression in a country where she has practically no access to money, food and basic medicines.

The petitioners therefore request that the House of Commons urges the Government to support the Asylum and Humanitarian Protection of Nelly Gelves in the UK to allow her to continue to live with her family.

And the petitioners remain, etc.

[P002295]

Ryarsh Quarry, Kent

7.3 pm

Tom Tugendhat (Tonbridge and Malling) (Con): I rise to present a petition on behalf of 2,734 residents in and around the village of Ryarsh, who are united against the allocation of a site on Roughetts Road for quarrying—there were a further 881 signatures online. For a village the size of Ryarsh, with only a few hundred residents, this shows how the whole community and many more have come together as one on the issue. Members of the community are in the Public Gallery, and I am sure that everyone in the House welcomes them. I am grateful to the Ryarsh protection group and to Ryarsh Parish Council for the months they have spent getting so many signatures. No doubt all those who signed will be pleased that Kent County Council's draft minerals and waste local plan does not include the site.

The petition states:

The petition of Residents of Tonbridge and Malling,

Declares that land in Ryarsh, west of Roughetts Road is an unsuitable location for a quarry and Kent County Council should not allocate site M8 for sand extraction in their Minerals and Waste Local Plan

The petitioners therefore request that the House of Commons urges Kent County Council to reconsider the allocation of a site for quarrying in Ryarsh, West Malling.

And the petitioners remain, etc.

[P002296]

Tourism Industry: VAT Reduction

Motion made, and Question proposed, That this House do now adjourn.—(*Amanda Milling.*)

7.4 pm

Mr Alistair Carmichael (Orkney and Shetland) (LD): I am delighted to have obtained this Adjournment debate, albeit slightly postponed. I am grateful to the hon. Members who have remained in their place this evening to take part and to demonstrate that the question of a reduced rate of value added tax for the tourism sector is one that commands cross-party interest and support.

Tourism is the fourth largest sector of the UK economy today and, unlike most sectors, it has a reach across our economy and geography that is hard to equal. Certainly, it is a massively important, and increasingly important, industry in my constituency in the northern isles.

We have previously heard talk of voodoo economics, and tourism is a sector that allows us to apply a little judo economics—that is to say we can use the force of those things that would normally work against us to our favour. In Orkney and Shetland, we have a number of disadvantages due to our geography and the size and sparsity of our population, which are all things that, when it comes to tourism, make us an attractive destination. They are the things that make people want to come to see us in the northern isles. For us, tourism is an enormously important industry, and it is one that has grown massively in recent years.

Tourism also complements many indigenous traditional local industries. For years we have told our fishermen, our farmers and our crofters that they have to diversify or die, and they have taken that message to heart. This does not quite come within what I have to declare as an interest, but my parents' family farm on Islay, off the west coast, is now in the region of 800 or 900 acres, and it not only supports cattle and sheep, as it has always done. Now, between my sister and my parents, the farm supports four individual self-catering units, which is a good example of how a traditional farming unit has been diversified to take significant income from tourism.

Obviously, tourism fits well with the profile of many communities such as ours, because it allows seasonal and part-time employment, which are both important in communities where people perhaps do not have just one job working 9 to 5, Monday to Friday. People are looking for a range of different income sources—as evidenced by the recent growth in the number of people working as tour guides in both Orkney and Shetland—and such employment offers that sort of opportunity.

In establishing the importance of tourism as an industry, in communities like mine right the way through to where I stand in one of the best-known tourism destinations in the country, the question arises of how we can best seek to allow the industry to grow itself.

Jim Shannon (Strangford) (DUP): I congratulate the right hon. Gentleman on securing this Adjournment debate. He has mentioned the attractiveness of his constituency to tourists. A VAT reduction would definitely benefit tourism in Northern Ireland. In 2017, some 2.6 million out-of-state visitors and more than 2 million Northern Ireland residents took an overnight trip in Northern Ireland, and during 2017 visitors from all markets combined to spend £926 million in Northern

Ireland, up £76 million on the previous year. Does he agree that lowering VAT can only encourage more people to make the trip to Northern Ireland or to his constituency, luring people away from the Republic of Ireland by providing unrivalled beauty and attractions with unrivalled pricing? Indeed, the same could be said of the whole United Kingdom of Great Britain and Northern Ireland.

Mr Carmichael: The hon. Gentleman makes the point well. I am aware that Northern Ireland has a particular issue as it shares a land border, a fact that is fairly well discussed at the moment, with the Republic of Ireland. The Republic is one of those countries that in 2011—I will doubtless be corrected if I am wrong—cut their rate of VAT on tourism services to 9%. There is a particular sensitivity about the cross-border issues there, which may assist the hon. Gentleman in making the case, because there is a good working example on his own doorstep of the opportunities that are presented.

I know it is counter-intuitive in the Treasury to suggest that cutting taxes will bring an increased return in revenue, but there is good objective evidence to support that very proposition. I was a member of the Cabinet in 2015 when the Budget cut the rate of spirits duty by 2%. We did that expecting it would result in a reduced return of about £600 million, but we felt it was an important thing to do. In fact, the revenue return as a whole was significantly increased. So having taken the expected hit, we got a better return at the end of the day. This is the same thinking that underpins the Government's reductions in corporation tax in recent years.

James Heappey (Wells) (Con): The Somerset Tourism Association and Visit Somerset have made representations to me on this matter and they very much agree with the right hon. Gentleman that a reduction in VAT on overnight accommodation and visitor attractions leaves more money in the pockets of visitors to spend on other things during their stay. So the money is not lost to the system; it grows the visitor economy even further.

Mr Carmichael: The hon. Gentleman leads me on nicely to my next point. I was going to try to explain the way in which this reduced level of VAT feeds into other parts of the economy and the effects it can have. It is argued, with some force, that the reduction in VAT can lead to higher employment levels and better wages, which in turn leads to increased income tax receipts. The increased profitability of businesses, some of which are currently marginal and probably not even paying much tax at all, provides the opportunity for greater returns in corporation tax. Eventually, this feeds through to higher expenditure in other sectors—this is the so-called “tourism multiplier”, which goes back to the hon. Gentleman's point. It is estimated that for an additional £1 spent in tourism we will see another 70p generated in spend in other sectors.

The European Union VAT laws currently require a broad uniformity of VAT and sales taxes across the whole EU, but there is a specific derogation for certain supplies. The list of these derogations is set out in annex III to the principal VAT directive 2006/112/EC. The three items of particular relevance to the tourism sector are items (7), (12) and (12a). For the benefit of the House, let me read those into the record. Item (7) specifies:

[Mr Carmichael]

“admission to shows, theatres, circuses, fairs, amusement parks, concerts, museums, zoos, cinemas, exhibitions and similar cultural events and facilities”.

Item (12) specifies:

“accommodation provided in hotels and similar establishments, including the provision of holiday accommodation and the letting of places on camping or caravan sites”.

Item (12a) relates to

“restaurant and catering services, it being possible to exclude the supply of (alcoholic and/or non-alcoholic) beverages”.

It is important that the House understands that we make this case within a fairly clearly defined area, because the question of what constitutes tourism services, and other such issues, is already fairly well established in European law.

The principle of uniformity, subject to these derogations, is now stretched to breaking point. In Europe, only three countries—the United Kingdom, Denmark and Slovakia—continue to charge the full 20% rate of value-added or sales tax. Every other country charges a reduced rate. Some charge as low as the 5% minimum floor set by EU law, and they range right the way through to 15%. The rate in the Republic of Ireland has now been set at 9%, which has been of concern to operators in Northern Ireland and will doubtless affect the considerations of the hon. Members for Strangford (Jim Shannon) and for South Antrim (Paul Girvan), who are sitting behind me.

I know how the Treasury likes to do these things—I have seen it for myself many times over the years—but I would like to hear from the Minister that there is a willingness in the Treasury to engage with a wider range of people and a wider range of stakeholders. The Cut Tourism VAT campaign commissioned Nevin Associates to produce analysis. Its modelling showed that a cut to 5%—the minimum allowed—could generate £5.3 billion in gains to the Treasury over 10 years.

Henry Smith (Crawley) (Con): The right hon. Gentleman is making a powerful argument and I hope that the Treasury will listen sympathetically. He is right that reducing VAT on tourism would boost the economy, and it would also be a boost to gateways to the UK such as Gatwick airport in my constituency, where many tourists arrive from abroad and benefit the local community. It would certainly help to boost the economy further.

Mr Carmichael: That is a good point. In fact, as the representative of a slightly smaller gateway—a significant number of people come in through Kirkwall and Lerwick, especially on cruise ships in the summer months—I can see the opportunities to be had.

As I was saying, the Cut Tourism VAT campaign analysis found that there would be gains of £5.3 billion over 10 years. I hope that that would be subject to pretty robust scrutiny by the Treasury, but it should be taken not as the subject of argument or debate but as the starting point for a discussion between the Treasury and the sector. It seems to me that a significant body of both academic and sectoral opinion says that it would offer opportunities for our businesses to grow and for the Treasury to get more money as a consequence. I do not expect the Minister to stand up and say, “All right, on you go”—I suspect that that moment, were it ever to come, passed with the Budget—but there is still a wide

range of opinion on this issue in the House and there is a wide range of support for it throughout the country. It would assist us all, Treasury included, if the Minister was prepared to open the lines of communication and engage with those of us who are making the case.

7.19 pm

The Financial Secretary to the Treasury (Mel Stride): I congratulate the right hon. Member for Orkney and Shetland (Mr Carmichael) on securing this debate and on his perseverance in ensuring that we have this opportunity to debate these important matters. He quite rightly raised the importance of tourism, of which the Government are extremely aware: 1.6 million people are employed in the sector. He made important points about the sheer reach across the economy of the tourist sector, right down to the very point that he raised in his own constituency of examples of farms where additional income is being raised through participating in tourist-related activity. The sector provides £66 billion to the UK economy and 3.8% of gross value added. He is also right that, at the moment, tourism is booming not just in his constituency, but across the United Kingdom. Last year, 2017, was a record year, with 39.2 million visitors to the UK, which was 4.3% up on 2016. Not only are more tourists coming, but they are spending more as well, with an even larger increase in the amount that they are spending.

It is important to put on the record the admiration that we as a Government have for the sector and the gratitude that we have for all those who work so hard in what is quite a tough industry—it is one of those sectors that has rather a nice, soft and fun feel to it, but we all appreciate that a lot of hard work goes on behind that. The Government not only recognise the importance of tourism, but are also there to support tourism. I cite three broad areas in which we do that. The first is to get the broader economic factors correct. As the House will know, we have had eight years of economic growth and the Office for Budget Responsibility is now projecting a further five years of growth. We have high levels of employment, low levels of unemployment and we are seeing inflation coming down towards its target as well. That is an important broader macroeconomic context in which we hold this debate and discuss tourism.

The second area is business in general. We have reduced tax on companies across the board from 28% in 2010 down to 17% in the coming couple of years.

James Heappey: I am very grateful to my right hon. Friend for giving way. Does he agree that one of the taxes that could really catalyse growth in our visitor economy, not just for tourism, but for business travel as well, is further reductions in air passenger duty, beyond the very welcome announcement in the Budget, because nothing, surely, can catalyse growth in our visitor economy more than further reductions in APD?

Mel Stride: APD is certainly one of those taxes that we, along with all others, constantly keep under review. My hon. Friend will have noticed the freezing in short-haul APD that occurred at the time of this Budget, but he is right that we seek to keep that and other taxes as low as we can.

We supported our high streets in our recent Budget by reducing business rates by some 30% for smaller retailers, which will be of great benefit to some of the

coastal towns in particular that the right hon. Gentleman will be thinking of, I know, when he speaks about the importance of tourism to the economy.

Peter Heaton-Jones (North Devon) (Con): I thank the Minister for giving way. On the subject of coastal towns, as he and the whole House will be aware, the best places to visit as a tourist are some of the wonderful coastal towns of North Devon. The tourism industry in my constituency has lobbied hard for exactly the position that the right hon. Gentleman has proposed. It is something for which I have a great deal of sympathy, but I wonder whether, as well as Her Majesty's Treasury entering into those sorts of thoughts, we could look across the Government at other ways that the tourism industry can be supported. The point that is often made to me is that, for a relatively modest spend on promotion of the UK and its regions as a tourist destination, we can have greater benefits for the local economies.

Mel Stride: I thank my hon. Friend for his intervention. I recognise the sterling work that he does in promoting tourism in his own constituency. He is a constituency neighbour of mine and I am well aware of the good work that he does. He is right: we must do a lot of important things in terms of specifically supporting tourism.

Jim Shannon: I thank the Minister for his response so far. It is always a pleasure to intervene on him. Will he acknowledge that one of the great disadvantages that we have in Northern Ireland is the border, to which the right hon. Member for Orkney and Shetland (Mr Carmichael) referred? There is an inflow of tourists going into the Republic of Ireland who take advantage of the 9% VAT rate as against what we have in Northern Ireland. It is about making sure that those tourists and visitors go across the border. Does he see the disadvantage of having the two different VAT rates, and does he also see the advantage of having a reconciled VAT rate, which would mean that we in Northern Ireland could then take bigger advantage of the US visitors who go to the Republic of Ireland?

Mel Stride: The hon. Gentleman raises the issue of VAT specifically in Northern Ireland. As he will be aware, we undertook a call for evidence, which we announced at the Budget before last. We have now reported on that and will continue to look at the issue of VAT, although we are currently constrained by virtue of our membership of the European Union, as I will argue later. Northern Ireland actually has some advantages over the Republic of Ireland when it comes to VAT. For example, we have the highest VAT threshold for businesses that have to charge VAT in the European Union and the OECD, including the Irish Republic.

The right hon. Member for Orkney and Shetland mentioned the specific support we provide for tourism. We provide some £60 million per year for our GREAT Britain campaign, £20 million per year of which goes to VisitBritain. Our tourism action plan looks at regulation, transport, skills and all the other things that underpin tourist activity as well as money and taxation. Some £40 million goes to the Discover England fund for promoting tourism outside London.

At the heart of the right hon. Gentleman's ask is clearly a reduction in VAT, particularly with regard to food and beverages, attractions and accommodation—

the areas that he cited when he mentioned the VAT directive and the derogations in items (7), (12) and (12a). The Government recognise the strength of feeling on this matter. We have met campaigners over many years, and I have engaged extensively with Members right across the House. We will keep VAT and VAT on tourism under review, but unfortunately there are some issues from which we cannot hide away. One of those issues is the fact that, if we are to make a change, under the current arrangements with the European Union that change would have to be UK-wide. It would therefore come with quite a hefty price tag.

The Treasury estimates that, in the first year at least—although one recognises there are dynamic effects of reducing taxes, increasing activity and therefore perhaps getting more tax revenue further down the line—we would be looking at a cost of about £10 billion for reducing VAT from 20% down to 5% in the categories that I mentioned. That would be about £7 billion on food and beverages, £2 billion on accommodation and £1 billion on attractions. Some of that loss, or some of the relief that we would be providing, would be dead weight in the sense that it would not necessarily solely apply to supporting tourism.

Mr Carmichael: There is one important factor of which we should not lose sight, which is that our tourism sector is enormously competitive. Therefore, there would be every incentive for the operators in the industry to pass on the money that would be available to them by having a reduced rate of VAT. As a consequence, we would see that recycling effect accelerated in a way that we probably would not see in any other industry.

Mel Stride: The right hon. Gentleman makes a very important point. As somebody who philosophically believes in lower taxes, I think that is a very strong argument. However, unfortunately there is the cost argument. To use the same kind of principles to the right hon. Gentleman's argument on recycling, clearly if we were bringing in less by way of taxation as a consequence of the reduction, there would be less to spend on other things that arguably might help tourism, including improved infrastructure and maybe even tax reliefs in other areas, such as the progress that we have made in reducing small retailers' business rates.

We have one of the highest VAT thresholds of any country in both the European Union and the OECD, which is an advantage to us and our tourist sector.

Paul Girvan (South Antrim) (DUP): We see the reduction in VAT as one of the cards in the deck that can help to grow our economy, and it is vitally important, from a tourism perspective, that we look at that. However, one of the other tools in the box is air passenger duty. We are competing against Dublin because the Republic of Ireland has zero APD. That is not just affecting Northern Ireland—it affects airports throughout the UK because, to save on APD, people are travelling from the UK to Dublin to go on to America. That has an impact not just on Northern Ireland but on airports in the UK.

Mel Stride: The hon. Gentleman makes a very important point. In fact, I have been to Northern Ireland and met representatives of Belfast airport and others, and I have met them here in the UK—in London—as well. As he

[Mel Stride]

will know, we had a call for evidence on APD, which was launched at the Budget before last, and we have reported back on that. We have now set up a technical working group to see what kinds of opportunities there may be to devolve APD to Northern Ireland, although at the moment there is the critical issue of the absence of a Northern Ireland Executive. In the longer term, we would certainly be committed to seeing the issue devolved, and then of course it would be for the Northern Ireland Executive, once reconstituted and up and running, to take the appropriate decisions around that.

Returning to VAT, we do of course have reduced rates in the United Kingdom in areas like museums and transport such as buses and trains, which is not universally the case across our competitor nations. It is also possible, through the retail export scheme, for certain visitors to the UK to reclaim VAT from certain retailers. That is another important VAT relief.

In essence, the right hon. Member for Orkney and Shetland is right that I was not going to spring up to the Dispatch Box and announce a huge tax cut across the tourism sector, much as I would love to have done. Perhaps in this crazy world in which we are living, I should have done, but there we are—I did not. I restrained myself and was responsible, for once. However, I absolutely reassure him that everything that he has said on this matter this evening, and indeed has said in the past and will say in future, has been and will be very carefully noted. We will continue to look at all taxes, and certainly VAT. I look forward to further engagement with him in the coming weeks and months, and thank him very much indeed for bringing this important debate to the House.

Question put and agreed to.

7.32 pm

House adjourned.

Deferred Divisions

CAPITAL GAINS TAX

That the draft Double Taxation Relief and International Tax Enforcement (Jersey) Order 2018, which was laid before this House on 4 September, be approved.

The House divided: Ayes 302, Noes 238.

Division No. 264]

AYES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Braverman, Suella
Brereton, Jack
Brine, Steve
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Sir Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, rh Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey

Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Elphicke, Charlie
Eustice, George
Evennett, rh Sir David
Fabricant, Michael
Fallon, rh Sir Michael
Field, rh Mark
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fysh, Mr Marcus
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, rh Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen

Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hermon, Lady
Hinds, rh Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Sir Bernard
Jenkyns, Andrea
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, rh Mark
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Letwin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Lidington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McVey, rh Ms Esther
Mercer, Johnny

Merriman, Huw
Miller, rh Mrs Maria
Milling, Amanda
Milton, rh Anne
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, rh Caroline
Norman, Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Perry, rh Claire
Philp, Chris
Pincher, Christopher
Poulter, Dr Dan
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Seely, Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, Royston
Soames, rh Sir Nicholas
Soubry, rh Anna
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Streeter, Mr Gary

Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Swire, rh Sir Hugo
 Syms, Sir Robert
 Thomas, Derek
 Thomson, Ross
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vaizey, rh Mr Edward

Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Warburton, David
 Warman, Matt
 Watling, Giles
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Hardy, Emma
 Harris, Carolyn
 Hayman, Sue
 Healey, rh John
 Hendrick, Sir Mark
 Hendry, Drew
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodgson, Mrs Sharon
 Hoey, Kate
 Hollern, Kate
 Hopkins, Kelvin
 Hosie, Stewart
 Howarth, rh Mr George
 Huq, Dr Rupa
 Jardine, Christine
 Jarvis, Dan
 Johnson, Diana
 Jones, Gerald
 Jones, Graham P.
 Jones, Sarah
 Jones, Susan Elan
 Keeley, Barbara
 Kendall, Liz
 Kyle, Peter
 Laird, Lesley
 Lake, Ben
 Lavery, Ian
 Lee, Karen
 Leslie, Mr Chris
 Lewis, Clive
 Linden, David
 Lloyd, Stephen
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Marsden, Gordon
 Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahon, Jim
 McMorrin, Anna
 Mearns, Ian
 Monaghan, Carol
 Moon, Mrs Madeleine
 Moran, Layla
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Newlands, Gavin
 Norris, Alex

O'Hara, Brendan
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Peacock, Stephanie
 Pennycook, Matthew
 Perkins, Toby
 Phillipson, Bridget
 Platt, Jo
 Pollard, Luke
 Qureshi, Yasmin
 Rashid, Faisal
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Ms Marie
 Rodda, Matt
 Rowley, Danielle
 Ruane, Chris
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 Sheerman, Mr Barry
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Eleanor
 Smith, Jeff
 Smith, Laura
 Smith, Nick
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Stephens, Chris
 Stevens, Jo
 Streeting, Wes
 Stringer, Graham
 Sweeney, Mr Paul
 Tami, Mark
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twist, Liz
 Vaz, Valerie
 Walker, Thelma
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Wishart, Pete
 Zeichner, Daniel

NOES

Abbott, rh Ms Diane
 Abrahams, Debbie
 Ali, Rushanara
 Allin-Khan, Dr Rosena
 Amesbury, Mike
 Antoniazzi, Tonia
 Ashworth, Jonathan
 Austin, Ian
 Bardell, Hannah
 Beckett, rh Margaret
 Benn, rh Hilary
 Berger, Luciana
 Betts, Mr Clive
 Black, Mhairi
 Blackford, rh Ian
 Blackman, Kirsty
 Blomfield, Paul
 Brabin, Tracy
 Bradshaw, rh Mr Ben
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Lyn
 Brown, rh Mr Nicholas
 Bryant, Chris
 Burden, Richard
 Burgon, Richard
 Butler, Dawn
 Cadbury, Ruth
 Campbell, rh Mr Alan
 Campbell, Mr Ronnie
 Carden, Dan
 Champion, Sarah
 Chapman, Douglas
 Charalambous, Bambos
 Cherry, Joanna
 Coaker, Vernon
 Coffey, Ann
 Cooper, Julie
 Cooper, Rosie
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela
 Creagh, Mary
 Creasy, Stella
 Cruddas, Jon
 Cummins, Judith
 Cunningham, Mr Jim

Daby, Janet
 Dakin, Nic
 Davey, rh Sir Edward
 David, Wayne
 Day, Martyn
 De Cordova, Marsha
 De Piero, Gloria
 Debbonaire, Thangam
 Dent Coad, Emma
 Dhesi, Mr Tanmanjeet Singh
 Docherty-Hughes, Martin
 Dodds, Anneliese
 Doughty, Stephen
 Dowd, Peter
 Drew, Dr David
 Dromey, Jack
 Edwards, Jonathan
 Efford, Clive
 Ellman, Dame Louise
 Elmore, Chris
 Evans, Chris
 Fellows, Marion
 Field, rh Frank
 Fitzpatrick, Jim
 Fletcher, Colleen
 Flint, rh Caroline
 Fovargue, Yvonne
 Foxcroft, Vicky
 Frith, James
 Furniss, Gill
 Gaffney, Hugh
 Gapes, Mike
 Gardiner, Barry
 Gethins, Stephen
 Gibson, Patricia
 Glindon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Grogan, John
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh David

Question accordingly agreed to.

CAPITAL GAINS TAX

That the draft Double Taxation Relief and International Tax Enforcement (Isle of Man) Order 2018, which was laid before this House on 4 September, be approved.

The House divided: Ayes 302, Noes 238.

Division No. 265]**AYES**

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Amess, Sir David
 Andrew, Stuart
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Badenoch, Mrs Kemi
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Bebb, Guto
 Bellingham, Sir Henry
 Benyon, rh Richard
 Beresford, Sir Paul
 Berry, Jake
 Blackman, Bob
 Blunt, Crispin
 Boles, Nick
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Sir Graham
 Braverman, Suella
 Brereton, Jack
 Brine, Steve
 Bruce, Fiona
 Buckland, Robert
 Burghart, Alex
 Burns, Conor
 Burt, rh Alistair
 Cairns, rh Alun
 Campbell, Mr Gregory
 Cartlidge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Sir Christopher
 Churchill, Jo
 Clark, Colin
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 Clarke, Mr Simon
 Cleverly, James
 Clifton-Brown, Sir Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Cox, rh Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, Mims
 Davies, Philip
 Dinanage, Caroline
 Djanogly, Mr Jonathan
 Docherty, Leo
 Donaldson, rh Sir Jeffrey M.
 Donelan, Michelle
 Dorries, Ms Nadine
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Duddridge, James
 Duguid, David
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Elphicke, Charlie
 Eustice, George
 Evennett, rh Sir David
 Fabricant, Michael
 Fallon, rh Sir Michael
 Field, rh Mark
 Ford, Vicky
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fysh, Mr Marcus
 Garnier, Mark
 Gauke, rh Mr David
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Girvan, Paul
 Glen, John
 Goldsmith, Zac
 Goodwill, rh Mr Robert
 Gove, rh Michael
 Graham, Luke
 Graham, Richard
 Grant, Bill
 Grant, Mrs Helen
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Grieve, rh Mr Dominic
 Griffiths, Andrew
 Gyimah, Mr Sam
 Hair, Kirstene
 Halfon, rh Robert
 Hall, Luke
 Hammond, rh Mr Philip
 Hammond, Stephen
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark

Harrington, Richard
 Harris, Rebecca
 Harrison, Trudy
 Hart, Simon
 Hayes, rh Mr John
 Heald, rh Sir Oliver
 Heappey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hermon, Lady
 Hinds, rh Damian
 Hoare, Simon
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Howell, John
 Huddleston, Nigel
 Hughes, Eddie
 Hunt, rh Mr Jeremy
 Jack, Mr Alister
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Keegan, Gillian
 Kennedy, Seema
 Kerr, Stephen
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lamont, John
 Lancaster, rh Mark
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Letwin, rh Sir Oliver
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Lidington, rh Mr David
 Little Pengelly, Emma
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Masterton, Paul
 May, rh Mrs Theresa
 Maynard, Paul
 McLoughlin, rh Sir Patrick
 McVey, rh Ms Esther
 Mercer, Johnny
 Merriman, Huw
 Miller, rh Mrs Maria
 Milling, Amanda
 Milton, rh Anne
 Moore, Damien
 Mordaunt, rh Penny
 Morgan, rh Nicky
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, rh Caroline
 Norman, Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Pery, rh Claire
 Philp, Chris
 Pincher, Christopher
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, rh Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Seely, Mr Bob
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Sharma, Alok
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Soubry, rh Anna
 Spelman, rh Dame Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian

Sunak, Rishi
 Swayne, rh Sir Desmond
 Swire, rh Sir Hugo
 Syms, Sir Robert
 Thomas, Derek
 Thomson, Ross
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vaizey, rh Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin

Villiers, rh Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Warburton, David
 Warman, Matt
 Watling, Giles
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Hardy, Emma
 Harris, Carolyn
 Hayman, Sue
 Healey, rh John
 Hendrick, Sir Mark
 Hendry, Drew
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodgson, Mrs Sharon
 Hoey, Kate
 Hollern, Kate
 Hopkins, Kelvin
 Hosie, Stewart
 Howarth, rh Mr George
 Huq, Dr Rupa
 Jardine, Christine
 Jarvis, Dan
 Johnson, Diana
 Jones, Gerald
 Jones, Graham P.
 Jones, Sarah
 Jones, Susan Elan
 Keeley, Barbara
 Kendall, Liz
 Kyle, Peter
 Laird, Lesley
 Lake, Ben
 Lavery, Ian
 Lee, Karen
 Leslie, Mr Chris
 Lewis, Clive
 Linden, David
 Lloyd, Stephen
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Marsden, Gordon
 Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Monaghan, Carol
 Moon, Mrs Madeleine
 Moran, Layla
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Newlands, Gavin
 Norris, Alex

O'Hara, Brendan
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Peacock, Stephanie
 Pennycook, Matthew
 Perkins, Toby
 Phillipson, Bridget
 Platt, Jo
 Pollard, Luke
 Qureshi, Yasmin
 Rashid, Faisal
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Ms Marie
 Rodda, Matt
 Rowley, Danielle
 Ruane, Chris
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 Sheerman, Mr Barry
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Eleanor
 Smith, Jeff
 Smith, Laura
 Smith, Nick
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Stephens, Chris
 Stevens, Jo
 Streeting, Wes
 Stringer, Graham
 Sweeney, Mr Paul
 Tami, Mark
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twist, Liz
 Vaz, Valerie
 Walker, Thelma
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Wishart, Pete
 Zeichner, Daniel

NOES

Abbott, rh Ms Diane
 Abrahams, Debbie
 Ali, Rushanara
 Allin-Khan, Dr Rosena
 Amesbury, Mike
 Antoniazzi, Tonia
 Ashworth, Jonathan
 Austin, Ian
 Bardell, Hannah
 Beckett, rh Margaret
 Benn, rh Hilary
 Berger, Luciana
 Betts, Mr Clive
 Black, Mhairi
 Blackford, rh Ian
 Blackman, Kirsty
 Blomfield, Paul
 Brabin, Tracy
 Bradshaw, rh Mr Ben
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Lyn
 Brown, rh Mr Nicholas
 Bryant, Chris
 Burden, Richard
 Burgon, Richard
 Butler, Dawn
 Cadbury, Ruth
 Campbell, rh Mr Alan
 Campbell, Mr Ronnie
 Carden, Dan
 Champion, Sarah
 Chapman, Douglas
 Charalambous, Bambos
 Cherry, Joanna
 Coaker, Vernon
 Coffey, Ann
 Cooper, Julie
 Cooper, Rosie
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela
 Creagh, Mary
 Creasy, Stella
 Cruddas, Jon
 Cummins, Judith

Cunningham, Mr Jim
 Daby, Janet
 Dakin, Nic
 Davey, rh Sir Edward
 David, Wayne
 Day, Martyn
 De Cordova, Marsha
 De Piero, Gloria
 Debbonaire, Thangam
 Dent Coad, Emma
 Dhesi, Mr Tanmanjeet Singh
 Docherty-Hughes, Martin
 Dodds, Anneliese
 Doughty, Stephen
 Dowd, Peter
 Drew, Dr David
 Dromey, Jack
 Edwards, Jonathan
 Efford, Clive
 Ellman, Dame Louise
 Elmore, Chris
 Evans, Chris
 Fellows, Marion
 Field, rh Frank
 Fitzpatrick, Jim
 Fletcher, Colleen
 Flint, rh Caroline
 Fovargue, Yvonne
 Foxcroft, Vicky
 Frith, James
 Furniss, Gill
 Gaffney, Hugh
 Gapes, Mike
 Gardiner, Barry
 Gethins, Stephen
 Gibson, Patricia
 Glindon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Grogan, John
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh David

Question accordingly agreed to.

CAPITAL GAINS TAX

That the draft Double Taxation Relief and International Tax Enforcement (Guernsey) Order 2018, which was laid before this House on 4 September, be approved.

The House divided: Ayes 302, Noes 238.

Division No. 266]**AYES**

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Amess, Sir David
 Andrew, Stuart
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Badenoch, Mrs Kemi
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Bebb, Guto
 Bellingham, Sir Henry
 Benyon, rh Richard
 Beresford, Sir Paul
 Berry, Jake
 Blackman, Bob
 Blunt, Crispin
 Boles, Nick
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Sir Graham
 Braverman, Suella
 Brereton, Jack
 Brine, Steve
 Bruce, Fiona
 Buckland, Robert
 Burghart, Alex
 Burns, Conor
 Burt, rh Alistair
 Cairns, rh Alun
 Campbell, Mr Gregory
 Cartlidge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Sir Christopher
 Churchill, Jo
 Clark, Colin
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 Clarke, Mr Simon
 Cleverly, James
 Clifton-Brown, Sir Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Cox, rh Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, Mims
 Davies, Philip
 Dinanage, Caroline
 Djanogly, Mr Jonathan
 Docherty, Leo
 Donaldson, rh Sir Jeffrey M.
 Donelan, Michelle
 Dorries, Ms Nadine
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Duddridge, James
 Duguid, David
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Elphicke, Charlie
 Eustice, George
 Evennett, rh Sir David
 Fabricant, Michael
 Fallon, rh Sir Michael
 Field, rh Mark
 Ford, Vicky
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fysh, Mr Marcus
 Garnier, Mark
 Gauke, rh Mr David
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Girvan, Paul
 Glen, John
 Goldsmith, Zac
 Goodwill, rh Mr Robert
 Gove, rh Michael
 Graham, Luke
 Graham, Richard
 Grant, Bill
 Grant, Mrs Helen
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Grieve, rh Mr Dominic
 Griffiths, Andrew
 Gyimah, Mr Sam
 Hair, Kirstene
 Halfon, rh Robert
 Hall, Luke
 Hammond, rh Mr Philip
 Hammond, Stephen
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark

Harrington, Richard
 Harris, Rebecca
 Harrison, Trudy
 Hart, Simon
 Hayes, rh Mr John
 Heald, rh Sir Oliver
 Heappey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hermon, Lady
 Hinds, rh Damian
 Hoare, Simon
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Howell, John
 Huddleston, Nigel
 Hughes, Eddie
 Hunt, rh Mr Jeremy
 Jack, Mr Alister
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Keegan, Gillian
 Kennedy, Seema
 Kerr, Stephen
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lamont, John
 Lancaster, rh Mark
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Letwin, rh Sir Oliver
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddington, rh Mr David
 Little Pengelly, Emma
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Masterton, Paul
 May, rh Mrs Theresa
 Maynard, Paul
 McLoughlin, rh Sir Patrick
 McVey, rh Ms Esther
 Mercer, Johnny
 Merriman, Huw
 Miller, rh Mrs Maria
 Milling, Amanda
 Milton, rh Anne
 Moore, Damien
 Mordaunt, rh Penny
 Morgan, rh Nicky
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, rh Caroline
 Norman, Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Pery, rh Claire
 Philp, Chris
 Pincher, Christopher
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, rh Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Seely, Mr Bob
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Sharma, Alok
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Soubry, rh Anna
 Spelman, rh Dame Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian

Sunak, Rishi
 Swayne, rh Sir Desmond
 Swire, rh Sir Hugo
 Syms, Sir Robert
 Thomas, Derek
 Thomson, Ross
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vaizey, rh Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin

Villiers, rh Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Warburton, David
 Warman, Matt
 Watling, Giles
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Hardy, Emma
 Harris, Carolyn
 Hayman, Sue
 Healey, rh John
 Hendrick, Sir Mark
 Hendry, Drew
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodgson, Mrs Sharon
 Hoey, Kate
 Hollern, Kate
 Hopkins, Kelvin
 Hosie, Stewart
 Howarth, rh Mr George
 Huq, Dr Rupa
 Jardine, Christine
 Jarvis, Dan
 Johnson, Diana
 Jones, Gerald
 Jones, Graham P.
 Jones, Sarah
 Jones, Susan Elan
 Keeley, Barbara
 Kendall, Liz
 Kyle, Peter
 Laird, Lesley
 Lake, Ben
 Lavery, Ian
 Lee, Karen
 Leslie, Mr Chris
 Lewis, Clive
 Linden, David
 Lloyd, Stephen
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Marsden, Gordon
 Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Monaghan, Carol
 Moon, Mrs Madeleine
 Moran, Layla
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Newlands, Gavin
 Norris, Alex

O'Hara, Brendan
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Peacock, Stephanie
 Pennycook, Matthew
 Perkins, Toby
 Phillipson, Bridget
 Platt, Jo
 Pollard, Luke
 Qureshi, Yasmin
 Rashid, Faisal
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Ms Marie
 Rodda, Matt
 Rowley, Danielle
 Ruane, Chris
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 Sheerman, Mr Barry
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Eleanor
 Smith, Jeff
 Smith, Laura
 Smith, Nick
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Stephens, Chris
 Stevens, Jo
 Streeting, Wes
 Stringer, Graham
 Sweeney, Mr Paul
 Tami, Mark
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twist, Liz
 Vaz, Valerie
 Walker, Thelma
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Wishart, Pete
 Zeichner, Daniel

NOES

Abbott, rh Ms Diane
 Abrahams, Debbie
 Ali, Rushanara
 Allin-Khan, Dr Rosena
 Amesbury, Mike
 Antoniazzi, Tonia
 Ashworth, Jonathan
 Austin, Ian
 Bardell, Hannah
 Beckett, rh Margaret
 Benn, rh Hilary
 Berger, Luciana
 Betts, Mr Clive
 Black, Mhairi
 Blackford, rh Ian
 Blackman, Kirsty
 Blomfield, Paul
 Brabin, Tracy
 Bradshaw, rh Mr Ben
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Lyn
 Brown, rh Mr Nicholas
 Bryant, Chris
 Burden, Richard
 Burgon, Richard
 Butler, Dawn
 Cadbury, Ruth
 Campbell, rh Mr Alan
 Campbell, Mr Ronnie
 Carden, Dan
 Champion, Sarah
 Chapman, Douglas
 Charalambous, Bambos
 Cherry, Joanna
 Coaker, Vernon
 Coffey, Ann
 Cooper, Julie
 Cooper, Rosie
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela
 Creagh, Mary
 Creasy, Stella
 Cruddas, Jon
 Cummins, Judith

Cunningham, Mr Jim
 Daby, Janet
 Dakin, Nic
 Davey, rh Sir Edward
 David, Wayne
 Day, Martyn
 De Cordova, Marsha
 De Piero, Gloria
 Debbonaire, Thangam
 Dent Coad, Emma
 Dhesi, Mr Tanmanjeet Singh
 Docherty-Hughes, Martin
 Dodds, Anneliese
 Doughty, Stephen
 Dowd, Peter
 Drew, Dr David
 Dromey, Jack
 Edwards, Jonathan
 Efford, Clive
 Ellman, Dame Louise
 Elmore, Chris
 Evans, Chris
 Fellows, Marion
 Field, rh Frank
 Fitzpatrick, Jim
 Fletcher, Colleen
 Flint, rh Caroline
 Fovargue, Yvonne
 Foxcroft, Vicky
 Frith, James
 Furniss, Gill
 Gaffney, Hugh
 Gapes, Mike
 Gardiner, Barry
 Gethins, Stephen
 Gibson, Patricia
 Glindon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Grogan, John
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh David

Question accordingly agreed to.

IMMIGRATION

That the draft Immigration (Health Charge) (Amendment) Order 2018, which was laid before this House on 11 October, be approved.

The House divided: Ayes 300, Noes 232.

Division No. 267]

AYES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Braverman, Suella
Brereton, Jack
Brine, Steve
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conon
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Sir Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, rh Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris

Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Elphicke, Charlie
Eustice, George
Evennett, rh Sir David
Fabricant, Michael
Fallon, rh Sir Michael
Field, rh Mark
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fysh, Mr Marcus
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, rh Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard

Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heapey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, rh Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Sir Bernard
Jenkyns, Andrea
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, rh Mark
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Letwin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Lidington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Macleane, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McVey, rh Ms Esther
Mercer, Johnny
Merriman, Huw
Miller, rh Mrs Maria
Milling, Amanda

Milton, rh Anne
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, rh Caroline
Norman, Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Perry, rh Claire
Philp, Chris
Pincher, Christopher
Poulter, Dr Dan
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Seely, Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, Royston
Soames, rh Sir Nicholas
Soubry, rh Anna
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Streeter, Mr Gary
Stride, rh Mel

Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Swire, rh Sir Hugo
 Syms, Sir Robert
 Thomas, Derek
 Thomson, Ross
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vaizey, rh Mr Edward

Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Warburton, David
 Warman, Matt
 Watling, Giles
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Hamilton, Fabian
 Hanson, rh David
 Hardy, Emma
 Harris, Carolyn
 Hayman, Sue
 Healey, rh John
 Hendrick, Sir Mark
 Hendry, Drew
 Hermon, Lady
 Hill, Mike
 Hillier, Meg
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hopkins, Kelvin
 Hosie, Stewart
 Howarth, rh Mr George
 Huq, Dr Rupa
 Jarvis, Dan
 Johnson, Diana
 Jones, Gerald
 Jones, Graham P.
 Jones, Sarah
 Jones, Susan Elan
 Keeley, Barbara
 Kendall, Liz
 Kyle, Peter
 Laird, Lesley
 Lake, Ben
 Lavery, Ian
 Lee, Karen
 Leslie, Mr Chris
 Lewis, Clive
 Linden, David
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Marsden, Gordon
 Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahan, Jim
 McMorrin, Anna
 Mearns, Ian
 Monaghan, Carol
 Moon, Mrs Madeleine
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Newlands, Gavin
 Norris, Alex
 O'Hara, Brendan

Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Peacock, Stephanie
 Pennycook, Matthew
 Perkins, Toby
 Phillipson, Bridget
 Platt, Jo
 Pollard, Luke
 Qureshi, Yasmin
 Rashid, Faisal
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Ms Marie
 Rodda, Matt
 Rowley, Danielle
 Ruane, Chris
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 Sheerman, Mr Barry
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Eleanor
 Smith, Jeff
 Smith, Laura
 Smith, Nick
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Stephens, Chris
 Stevens, Jo
 Streeting, Wes
 Stringer, Graham
 Sweeney, Mr Paul
 Tami, Mark
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twist, Liz
 Vaz, Valerie
 Walker, Thelma
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Wishart, Pete
 Zeichner, Daniel

NOES

Abbott, rh Ms Diane
 Abrahams, Debbie
 Ali, Rushanara
 Allin-Khan, Dr Rosena
 Amesbury, Mike
 Antoniazzi, Tonia
 Ashworth, Jonathan
 Austin, Ian
 Bardell, Hannah
 Beckett, rh Margaret
 Benn, rh Hilary
 Berger, Luciana
 Betts, Mr Clive
 Black, Mhairi
 Blackford, rh Ian
 Blackman, Kirsty
 Blomfield, Paul
 Brabin, Tracy
 Bradshaw, rh Mr Ben
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Lyn
 Brown, rh Mr Nicholas
 Bryant, Chris
 Burden, Richard
 Burgon, Richard
 Butler, Dawn
 Cadbury, Ruth
 Campbell, rh Mr Alan
 Campbell, Mr Ronnie
 Carden, Dan
 Champion, Sarah
 Chapman, Douglas
 Charalambous, Bambos
 Cherry, Joanna
 Coaker, Vernon
 Coffey, Ann
 Cooper, Julie
 Cooper, Rosie
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela
 Creagh, Mary
 Creasy, Stella
 Cruddas, Jon

Cummins, Judith
 Cunningham, Mr Jim
 Daby, Janet
 Dakin, Nic
 David, Wayne
 Day, Martyn
 De Cordova, Marsha
 De Piero, Gloria
 Debbonaire, Thangam
 Dent Coad, Emma
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 Dowd, Peter
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 Dromey, Jack
 Edwards, Jonathan
 Efford, Clive
 Ellman, Dame Louise
 Elmore, Chris
 Evans, Chris
 Fellows, Marion
 Field, rh Frank
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 Foxcroft, Vicky
 Frith, James
 Furniss, Gill
 Gaffney, Hugh
 Gapes, Mike
 Gardiner, Barry
 Gethins, Stephen
 Gibson, Patricia
 Glindon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Grogan, John
 Gwynne, Andrew
 Haigh, Louise

Question accordingly agreed to.

Westminster Hall

Wednesday 21 November 2018

[STEWART HOSIE *in the Chair*]

Self-identification of Gender

9.30 am

David T. C. Davies (Monmouth) (Con): I beg to move,

That this House has considered proposals to allow self-identification of gender.

I thank you in advance for your chairmanship and guidance, Mr Hosie. Following our conversation earlier this morning, I am fully aware that this is a sensitive issue. I have concerns about self-identification of gender, but they are not in any way directed at anyone who is unfortunate enough to suffer from some form of gender dysphoria. I have met many trans women who share my concerns about this and want nothing to do with the kind of activism that seems to be going on and shutting down debate. The criticisms I have are of Government, Ministers and politically motivated organisations, many of which have access to public funds.

The law at the moment is that anyone who wishes to change their legal gender has to apply to the Gender Recognition Panel. They have to show a number of things, including that they have lived as their preferred gender for two years and have been diagnosed with some form of gender dysphoria. They also have to commit to living as their new gender for the rest of their life. One thing that they do not have to do is undergo any form of medical treatment or surgery. They do not even have to be taking any hormone pills. The vast majority of people who change gender maintain the body in which they are born. As far as I can find from the statistics, only one in five people who have changed gender have had any form of surgery. This is the cause of concern for many people.

Self-definition of gender is already happening. Organisations seem to be ahead of the law, which the Government may or may not be about to change. There is a particular concern about what is going on in schools with children. Guidance is being given to schools by publicly funded organisations such as Mermaids and others encouraging children to question their gender and redefine it if they wish. They can do so without their parents even being told about it. That can quickly set off a chain of events that can begin with children as young as 12 being given puberty blockers, about which there are many medical concerns. At least one doctor in my constituency has been giving these drugs out to children as young as 12. That can then progress on to hormone blockers, which have powerful and irreversible side effects. Once people start on that road, there is a danger that they may end up having more drastic and irreversible surgery, because once one is on that pathway, it becomes difficult to get off it.

Teachers who have tried to question what is going on or who have fallen foul of the activist groups are liable to find themselves being disciplined. A teacher called Joshua Sutcliffe was disciplined by a school in Oxford

for committing the offence—a new one on me—of misgendering a group of pupils. He had apparently said, “Well done, girls”, after a maths exam, although one of the girls identified as a boy. For that, the teacher was disciplined.

Layla Moran (Oxford West and Abingdon) (LD): That incident happened in my community. I would like to point out that how the hon. Gentleman is portraying the incident is far simpler than the bigger issues surrounding it. It was not just a single incident; there were a number of incidents with that teacher, not only in that specific case but in other parts of the school. I remind him that these things are sometimes over-simplified. Does he agree that over-simplification of such a sensitive and complex issue sometimes is not helpful?

David T. C. Davies: The hon. Lady is right, but if I over-simplify, it is partly so that she can have a chance to speak. We have only 90 minutes, and this is the first time we have debated the issue properly in the House of Commons. I look forward to hearing her longer explanation.

Hannah Bardell (Livingston) (SNP): I congratulate the hon. Gentleman on bringing this debate to Parliament. It is such an important issue, and this is a great opportunity for us to have a respectful debate and discussion, but does he agree that as parliamentarians we have a duty not to over-simplify and to ensure that we properly educate ourselves to have an informed debate and discussion?

David T. C. Davies: Absolutely. That is why I have spent quite a lot of time talking to women who have concerns about the issue. Very few Members of Parliament have been willing to educate themselves and come along and meet people who have those concerns. It is notable that when we have had meetings in the House of Commons, very few people have turned up to listen to the concerns of activist feminist groups who feel that the potential change to the law will have a huge impact on their lives. I look forward to the hon. Lady's support at future meetings we may have—we look forward to seeing her.

The Government are now considering legislation that would do away with the checks that are currently made and allow people to redefine themselves as any gender they wish. As far as I can see, that would mean that once the consultation has ended, if the Government do what the equal opportunities committee is recommending, people will be able to change their gender at any time. There would be no need to live outwardly as that gender, let alone to take hormones or have surgery. A 15-stone bearded man could simply define themselves as female and there would be nothing anyone could do to object. One might think that that does not matter—in fact, it does not, if that is what people want to do. I am a libertarian. I am a believer in freedom of choice. As far as I am concerned, it is absolutely fine, until it becomes an issue for other people and other people's rights.

People who might outwardly appear to be male and possess a male body would, if they legally redefined their gender, suddenly gain access to women's toilets, hospital wards, changing rooms, refuges and prisons. They would have the right to undertake roles that people would normally expect to be done by someone

[David T. C. Davies]

of the same sex as those the service is being offered to, such as nurses or carers conducting intimate procedures, prison or police officers carrying out searches or staff working in refuges for victims of domestic violence.

We saw an obvious example a few weeks ago of what can happen, and will happen more regularly, when a convicted male sex offender who had redefined himself as female was able to insist on his right to be put into a women's prison. Within a matter of days, he had carried out four sexual assaults on women. Another example was given to me by someone who was the victim of long-term sexual abuse as a young person.

Lilian Greenwood (Nottingham South) (Lab): The hon. Gentleman has cited a case and claimed that it proves that the Government should not change the law on gender recognition, yet that case, of which I do not know the detail, has happened under the current arrangements. Does that not actually point to a failure of risk assessment procedures, rather than a problem with the law?

David T. C. Davies: No, because as I said at the start, organisations such as prisons and schools are ahead of the law. They are already allowing self-identification of gender. There was certainly a failure of risk assessment with the case I mentioned. Shortly after it happened and the court case concluded, I asked the head of probation and prisons in Wales whether there had been any change to the guidance given to prison authorities about housing transgender prisoners, and I was told that there had not. I subsequently sought an urgent question about that, because, as I hope the hon. Lady would agree, it is appalling that vulnerable female prisoners, many of whom have been victims of male violence, are being put at risk in this fashion. It was not deemed important enough to be discussed in Parliament.

Layla Moran: The hon. Gentleman is gracious to give way to me for a second time. May I clarify whether his assertion is that prisons and schools are doing something illegal under the current Gender Recognition Act 2004?

David T. C. Davies: No, I have not asserted that at all. I have said that prisons and schools are allowing self-identification of gender at the moment. The law may well change shortly following the consultation, to give that a legal footing and to allow people to legally register their gender as being different from the one they are born with. The practicality is that that is already happening. I have made that point several times.

Hannah Bardell: Will the hon. Gentleman give way?

David T. C. Davies: Yes, but I am conscious that others may want to speak, and I do not want to use up all their time.

Hannah Bardell: Does the hon. Gentleman not agree that it seems strange to cite an example of a failure in the current system as a reason not to make improvements to the system? He mentioned women's refuges. Linda Rodgers of Edinburgh Women's Aid noted:

"The reality is that any service has the potential to be abused, and we would deal with that, whatever direction it came from on a case by case basis...I don't think this should be used as a reason to restrict the rights of a particular group."

Surely the hon. Gentleman recognises that we should not make policy on the basis of the incidents he mentions or of some individuals who may abuse the system. It should be about equality and fairness for everybody.

David T. C. Davies: Absolutely, but the point I am making is reasonable: if people are legally able to redefine their gender, the prison authorities, for example, will not be able to prevent a male who has redefined their gender from going to a female prison. That is already happening and is bound to become a lot easier.

Lilian Greenwood: Will the hon. Gentleman give way?

David T. C. Davies: Perhaps one last time. I will be guided by you, Mr Hosie.

Stewart Hosie (in the Chair): There is plenty of time.

Lilian Greenwood: The hon. Gentleman appears to argue that women prisoners need protection only from trans women. In fact, we need to protect all prisoners from a range of potential hazards, and such things should be applied on the basis of individual cases, not on the basis of someone's gender identification. How can he argue that a risk assessment should not apply equally? It could apply to other women, not only to trans women.

David T. C. Davies: It could, but the reality is that the vast majority of sexual assaults are carried out by males against females. I am told that the figure is higher than 90%, and I believe that. On extraordinarily rare occasions, women assault males, but let us be honest, it is very unusual. If we allow people who have been convicted of sexual offences as males to redefine their gender and insist on their right to go into female prisons, we will clearly put women at risk. I do not see how anyone can fault the logic of that. We have already seen what can happen when that goes on.

The other example I want to give is of somebody who has been involved in speaking out on this issue. She has been a victim of long-term sexual abuse and was helped by a women's organisation in the south of England. I will not go into the detail of what went on, but it was horrendous. She told me that there is absolutely no way she would have been able to access that service from anyone who was male, or have anything to do with that organisation if anyone male was there. She has subsequently been told that anyone who defines themselves as female will be able to use the service and be part of the group that helps women who have been victims of sexual abuse. Because of that, she would not have accessed that service today. There are many other women in the same situation.

My point is that even before any legislation has been passed, we are already seeing organisations such as schools, hospitals and prisons allowing people to define themselves as a different gender from the one that they were born with, and to which in the majority of cases their body corresponds. That has an impact on others, and particularly on the right of women to privacy and to sex-segregated spaces.

One issue that particularly concerns me is the lack of debate that has gone on. I am grateful for the fact that we are able to have this debate here today. Although groups in receipt of public funds, such as Mermaids, seem to have an open door to Government and Select

Committees, anyone who expresses concern about this matter is ignored. *PinkNews* seems to have abandoned any pretence at objective reporting and vilifies women's and lesbian groups that want to save sex-segregated spaces. Women's rights activists who have met to discuss the impact of the changes have faced verbal and physical harassment. Those who have resisted, such as Venice Allan, have been subject to ludicrous, vexatious legal action and dragged into court to defend themselves for speaking freely about their concerns.

I arranged a meeting in Parliament for a women's group after a venue in London, at Millwall football club, had been cancelled. Numerous complaints were made to the House of Commons authorities before the meeting, and I was called into a meeting with the Serjeant at Arms. As the Minister knows, I have been an MP for 13 years and, like most MPs, I have organised numerous meetings for numerous groups. I have never before had to go and spend an hour with the Serjeant at Arms explaining myself. I have no problem with the conversation that we had, but it is very unusual for that to happen.

I tried to organise another meeting afterwards. Again, I was contacted by the Serjeant at Arms' office. After the meeting took place, numerous complaints were made, mostly vexatious, but they resulted in a three-month investigation by the Parliamentary Commissioner for Standards. Again, I have no problem with that and with the conclusion that she reached, but such investigations are very unusual. I was even told by another Member of Parliament that I could face police action because of what had taken place, because of the potential that a public order offence had been committed. This matter is one for debate, such as the one we are having now. We have a right to discuss these issues. If people know that meetings will result in investigations and legal action against them, even if it amounts to nothing, they will obviously be far less inclined to hold them.

The Government, whom I support by and large, are proposing fundamental changes that will have a huge impact on people. That is being done without proper consideration and in an atmosphere of menace. Many people are deeply concerned by what is going on. I urge Ministers and members of the relevant Select Committees to listen to the concerns and to meet some of the groups that are concerned about what is going on, rather than ignoring them, which I am afraid is what happens at the moment. Some organisations seem to have an open door into the offices of Ministers of Government, but others—[*Interruption.*] The Minister shakes her head, but perhaps she can tell me how many times Ministers have met Transgender Trend or Woman's Place and how many times they have met Mermaids or other pro-trans activist groups.

People should not face dismissal from their jobs for suggesting that a woman cannot have a penis. It may be an issue about which we can have different opinions, but it is certainly a debatable point at the very least. Nor should they face dismissal for the so-called offence of "misgendering".

Women who want safe same-sex spaces are not transphobic and are not committing hate crimes. They are simply reflecting a concern for their own safety, which, as a man, I have to say is based on a valid fear for far too many. I hope the Government will stop listening to some of the activist organisations and start listening

to people, very often outside the M25, who have a different opinion. I say to the Minister, with all due respect, that I have supported the Government through thick and thin, as she knows, often in difficult circumstances, but I will not support the Government on this issue. Not only will I not support them if they go ahead with what I think they are planning, but I will do my utmost, in so far as I can, to stop any changes in legislation going ahead that will undermine the safety of women and change our society in ways that are very concerning.

9.47 am

Layla Moran (Oxford West and Abingdon) (LD): It is a pleasure to serve under your chairmanship, Mr Hosie. I congratulate the hon. Member for Monmouth (David T. C. Davies) on securing this debate. Although we are perhaps on opposite sides on some of the issues, I agree absolutely that not enough debate has been had in this House on this matter.

I am grateful for the opportunity to speak in the debate today, especially because it is Trans Awareness Week. Yesterday was the Transgender Day of Remembrance, a day when we are meant to remember the huge inequalities and the number of transgender people who have died over the years because of the oppression that they faced. I hope the Minister will join me today in solidarity with the community that over the past few months has had inordinate amounts of abuse hurled at it from all quarters. However, today is an opportunity to shed some light rather than heat on this debate, particularly on the issues that underpin some of that heat.

I want to place on the record my thanks to my Liberal Democrat colleague and friend, Helen Belcher, whom I have worked with closely on this matter. I also want to place it on the record that I am wholeheartedly behind the Government's proposed reforms of the Gender Recognition Act 2004. I believe that they are proportionate and well thought through. It is time that Britain caught up with many other countries around the world—a point I will come to later.

That said, I absolutely appreciate the sincerely held concerns of not just the hon. Gentleman but many other people, including constituents who have contacted me to say that they are worried about aspects of the proposals. My constituent Juliette said:

"I am frightened by the fact that women's voices are being dismissed and silenced".

My constituent Nicola wrote:

"It's taken me several days to build up the courage to email you for fear of being labelled transphobic or hateful and believe me, I am not—I fully support the rights of the trans community to live their life without discrimination".

It is a damning indictment on not just us, although we politicians need to take responsibility for shying away from what is a controversial and sensitive issue, but on the media, which I do not believe have treated the issue with fairness on either side. In today's debate and moving forward, we need to try to bring the two sides together, because I do not think there is a conflict between being a feminist and believing in trans rights.

Since my election in 2017, I have ensured that Ministers are aware of my constituents' views on both sides of the debate. I particularly thank the Minister's colleague in the other place, Baroness Williams of Trafford, for

[Layla Moran]

taking the time to meet me to discuss the issues. I have not attended the meetings organised by the hon. Member for Monmouth simply because I have been listening to my constituents and working on the issue in other ways. I take slight offence at the insinuation that because I have not attended his meetings I do not care deeply about the issue and have not been engaging in the debate.

I appreciate that Ministers are considering responses to the public consultation, but it would be encouraging to hear from the Minister about what steps the Government are taking to reassure people who are worried about the reform, and what active myth-busting is occurring, or is planned, regarding the misconceptions. That will be the crux of my speech.

It is important to put self-identification and self-declaration in the context of the Equality Act 2010. If we understand what that legislation allows, we can then talk about how the law might be reformed or changed. The Act protects people from discrimination on the basis of sex and gender reassignment, and describes the exemptions that allow single-sex spaces. Under the Act, it is a legitimate aim to provide safe spaces for women, but it is not proportionate to exclude all trans women from those spaces simply because they are trans, which is an incredibly important point. Furthermore, the Act protects those who have undergone, are undergoing, or are proposing to undergo a process, or part of a process, of reassigning their gender.

It is probably worth mentioning the sorts of interventions and operations that some trans people choose not to have. First, that is their medical choice to make. Secondly, think for a moment of the extensive operations that would need to happen. Many trans people are put off simply because it is painful, and in some cases expensive. Sometimes they feel unable to have operations because only a certain number of licensed practitioners in the country are allowed to perform them. Some trans people prefer to go abroad to have them, but that is not recognised in this country. There are many complex reasons behind the 93% figure. The proposed reforms would go some way to removing some of those barriers.

David T. C. Davies: I hear what the hon. Lady is saying. May I bluntly ask her whether she would be happy sharing a changing room with somebody who was born male and had a male body?

Layla Moran: I believe that women are women, so if that person was a trans woman, I absolutely would. I just do not see the issue. As for whether they have a beard, which was one of the hon. Gentleman's earlier comments, I dare say that some women have beards. There are all sorts of reasons why our bodies react differently to hormones. There are many forms of the human body. I see someone in their soul and as a person. I do not really care whether they have a male body.

In essence, the Equality Act already works on the basis of self-declaration of gender, as it does for religion and sexuality. Coming back to the point that the hon. Gentleman made earlier about society being ahead of the Act, that is actually not the case; society is implementing the Act as it stands.

The concern voiced by some people that reforming the Gender Recognition Act to allow self-declaration would allow men into women's spaces needs more discussion. Since my election, 12 constituents have contacted me on these issues, and that concern is a feature of all their correspondence. Other things come up, but that is the top concern. For example, Elizabeth says that she fears the

"risk of males choosing to change their legal gender in order to gain access to spaces and opportunities reserved for women".

That is her main concern.

However, the Gender Recognition Act simply allows a trans person to change their birth certificate and have it reissued. It does not change what is in the Equality Act. I appreciate that the hon. Member for Monmouth did not want to take more interventions earlier, but my question to him would be: are we saying that we want to roll back the 2010 Act in the reforms? Allowing trans women into women-only spaces is provided for under that Act. If that is what is being questioned, it is a rolling back of the Act, and not a reform.

Let us think about what would happen if a man did self-declare as a woman using any of the gender recognition reform proposals, and then tried to enter a women-only space for nefarious purposes. This chap is so intent on doing that that he gets himself a new birth certificate. By the way, it is a fallacy that people can just say, "Oh, I'm going to decide this afternoon to change my gender." Nothing in the reforms suggests that someone can just decide to do that on a whim one afternoon, or say, "In the morning I'm going to be a woman and in the afternoon I'm going to be a man," or anything like that.

The proposed reforms are proportionate and considered. They are not knee-jerk and they understand that such decisions are some of the most personal that a human gets to make. It is about who they are and how they fundamentally identify. It is not something that people do lightly. However, let us say that someone did want to do that.

Lilian Greenwood: The hon. Lady is setting out a hypothetical situation, but a number of countries already have simple self-declaration administrative processes for gender recognition: Argentina, Denmark, Ireland, Malta, Norway and Colombia. Is she aware of Government single-sex service providers or criminal justice sectors in those countries reporting negative impacts from that implementation?

Layla Moran: I thank the hon. Lady for her intervention, because as far as I am aware there are none. A lot of the concern comes from hypotheticals, anecdotes, and often very simplified versions of much more complex events. As a former science teacher, I care a lot about the evidence. What is the evidence about what has happened? I will return to the hon. Lady's point, which was very well made, in a moment.

Let us assume that someone wants to go into a women-only space for nefarious purposes. That would be quite a stupid thing to do because, apart from anything else, if an offence was committed it would show evidence of premeditation, which would increase the person's sentence. Also, had the certificate been gained for the sole purpose of entering such a space to commit a crime, that would be a separate crime under

the Fraud Act 2006. If someone was intent on harming women, that would be one of the stupider ways of doing it.

Quite apart from that, it is a hypothetical situation that is removed from what the evidence shows. There is no evidence at all to show such harms in countries such as Malta and Norway over the past few years. Importantly, because of how the Equality Act works, we do not even have to look further afield—just look at this country, where the Act already allows self-identification for those who are even considering going through the process. What evidence is there from this country of any problems with self-declaration, which has been going for eight years now? There is none.

This has the signs of a moral panic being whipped up to demonise a community. I am not saying that my constituents are doing that, but there are some people who are intent on rolling back the Equality Act, and I am deeply concerned that they are not being called out for wanting to do so.

Danielle Rowley (Midlothian) (Lab): Does the hon. Lady share my concern that when the hon. Member for Monmouth (David T. C. Davies) cited violence against women, he was conflating two issues? Violence against women is mainly carried out by men; as the hon. Lady rightly points out, it has nothing to do with men identifying as women. If the hon. Gentleman is so concerned about violence against women, that is what he should focus on.

Layla Moran: Hear, hear—I completely agree. It is really important to ensure that we are talking about the right thing. Violence against women is still ubiquitous. It still happens in our society and on our streets, and it should absolutely be called out, but these reforms are entirely separate. We need to come together on this. I am curious about whether the hon. Member for Monmouth has attended meetings in this House on violence against women.

A 2016 report by the Women and Equalities Committee found that the process of gender recognition was bureaucratic and costly. The Government's LGBT survey, published in July this year, reported that trans women were being deterred from applying for gender recognition for some of the same reasons that I spoke about earlier; it noted that 93% of those who wanted gender recognition had been deterred from applying for it. The respondents to the Government consultation are not people who are thinking about changing their gender on a whim, but people who have grappled with the issue for a very long time. Their concerns are worth listening to.

Hannah Bardell: The hon. Lady is making an excellent speech. Does she agree that trans people, who face huge barriers and a medicalised process, are being damaged psychologically by our legal framework? The core of why we are here as elected representatives is to make the lives of our constituents better and to ensure a level playing field. If we do not act and work together, more trans people will commit suicide—we already know the statistics—and young trans people will face more significant barriers. We absolutely must work together to understand and address their concerns and make sure that their voices are heard.

Layla Moran: I absolutely agree. Our laws were groundbreaking when they were introduced in 2004, but our law on gender recognition now lags behind those of other countries. It disadvantages trans people on some very questionable grounds.

I am not sure on what basis the people who raise concerns about gender recognition feel that it is wrong. It is one of our values that there should be a level playing field in our society. Society is evolving and becoming more complex, and we are rightly recognising more intricate parts of it.

It is incumbent on us as British politicians to protect minority groups and understand the issues that they face. The reforms are a logical next step in our evolving understanding of a very small and vulnerable group of people in this country. Yes, many are children when they first start to discover the situation, but as a former teacher and as the Lib Dem education spokesperson, I believe that schools are doing their utmost to make children feel that it is okay to be different and have a space in which they can discuss the issues. To suggest that that extends to encouraging them to change their gender is a step too far for the role of schools.

I am pleased to support the reforms of the Gender Recognition Act, as well as maintaining my support for women-only services, which remain vital for many. The points made about violence against women and about the need to protect women from men who sexually abuse them are absolutely right, but being a feminist and being a supporter of trans rights are not in conflict; the two can absolutely sit together. We need to look at the evidence, not just about what the law currently says, but—

David T. C. Davies: The hon. Lady says that she supports women-only services. By “women-only”, does she mean anyone who defines themselves as a woman?

Layla Moran: The hon. Gentleman brings me on to my next sentence. I was about to say that trans women are women. Moreover, trans rights are human rights.

I am very grateful for today's debate, because it has allowed some of us to broaden and deepen the debate and to start to set the record straight.

10.6 am

Hannah Bardell (Livingston) (SNP): It is a pleasure to serve under your chairship, Mr Hosie. I am grateful to the hon. Member for Monmouth (David T. C. Davies), who raised a number of issues. It is important that the debate remains respectful and that we can have a reasonable and decent conversation. I commend the UK and Scottish Governments on their consultations. The Scottish Government consultation received a huge number of responses, more than 60% of which were in favour of the proposals.

On a number of occasions, the hon. Gentleman spoke in over-simplified terms. I must repeat what I said in my intervention: that is not helpful because deepening and expanding the debate about those concerns is vital. The hon. Member for Oxford West and Abingdon (Layla Moran) made an excellent speech. I greatly share her concerns about rolling back on the Equality Act. As her hypothetical example highlighted perfectly, we have to remember that what is essentially identity fraud would

[Hannah Bardell]

be a crime. The fact that 93% of people in the trans community have sought to get support and access services but have been turned away is a shame and a stain on our society.

Yesterday was the Transgender Day of Remembrance—a day when we took a moment to celebrate the incredible contribution that trans people make to our communities, and to reflect and remember our trans siblings who have been killed, committed suicide, faced prejudice or not been able to live or be recognised in a way of their choosing. I firmly believe that today's debate is about exactly that: living in a way of our choosing, without fear or prejudice, under a legislative framework that supports people to do exactly that.

I started school in the year section 28 was introduced. Section 28 meant that schools and teachers could not talk to students openly about their sexual orientation or gender identity without fear of losing their jobs. So much legislation related to LGBTI rights has been, and still is, based on fear rather than acceptance, but we have come a long way in all parts of the UK. I commend the Minister and her Government on their work, as well as the other Governments around the UK—particularly the Scottish Government, who have gone a little bit further. I hope that at some point the Minister and I can meet to discuss how scrapping the spousal veto in Scotland has meant greater equality for trans people.

Section 28 was scrapped in 2003. By then I was halfway through my university degree. I grew up believing that, if I came out, I could not live a normal life and I would not have equal rights. I am an ardent feminist and an openly gay MP. I am not about to shut the door on the equality of trans people just because people like me now have greater equality. Those of us in the LGBTI+ community, and all of us who believe in equality and enjoy greater equality, must do all that we can to support others who are marginalised and discriminated against. Although the legislation on gender recognition was groundbreaking in 2004, it is now out of date. Medicalising and marginalising people who are trans is absolutely wrong.

We recently celebrated a new chapter in Scotland for LGBTI people. Inclusive education has become a reality—the UK Government are also working on that. I want to take a moment to recognise Liam Stevenson and Jordan Daly from Time for Inclusive Education, plus all the many organisations that have supported us with their briefings today, including Stonewall Scotland, LGBT Youth Scotland and the Scottish Trans Alliance, which worked on the legislation and policies in Scotland alongside John Swinney, Angela Constance and Christina McKelvie.

I appreciate that sexuality and gender identity are two very different things, but I faced challenges in terms of coming to my sexuality. I did not come out until I was 32. I cannot imagine how difficult it must be for somebody who is trans who is trying to operate in a system where their transition is medicalised, where they have to travel hundreds and sometimes thousands of miles—as the hon. Member for Oxford West and Abingdon mentioned, many trans people feel that going abroad is their only choice.

I have met a number of young trans people in my Livingston constituency, some pre-op, some post-op. The challenges they have faced are truly heartbreaking.

Even in Scotland, which came second top in inclusiveness on the LGBTI global index, we still have a significant way to go. Living in a country and society where someone's orientation or identity does not have legal recognition, and where they do not have equal rights, is corrosive to the soul. At the core is the need to reform the legislation—changing our societal view and structures will follow from changing the law on gender recognition.

I recognise that the debate has become very polarised, which is a source of great sadness to me. I do not think it helps when the media sensationalise. There are cases where systems are being abused, and we must recognise and address those concerns, but we must not make policy based on a few individuals who seek to abuse the system. There will always be those who seek to abuse the system. That is regrettable and those people should be dealt with appropriately, but we should not make policy on that basis.

Danielle Rowley: As the hon. Lady has rightly pointed out, a small minority would seek to cause others harm. However, more than half of trans people in the UK have attempted suicide and 84% have said that they have experienced suicidal thoughts. Does the hon. Lady agree that a lot more needs to be done to protect and support them?

Hannah Bardell: I could not agree more. The hon. Lady makes a very powerful point. It is a stain on our society that many trans people feel so marginalised. In this debate and in the wider discussion, we must do all that we can to raise our voices to show our support and ensure that our policies and our laws properly support and recognise them.

The Scottish Government consultation on reforming the Gender Recognition Act 2004 ran from 9 November 2017 to 1 March 2018. There were 15,697 responses and 60% of respondents were in support of the Government's proposals. It is important to recognise and understand why 40% were not in favour, but those are the figures none the less.

The hon. Member for Monmouth raised a number of concerns about domestic violence and women's services. I have a few quotes from organisations in Scotland for him. The chief executive of Rape Crisis Scotland, Sandy Brindley, said that the most important thing to say was that the proposed legal changes

“should make no difference to the provision of women-only services – that's where some confusion has arisen. There isn't any Rape Crisis which would ask to see documentation of gender.”

I mentioned Linda Rodgers of Edinburgh Women's Aid, who said that

“there are concerns out there that our service could in some way be abused”

by allowing people to self-declare their gender. She said she had not heard that from the organisation's staff or board. She continued:

“The reality is that any service has the potential to be abused, and we would deal with that, whatever direction it came from on a case by case basis...I don't think this should be used as a reason to restrict the rights of a particular group.”

Many people are concerned about young people. Stonewall has said that accessing legal recognition would have a hugely positive impact on trans young people's health and experience in education. Like all young people, trans young people get on better at school and

college when they are supported to be themselves, which is particularly important given the alarming rates of transphobic bullying happening in Britain's schools and the impact that that has on trans young people's mental health. Lowering the age at which young people can obtain legal recognition would also raise awareness of trans young people's needs and support schools and colleges to address the misconceptions and stereotypes that fuel transphobic bullying.

Stonewall provided a case study from a woman called Susan:

"My daughter deserves to have the legal status and identity that matches who she is. I don't understand why people can't accept that everyone has a right to live their life being true to themselves, as long as it doesn't break the law or impact negatively on anyone else."

Earlier in the year, I visited Malawi and met a number of trans activists and heard their stories. They live in a country where it is illegal not just to be trans, but to be gay. Trans people have no legal standing in that country. One of the activists had been attacked in their workplace purely on the basis of being trans. They went to the police, and were told to go home, dress in their proper identity and come back—only then could the crime be recorded. That is a world away from where we are. The mental and physical toll on those activists was terrifying.

We absolutely have to recognise that changing gender is not something that anybody would do lightly. Should it be done for nefarious reasons, it would be very rare and should be dealt with appropriately.

Lilian Greenwood: The hon. Lady is making a powerful speech. She said that the experience in Malawi is a world away. Sadly, 41% of trans people have experienced a hate crime in the past year. I know from talking to some of my trans constituents that that is consistent with their experience. In reality, do trans women not need precisely the same protection from male violence and access to safe spaces that other women need?

Hannah Bardell: I absolutely agree.

I hope the hon. Member for Monmouth and others who have concerns will be reassured by the fact that women's groups such as Rape Crisis Scotland, Scottish Women's Aid, Zero Tolerance, Engender, Equate Scotland, Close the Gap and the Women 50:50 campaign have come out in support of the proposed changes in Scotland, as have their equivalent organisations in the UK. We must recognise that there are concerns and we must address them, but we absolutely must hold a mirror up to those who are marginalising and attacking trans people and their rights. There is a groundswell of support for equality and for a change in the law to ensure that gender identification and the processes that trans people have to go through are not discriminatory at their core. We absolutely must change the law to ensure that they are properly supported, that the law reflects that and that our society reflects that.

10.19 am

Dawn Butler (Brent Central) (Lab): I thank the hon. Member for Monmouth (David T. C. Davies) for bringing the debate to the House. It is absolutely right to say that we need to have this discussion. It should have happened sooner—if it had, maybe the void that was created would not have been filled with such hostility.

As many Members have recognised, yesterday was the Transgender Day of Remembrance. I want to reflect on the 369 reported killings of trans and gender-diverse people—one was in the UK—between 1 October 2017 and September this year. I also want to reflect on the number of trans people who, as we have heard, have considered taking their own life, especially students.

It is important that what is discussed in the House is accurate and sensitive. I feel that some of the remarks of the hon. Member for Monmouth were not as sensitive as they could have been. We have to remember that people who are transitioning will be watching this debate, and that we are decision makers and lawmakers. They will be looking at how we address this issue.

David T. C. Davies: It certainly was not my intention to cause any offence to anyone who is trans or otherwise. Perhaps the hon. Lady will educate me a little by explaining which of my comments she thought was insensitive.

Dawn Butler: You made a comment about people who are "unfortunate enough" to suffer from gender dysphoria. That has very negative connotations, just as it used to be said that people were "unfortunate enough" to be gay, to be a woman or to be black. The way you speak was picked up in your talking about simplifying—

Stewart Hosie (in the Chair): Order. Please use the correct terminology.

Dawn Butler: Sorry, Mr Hosie. The hon. Member for Monmouth simplified cases to sensationalise them, which is unnecessary for this kind of debate.

David T. C. Davies: It was not my intention to cause any offence to anyone who is trans; I have tried to make that clear throughout. My understanding is that gender dysphoria is a medical condition that must be diagnosed. I suggest that, if somebody has gender dysphoria and is unhappy with their gender, that might be an unfortunate situation to be in. By saying that, I am certainly not trying to undermine the rights of anyone who is transgender.

Dawn Butler: I am sure the hon. Gentleman's comments will slightly reassure the transgender community. The UK's legislation is so out of date that we are no longer considered a world leader on LGBT+ rights. We were once No. 1—right at the very top. We slipped to third, and we are fourth in this year's rankings. The International Lesbian and Gay Association's "Rainbow Europe index" report cites a surge in transphobic media coverage as the reason for our falling down that league table.

The Labour party has a proud record of championing equal rights, including LGBT+ rights. It was a Labour Government who brought in the Equality Act 2010 and the Gender Recognition Act 2004, and who abolished section 28 and created civil partnerships. We need to recognise that LGBT+ people still face widespread discrimination, and it is clear that we must do more to enhance their rights and protections. The Gender Recognition Act 2004 is now out of date and needs amending. The issue is about changing sex and gender on birth certificates, and we should talk about the facts. Apart from birth certificates, it is already possible to change one's name, title and gender marker on all UK identity documents. That has been working well for more than 40 years. In fact, most trans people do not

[Dawn Butler]

want to go through the indignity of applying for a gender recognition certificate. The Government will have the support of Opposition Members to amend the Gender Recognition Act 2004.

I will go through a few more facts. Deliberately making a false statutory declaration is a serious crime and is punishable by imprisonment. From the heartfelt contributions that we have heard, we know that changing one's gender is not done lightly. Reform of the Gender Recognition Act 2004 does not affect access to single-sex services and facilities, which has been made clear.

Layla Moran: On the issue of prisons, can the hon. Lady confirm that very high-risk trans women are sometimes not held on the female estate because there are no facilities to house them? Depending on a risk assessment, they are sometimes even held in male prisons. That goes to show that the current system already works: if somebody is considered a high risk to the exclusively female population, the system and guidelines already provide for that.

Dawn Butler: That is absolutely correct. In the case that was mentioned, there was a failure of the prison authorities, not of the system. The process should have gone through certain panels before the decision was made—it had nothing to do with the principles of the Equality Act 2010. We have good information that a transgender expert who consulted on that particular case was overruled. The failure of Leeds prison authorities to act on the expert's advice arises from the reaction to Vikki Thompson's tragic suicide in Leeds, which is maybe why that particular case happened. It was a failure not of the system but of the prison authorities.

Labour recognises the rights of all groups to debate the implications of reforming the Gender Recognition Act 2004. All views should be listened to and supported, and we have listened to various groups that have vastly different opinions. That does not mean that we will be bullied into taking one side or the other. Decisions and law should be made on the basis of facts and take into consideration the majority, not just people who are sensationalising certain aspects of a particular case. As I have said, with 45% of trans students attempting suicide, the Government's delay in amending the Gender Recognition Act 2004 has contributed to fraught and toxic debate, from which I hope we can move on.

I have a few questions for the Minister, which I am sure she will appreciate. Will she outline the Government's planned timetable for reforming the Gender Recognition Act 2004, including the publication of their response to the recently closed consultation? Will she outline the Government's plans to launch their separate calls for evidence on issues faced by non-binary and intersex people, and can she confirm that this will not delay the much-needed reform of the Gender Recognition Act 2004? In line with the LGBT action plan, will she provide an update on research on the feasibility of the "Tell Us Once" service as a sustainable model for trans people to update their name and gender only once across multiple Departments? I am sure this is the case, but just for clarification, will the Minister confirm that trans people will not lose any rights under the Gender Recognition Act reforms?

I will conclude by quoting a letter from a Labour activist, Heather Peto, but before I do so I want to thank the organisations that fed the views in to us, including Unison, Stonewall, *DIVA* magazine, my LGBT advisory panel, LGBT Labour and our parliamentary Labour party LGBT group. When we make legislation in this place, it is important that we listen to people's lived experiences. For too long, laws have been made for people, about people, without their having a place around the table.

Danielle Rowley: I spoke to a young trans woman who found herself homeless. She told me that she had been put into an all-men hostel and was scared for her life. Does my hon. Friend agree that we must make law to protect all women, and that must absolutely include trans women?

Dawn Butler: My hon. Friend is absolutely correct. Trans women suffer from abuse, violence, domestic abuse and assault in the streets, just as every other woman does. We need to recognise the intersectionality of women, including trans women; we often do not. Often, only some women are recognised and have a privileged position.

Hannah Bardell: The hon. Lady has made an excellent contribution. I just want to share with hon. Members an excerpt from Baroness Helena Kennedy's excellent book, "Eve Was Shamed", about the experience of trans prisoners, which illustrates the hon. Lady's point excellently:

"One of the most distressing cases I ever conducted was defending a young transgender woman who had been raped and vaginally damaged by a former partner. She had gone to the police and reported the violation only to be greeted with ridiculing asides and suppressed laughter. The case pre-dated the Human Rights Act and reforms in rape law and the Equality Act. Her experience at the hands of the police was so wretched that she decided to withdraw the allegation whereupon the police charged her with perverting the course of justice."

That was a long time ago and things have moved on, but such cases show that there must be no rolling back of rights.

Dawn Butler: I thank my hon. Friend—I will refer to her in that way—for that intervention. That feeds nicely into the letter from Heather, who has been trans for many decades. She said:

"Not so long ago, I was assaulted in a club when a stranger came over and roughly grabbed my crotch and breasts 'to see if I was a woman'. I would call that sexual assault, but the police with stretched resources gave it low priority as it was a 'lad having a laugh when drunk'. Being pushed over and abused in the street has also become common place again. When it happens now, myself and other trans people have to weigh whether it is worth reporting it to the police at all. Is your indignity worth the time it takes to go through all the police processes, the triggering of old memories of being sexually assaulted and the police's lack of concern? For the more minor assaults usually it isn't, but for the rapes and domestic violence support it is, and transwomen need support and safe spaces just as other women do."

10.33 am

The Minister for Women (Victoria Atkins): It is a pleasure to serve under your chairmanship, Mr Hosie. I thank my hon. Friend the Member for Monmouth (David T. C. Davies) for securing this debate and enabling

us to have this conversation about a very important area of our society in the 21st century. A lot of us are feeling our way in it.

I thank all hon. Members for the respectful tone in which they conducted the debate. I get asked about this issue regularly, and we all share a sense of sadness about the fact that this important debate sometimes gets taken over by loud and sometimes aggressive campaigning by activists. I am sure they hold their beliefs very strongly, but they perhaps lose sight of the fact that we have to be able to talk about this issue in a reasoned, respectful and caring fashion. The vast majority of the public—and, I am sure, parliamentarians—are in the middle. We want to talk about this issue in a caring and careful way so society gets to a position in which we are all comfortable with the consequences of the changes to legislation and so on.

There is perhaps a lack of understanding, so we need to help schools and the other organisations that have been mentioned to understand what the law is so they can apply it confidently in their services. I take that away not just from this debate but from the discussions we have more generally. We have tended to focus on trans women, but of course this debate also involves trans men, which I will deal with towards the end of my speech.

The consultation closed on 22 October. I hope that those who looked at it noted that the questions were very open. We deliberately tried not to lead people down a particular path because we wanted to ensure that we heard a range of views from as many people as possible to see how the current system is working. This debate is about self-identification, but no decisions have been made yet about what if any changes will be made to the Gender Recognition Act 2004. The consultation was about seeking views, so people should not walk away with the idea that we have made up our mind. It is only a couple of weeks since the consultation closed, so no proposals have been put forward about self-identification or other ways in which we can deal with the Act.

The consultation ran for 16 weeks and received more than 100,000 responses, which shows the interest that this topic attracts. My hard-working civil servants are now analysing those responses. In response to the hon. Member for Brent Central (Dawn Butler), we hope to have a Government response to the consultation ready in spring next year. She will appreciate that it takes a bit of time to work through 100,000 responses. We also want to ensure that we get the right response, in which we will set out the next steps.

The hon. Lady also asked about calls for evidence regarding intersex and non-binary people. We will publish the call for evidence shortly, and it will not cause delay to the response to the overall consultation. She also asked about the “Tell Us Once” service. Work is ongoing in the Government Equalities Office to deliver that commitment in the action plan.

The hon. Lady asked about trans people’s rights. Again, I am grateful to my hon. Friend the Member for Monmouth for securing this debate, because it gives me the opportunity to say that there will be no loss of trans people’s rights. This is an open consultation to determine what the law should be and explore people’s thoughts about its application in the 21st century.

I understand that my hon. Friend is concerned that the views of women and women’s groups have not been heard in the consultation. I reassure him that the

Government are committed to hearing from everyone, including the groups he mentioned. We do not want to close down the debate. We absolutely do not agree with those who seek to vilify the views of people who do not agree with them. I, for one, have been on the record for some time as having grave concerns about the development of things such as no-platforming in our universities. It seems to me that we should have the confidence to talk about this issue, to express our concerns, to ask questions and to do so in a way that is met with respect so our questions are answered.

David T. C. Davies: The shadow Minister, the hon. Member for Brent Central (Dawn Butler), said that Labour fully supports debate. The Minister has just said the same. Do they both support local authorities—Conservative and Labour—in allowing groups such as Woman’s Place UK and Transgender Trend to hold meetings in local authority buildings?

Victoria Atkins: I take the view that we have the principle of freedom of speech. We should have a debate as long as it does not go beyond the legal markers delineating hate crime and so on. People are sometimes almost too scared to talk about things, which is not right. We do not want a climate of fear in the debate. We want people to be able to express their views respectfully and in a caring and careful manner, so that we ensure that questions are flushed out and answered.

The people whom my officials have met represent what I call the “rainbow full of views”—the spectrum of views on the topic. My officials have met women’s groups, those who run and administer refuges, domestic abuse charities, local government, LGBT groups, unions, service providers, transgender charities, Government Departments, European Governments, and organisations who campaign against reform of the Gender Recognition Act, including Fair Play For Women, Woman’s Place UK and Transgender Trend. They have also met feminist organisations that support reform of the GRA, because our priority with the consultation has been openness and listening.

As the Government consider the options, there are a couple of points I will make clear. Since the Gender Recognition Act came into force, transgender people have been able to acquire a new birth certificate matching the gender they live in. Experience has shown, however, that some do not use the process because they find it to be difficult and intrusive. They are therefore left with a birth certificate that does not reflect the gender in which they live their lives. Without a new birth certificate, transgender people are unable to marry in the gender in which they live their lives, and cannot claim their pensions at the age appropriate to that gender. Those who are a little older live with the worry that their death certificate might carry a name and a gender that have not applied to them for decades. That is one of many reasons for the consultation.

For a transgender person, changing their birth certificate requires them to obtain a medical diagnosis of gender dysphoria; to obtain a second report from a medical professional detailing any medical treatment that they have had, such as hormone treatment or surgery; to sign a statutory declaration that they intend to live in their acquired gender until death; to provide proof of having lived for at least two years in their acquired gender; to

[Victoria Atkins]

pay a fee of £140; and, if they are married, to obtain the consent of their spouse. That documentation is sent to the Gender Recognition Panel, which is made up of legal and medical experts, and which makes a decision as to whether the person has fulfilled the requirements. If satisfied, the panel will issue a gender recognition certificate, which is used to obtain a new birth certificate. The transgender person never meets the panel that makes that decision about them.

When the UK Government introduced the 2004 Act, it was world leading, as the hon. Member for Brent Central mentioned. We feel that the time is right to ask whether it is still appropriate and whether it needs improving. We have heard from 100,000 people and from colleagues across the House.

Dawn Butler: Does the Minister agree that it is cruel not only that a transgender person does not meet the Gender Recognition Panel, but that they have no right of appeal?

Victoria Atkins: That point was raised in the consultation.

Hannah Bardell: The Minister's point about the time being right is important. She mentioned a number of organisations that she has met, but I am concerned that some organisations suggest that gender identification is a trend. To me, that is deeply offensive, because it is akin to somebody telling me that my sexuality is a trend, which I absolutely refute in the strongest terms. In reality, trans people across the UK face murder, homelessness and violence. It is important that we change the law as soon as possible.

Victoria Atkins: I am about to move on to something that the hon. Lady spoke about in her speech. She may not know but I have said on record that I would never dream of using the word "trend" in this context, because its use risks demeaning or minimising the journeys that people are on or have been on. To my mind, that comes back to the point about being caring and careful in the way that we discuss the issue. If I may correct her for the record: the organisations I listed have met my officials.

Layla Moran: I want to relay the story of a friend of mine whose spouse was asked to provide that certificate and found it deeply concerning. Their feeling was, "Who am I to stop my partner from defining who they are?" In fact, it stopped them from going through the process. Does the Minister agree that that is problematic and can she confirm that it is being looked at?

Victoria Atkins: We will look at the matter of spousal consent and those responses as part of the consultation.

The hon. Member for Livingston (Hannah Bardell) gave a moving account of her personal experience, and other colleagues have given accounts of the experiences of people who have been on, or are on, their journeys, and the challenges, or sometimes the heartbreak, that they face. I know from conversations that I have had with trans people that there is often a great deal of sadness in the process of coming to a decision. That is not necessarily their own sadness, but can be the sadness of those around them. I am very conscious of the

experiences of people who have been through that and, for me, the key words on the issue are "caring" and "careful".

I say "careful" because of some of the concerns expressed today. I absolutely understand those who expressed them—for example, about women's refuges. As a Home Office Minister, I will take the draft domestic abuse Bill through Parliament in the coming months. I know people are concerned that refuges will no longer be able to provide safe spaces for women. May I please make it clear that that is not the case?

Domestic abuse services, including refuges, have robust risk assessment procedures and may exclude anyone who might threaten a safe environment for victims and their children, as well as signposting sources of support for those people whose needs they might not be able to meet. I am very conscious from my conversations with refuge organisations that they take different approaches, which I welcome. We have to be in a situation in which we can offer support and refuge services to people regardless of their lifestyle, background and so on. I absolutely understand people's concerns and I hope I have been able to offer reassurance to them.

We are committed to maintaining protections for single-sex services and will consider as part of our response to the consultation whether any further action is needed to reaffirm that approach. To be clear, the single-sex exceptions under the Equality Act 2010 allow a service provider to provide a service for women or men if an organisation needs to define it in a way that does not allow a trans person to access their services, or to provide a service to them in a different way. They are able to do that as long as they can show that it is a proportionate means of meeting a legitimate aim.

The issue of transgender offenders has understandably been raised as well. The case of Karen White in particular has been examined. I want to be clear that the case of Karen White is appalling. There was a series of terrible failings that should never have happened. In the light of that, my ministerial colleagues at the Ministry of Justice are looking again at the decision-making systems that apply to the management of transgender prisoners, as well as how they were applied in that case.

The issue of children is of concern outside the walls of this Chamber. We have no intention of lowering the age at which people may legally change their gender, namely the age of 18. We recognise the increase in referrals of children and adolescents to gender-identity services for people aged under 18, so we have committed to improve our understanding of the impacts on children and adolescents of changing their gender, and to gather evidence on the issues faced by people who were born female and who transition in adolescence. We are not the only country to witness and experience the increase, and we need to understand why it is happening.

I thank my hon. Friend the Member for Monmouth for securing the debate. I hope I have been able to reassure him on some of his concerns, and other hon. Members who hold different views on the concerns they expressed. The Government are absolutely committed to ensuring that everyone in our society can thrive, and to upholding the rights and protections that all our citizens enjoy. We want to support and protect women; we want to support, protect and improve the lives of transgender people; and I hope that those two ambitions have the support of the House.

10.52 am

David T. C. Davies: Of course, everyone who has concerns about this issue in any direction totally condemns any violence against anyone who is transsexual in any way. Those responsible for physical or verbal assaults, or any other kind of abuse, deserve to be punished with the full force of the law. I have never met anyone who disagrees with that proposition.

I say respectfully to the hon. Members for Livingston (Hannah Bardell) and for Oxford West and Abingdon (Layla Moran) that I have in fact tried to educate myself on the issue of violence against women over a number of years. In fact, I served on the Home Affairs Committee between about 2005 and 2010, when it brought out its reports on forced marriage and female genital mutilation, issues that I raised on many occasions in the House of Commons. I was glad when legislation was passed, especially on FGM, although I am disappointed that despite all the laws and fine words, there has still not been a single conviction for female genital mutilation—that probably wanders a little from the topic, but violence against women is an important issue.

On the consultation, I am not surprised that so many people seem to be in favour of changing the law. Mermaids, a publicly funded body, has published online a primer encouraging people to fill it out, which is not right.

The important thing—it comes down to this—is that if people believe a trans woman is a woman, then it is not possible to protect female sex-segregated spaces in the way that many campaigners would like. Many people do not accept the proposition that a trans woman is a woman. A trans woman is a trans woman, worthy of respect, absolutely deserving of protection under the law against discrimination, or physical or verbal assault, but not necessarily eligible to access single-sex areas.

Finally, I very much welcome the fact that on all sides at least lip service is given to the idea of debate. I hope the Minister sets an example by encouraging any local authorities that wish to in their areas to allow groups such as Woman's Place to hold meetings, and by meeting with some of those groups. To the best of my knowledge, such meetings have not yet taken place, although I have certainly tried to facilitate them. I look forward to that happening in future.

Question put and agreed to.

Resolved,

That this House has considered proposals to allow self-identification of gender.

10.55 am

Sitting suspended.

Rape Myths and Juries

11 am

Ann Coffey (Stockport) (Lab): I beg to move,
That this House has considered rape myths and juries.

It is a pleasure to serve under your chairmanship, Mr Hosie.

In August, I submitted a freedom of information request to the Crown Prosecution Service about the conviction rates for rape. The answer revealed that less than a third of prosecutions brought against young men result in a conviction. Men aged 18 to 24 in England and Wales are consistently less likely to be found guilty than older men. Only 32% were convicted last year—the lowest of any age group. Successful prosecutions against men aged 25 to 59 were much higher at 46 %. *The Guardian* used those figures in its recent excellent series on rape.

Given that the vast majority of rapes are acquaintance or date rape, the conviction figures suggest a reluctance by juries to find young men guilty of rape. We need to explore the reasons behind that and how rape myths, stereotypes and attitudes affect juries. The rates may reflect the prevailing attitudes in society, and therefore of juries, towards young women, who are often blamed for their own rape.

The number of men charged with rape in England and Wales has fallen to its lowest level in a decade—a 23% decline in 2017-18, according to the Crown Prosecution Service's annual "Violence against Women and Girls Report". Yet at the same time, the number of rapes reported to the police soared to more than 41,000 in 2016-17, with a massive 150% increase in the last five years. Despite fewer charges, there was a 13% fall in prosecutions and a 12% decrease in convictions.

Gloria De Piero (Ashfield) (Lab): My hon. Friend highlights some figures; according to latest figures, just over half the reports of rape resulted in a charge. Of the cases that were prosecuted, 42% did not result in a conviction. The most vital thing for women who report rape is that they are believed. Does she agree that those figures cause serious harm to that principle?

Ann Coffey: I agree; women must have confidence when reporting rape that they will be believed and taken seriously, and that they will have justice.

There has been a 72% increase in the number of cases that have been administratively finalised—meaning the police have closed them after receiving advice from the CPS. A *Guardian* article on 24 September quoted a whistleblower who said that prosecutors were being told to

"ditch 'weak' rape cases to improve figures".

That advice could severely limit victims' access to justice and lead to cases involving younger victims, students or those with mental health issues being less likely to result in a charge. The overwhelming majority of rape victims still choose not to report to the police for fear of not being believed, yet the prevailing narrative in some sections of the media is that lying about rape is common. The opposite is true. Only 17% of those who experience sexual violence report it to the police, according to figures from the Office for National Statistics for March 2017. The CPS estimated in 2012 that only 3% of the 1,149 cases heard may have been malicious.

[Ann Coffey]

Juries view evidence through the lens of prevailing stereotypes shared with the wider community. Rape myths still dominate in our culture, including that a woman who has drunk a lot cannot complain if she is raped, that it is rape only if someone has injuries, that real rapes are done by strangers in alleyways, that it is a crime of passion and that women invite rape by what they wear. Research shows that stereotypes about how rape victims are expected to behave remain prevalent in society and, by extension, in juries. There is still a lack of understanding about why a woman might not report an assault immediately or might not fight, or how a victim of a sexual assault might behave in the immediate aftermath of an attack. There are still huge gaps in the public understanding about what sexual consent actually means.

The End Violence Against Women Coalition commissioned YouGov research, which will be published shortly, that shows confusion among the public about what constitutes rape, particularly concerning the majority of rapes involving acquaintances. Almost a third thought it was not rape if a woman had flirted on a date but had not wanted sex. Juries take those attitudes into the court room with them. Defence lawyers play up those myths in an attempt to rubbish the character of the witness.

Dr Dominic Willmott, an academic at Huddersfield University, conducted a study in 2017 in which he replicated genuine trial environments to assess how attitudes and backgrounds had an impact on juries. The study found that nearly half of jurors in rape cases came to a verdict before deliberation, indicating a predictive relationship between juror demographics, personal experience and psychological make-up, with an impact on verdicts in rape cases. Dr Willmott said the research demonstrated

“that for all the best efforts of the courts, juries are not necessarily offering a fair and impartial assessment of the evidence, particularly within rape cases. Past experiences play a huge role in shaping the person you are, and inevitably affects your view on society. As well as the importance of demographic features of the jurors, attitudes towards rape were found to be the strongest predictor of high numbers of not guilty verdicts.”

We all saw how the culture at the time protected very well-known people such as Jimmy Savile. We saw how young girls who were victims of shocking sexual exploitation in Rotherham and Rochdale were seen as prostitutes who consented to their abuse. Language and how we talk about behaviour is very important; it shapes what we see. The Crown Prosecution Service has said:

“Addressing the low conviction after contest rate in cases involving young defendants represents a challenge for the entire criminal justice system.”

The Ministry of Justice responded to an open e-petition in July this year that called on the Government to produce compulsory training about rape myths for all jurors in rape trials by appointing Professor Cheryl Thomas to gather data from experienced jurors at a range of courts throughout the country. The Government response to the petition said:

“We know that rape myths exist within our society, and therefore jurors could believe these myths and that this could affect their interpretations of the facts of the case.”

In the light of the shocking figures on charging and convictions there should be a stronger response, because this situation can only get worse without action.

I would like an urgent independent inquiry that would include some controversial areas, such as a review of the use of juries in rape cases; jury vetting; specialist rape courts; current law; judicial directions; examination of the falling number of rapes charges by the CPS; low conviction rates for rape, especially date and acquaintance rape; the role of expert witnesses in rape cases; pre-recorded cross-examination; and sexual history evidence rules. I absolutely accept that the justice system needs to ensure that the innocent go free and the guilty are sentenced, but my concern is that conviction rates indicate that the scales of justice are tipped against the victim. The most common cause of unsuccessful prosecutions in rape cases is jury acquittal.

Other countries have been pondering this difficult question. The Law Commission in New Zealand published a report in December 2015 that concluded:

“The nature of sexual violence is such that, as a form of criminal offending, it is not well suited to fact-finding by a jury comprised of 12 laypersons.”

The German and French court systems have a collaborative court model in which professional judges decide cases with citizens. Sir John Gillen, who issued a report yesterday in response to serious concerns about low conviction rates for rape in Northern Ireland and the polluting effect of rape myths said,

“there is no doubt that there is a growing belief, particularly among young people, that a jury should be replaced by a judge or by a judge and two lay people such as we see in family courts and aspects of youth justice.”

Specialist domestic violence courts were introduced in the mid-2000s. At the time, the prevailing view was that it was the woman’s own fault if she did not leave an abusive husband. New specialist sexual violence courts could draw on experience from those courts of using specially trained staff, ensuring speedy access to victim support services and ensuring that the court is a physically safe space for the victim, for example by using separate entrances and special measures for giving evidence.

The roll-out of the successful pilots in Leeds, Liverpool and Kingston of section 28 of the Youth Justice and Criminal Evidence Act 1999, which allows pre-recorded cross-examination, has still not happened. Those pilots, which involved vulnerable child witnesses, were evaluated as very successful in improving the quality of cross-examination and stopping bullying attacks on the character of witnesses. I hope that the Minister can give us positive news about when pre-recorded cross-examination will finally be rolled out, and that she will consider offering it to victims whose access to a fair trial may be compromised by rape myths.

There is also controversy about the extent of the personal records and data that police request of rape complainants before going ahead with their cases. The nature and extent of the information requested from complainants varies widely across police forces. There is concern that intensive examination of a complainant’s communication and behaviour to establish their “credibility” is too often a proxy for rape myths and discriminatory assumptions. The new Director of Public Prosecutions addressed that issue in his first major speech, saying that rape complainants must have their personal privacy, including their mobile phone records, protected.

Dr Willmott has called for the vetting of juries for preconceived bias. He argues that although judges can tell jurors to disregard certain things, that does not make any difference:

“Our study highlights that even before the case has begun, jurors’ psycho-social make up predisposes them towards particular verdict decisions, making a vetting system for juries increasingly important. By implementing such a system we can reduce existing bias from juries, which should result in a greater number of fairer outcomes.”

There have been calls for experts to be allowed to give evidence about rape myths. There is a case for updating judicial directions to take into account the impact of social media and how it can feed into rape myths—another issue taken up by Sir John Gillen. Baroness Stern raised the impact of rape myths on juries in her 2010 review, quoting a specialist rape prosecutor who said:

“You can forgive juries for finding it hard to convict given the burden of proof and when the defence works so hard to discredit the victim’s case. There is a lot of general misunderstanding about trauma.”

In Scotland, section 275C of the Criminal Procedure (Scotland) Act 1995 allows prosecutors to call expert evidence at trial. That would help jurors to understand typical psychological responses to rape.

Currently, UK law does not differentiate between stranger rape and acquaintance rape, which both carry a maximum sentence of life imprisonment. Juries understand the evidence for stranger rape, but complex issues about consent in acquaintance rape are not so well understood. A senior police officer said that “at the moment we are asking juries to do something incredibly difficult.”

That is true. We ask jurors to make judgments about consent to sex where the victim and the accused are known to each other and the victim may have consented to some sexual activity but not to penetration. It is challenging for juries to judge whether the defendant had a reasonable belief that consent was given, especially when drink was involved. That is where myths and stereotypes kick in.

The consent elements of rape, as outlined in CPS guidelines, are that

“B does not consent to the penetration and A does not reasonably believe that B consents”.

The CPS guidelines go on to state:

“Proving the absence of consent is usually the most difficult part of a rape prosecution, and is the most common reason for a rape case to fail. Prosecutors will look for evidence such as injury, struggle, or immediate distress to help them prove that the victim did not consent, but frequently there may be no such corroborating evidence.”

Sir John Gillen called for a

“discernible shift towards a requirement for some measure of affirmative or participative expression of consent and away from a focus on resistance as a means to prove the absence of consent.”

I have the greatest respect and admiration for members of the public who do jury service, some of whom have to sit through evidence of the most horrifying and brutal crimes inflicted by one person on another. Serving on a jury is indeed a public service. However, I return to my original figures. Juries are reluctant to convict young men of rape. It is no use wringing our hands about that. We cannot have a situation in which young women who have been raped feel that they have no access to justice, because that undermines the whole justice system.

Ministers need to take strong action, including a fundamental review of the whole system. They must take the lead to forge better public understanding of rape myths and what constitutes consent. Sir John Gillen, who suggested a large-scale publicity campaign and training for juries, said:

“Jurors don’t just land from the moon, they are people like you and me.”

A perfect storm is developing in which juries are reluctant to convict young men who are charged with rape, so the CPS is reluctant to prosecute and the police are therefore reluctant to refer. The result is that victims will stop coming forward and young women will be denied justice. The danger is that we will be thrown back to the dark days, when victims of abuse were silenced and dared not speak out.

11.15 am

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer): It is a pleasure to serve under your chairmanship, Mr Hosie. I am grateful to the hon. Member for Stockport (Ann Coffey) for securing this incredibly important debate. She has done a significant amount of work to support young people in the criminal justice system and is a committed advocate for victims of sexual exploitation. Thanks to her hard work, all references to “child prostitute” were removed from legislation and the victims are properly recognised.

Rape is an extremely serious criminal offence that can lead to lifelong trauma for victims and their families. I take extremely seriously the great courage, support and perseverance it can take for victims to go through the criminal justice system in pursuit of justice—the bravery it takes to report the crime to the police, and the emotional strain and trauma of having to recount details of the incident to the police and then the CPS during the investigative stages. We know that the court process is often intrusive, uncomfortable and intimidating. It is vital that our court process should not aggravate and compound the victim’s experience.

In responding to this important debate, I will highlight the importance of evidence in this area, say what the Government are doing to protect rape victims, and finally look to the future. The hon. Lady, who began her speech with the facts she obtained in response to an FOI request, is aware of the importance of evidence and rightly highlighted a number of important statistics. She is right to underscore that more people are coming forward to report rape, which is very much to be welcomed, and to recognise that that huge social change followed much work by campaigners and a change in attitude towards women. She also highlighted that, despite that rise in reporting, the number of prosecutions has fallen. That is disappointing and worrying.

The hon. Lady said that convictions are falling. Although that is true for the period 2017-18, it is interesting to note that in June 2018 the conviction rate for sexual offences was at its highest in a decade, at 68%. It is therefore possible that, when cases reach court, they are more likely to result in a conviction. She also rightly pointed out that there are fewer convictions in cases where the complainant and the accused are known to each other and aged between 18 and 24.

In those circumstances, this is an important debate. We need to look into these issues to ensure that reports of rape are taken seriously at every stage of the process. At the heart of the debate are the questions why convictions are not being secured and why juries are not convicting. The hon. Lady said she believes there is reluctance on the part of juries to find young men guilty of rape because of rape myths in our culture. There is a fear

[Lucy Frazer]

that some believe that women who have drunk have only themselves to blame, and that juries acquit on the basis of their prejudices and attitudes to rape, rather than the facts and issues before them.

If that were right, it would be appalling. Women who come forward should have confidence that they will get justice. They should be judged on the facts presented to the court. It is important when we consider changing policy that those changes are driven by evidence, so I am pleased that we are currently analysing this important issue and looking at the reasons why juries come to their conclusions in rape cases. As the hon. Lady mentioned, Professor Cheryl Thomas, the leading academic expert on juries and jury research, is currently considering these issues. She has been commissioned by the president of the Queen's Bench Division to conduct empirical research with jurors to help inform our understanding of the impact of rape myths and the development of future training and guidance for jurors.

Professor Thomas will be considering two things that are pertinent to this debate: first, to what extent jurors who have served on real trials believe myths and stereotypes about rape, and secondly, to what extent further guidance to jurors, in the form of educational materials, might be helpful in ensuring that myths and stereotypes are not applied in cases of rape or sexual offence. That evidence will help us to understand the bias of juries and help to inform policy in that critical area. Once we have the evidence base, we can consider the matters identified by the hon. Lady, who raised interesting and important questions.

Protecting women—particularly young women—when they go through the criminal justice system is vital to ensuring justice, and across Government we are taking a number of steps in that area at every stage of a woman's journey. During the initial stages of a complaint the Metropolitan police has trained officers and frontline staff to deal with victims of rape when they first come forward, to ensure accurate recording. All CPS prosecutors who work on rape cases have specialist training on stereotypes, rape myths and consent. The CPS has almost doubled the number of specialist prosecutors in its dedicated rape and serious sexual offences unit, and it has enhanced training and improved the support that it offers to victims through criminal proceedings.

When a victim goes through court, we must ensure that they are protected and get justice. We are committed to rolling out pre-recorded cross-examination of vulnerable witnesses in Crown court centres in England and Wales. The review of disclosure by the Attorney General's

Office, published on 15 November, referred to the importance of ensuring that complainants are not subjected to unwarranted intrusion into their privacy, or deterred from reporting offences or participating in the criminal process. The 2018 "Crown Court Compendium" builds on existing guidance, giving more examples of possible directions and listing situations in which jury directions may be needed in a rape case. Judges can sit on sexual offences cases only if they have undertaken specialist training from the Judicial College. More broadly, we have protected funding of more than £6.4 million for 85 rape support centres across England and Wales, and we have committed to continuing investment—£4 million a year until 2020-21—in sexual assault referral centres.

Let me turn to the questions that the hon. Lady raised about solutions to this problem. She highlighted a number of important questions, and we are thinking carefully about how we can educate jurors in this area. As I mentioned, however, it is important that we approach this issue on the basis of evidence. The judiciary rightly maintain that any course of action should be well considered and informed by empirical evidence, and therefore we will await the outcome of the review by Professor Thomas before taking any steps.

The hon. Lady mentioned a number of important statistics, but it is worth pointing out that there is conflicting evidence on the behaviour of juries in rape cases. In the year ending December 2017, approximately 44% of 5,784 not guilty pleas for sexual offences resulted in a conviction—a higher figure than for robbery and offences of violence against the person. In the same year, the sexual offences acquittal rate was close to the average acquittal rate for all offences, at 56%, and that was lower than the acquittal rate for offences such as the possession of weapons and theft, which were both at 60%.

I am conscious that gender stereotypes unfortunately exist in our society, and I am aware of concerns that they can create an environment that enables violence against women and girls. As jurors are picked from society as a whole, it is possible that rape myths sometimes have an impact on juror decision making, but more research is needed firmly to establish that link. For that reason, I ask for the House's patience while we await the results of research that is due to report in the new year. I will keep the hon. Lady updated on any developments, and I will be happy to meet her when that evidence is produced.

Question put and agreed to.

11.25 am

Sitting suspended.

Nursing: Higher Education Investment

[PHILIP DAVIES *in the Chair*]

2.30 pm

Eleanor Smith (Wolverhampton South West) (Lab): I beg to move,

That this House has considered investing in nursing higher education in England.

It is a pleasure to serve under your chairmanship, Mr Davies.

I am proud to speak on an issue close to my heart. Before I entered Parliament, I was privileged to work as a nurse for almost 40 years, and last year my daughter graduated as a nurse. Nursing is an incredible profession, a fulfilling career and full of opportunities for those who choose that rewarding path. Nurses are the most trusted profession in Britain, a position they have held for years, with 96% of the public trusting nurses to tell them the truth. It may come as little surprise to hon. Members that politicians are the least trusted. Let all of us in this House show political leadership now and listen to what nursing students and nurses are telling us. They are telling us what must happen to meet the needs of communities across England.

Everywhere there are people, there are nurses, but they are not necessarily doing what we might think they are doing. Yes, nurses connect with patients and families to understand what people need, but they are also diagnosing, prescribing, performing surgery, creating care plans, delivering treatment, overseeing clinics, managing hospitals, working as chief executives and designing primary care services.

Mr Jim Cunningham (Coventry South) (Lab): My hon. Friend mentioned that nurses are valued, but if the Government really valued them, they would give them a decent wage increase and restore the education maintenance grants and, if necessary, bursaries as well. Does she agree that that would demonstrate how nurses are really valued in this country?

Eleanor Smith: I do agree, and my hon. Friend will hear me refer in my speech to what he has just said.

Nick Thomas-Symonds (Torfaen) (Lab): I congratulate my hon. Friend on securing this important debate, and I commend what my hon. Friend the Member for Coventry South (Mr Cunningham) said about the proposition that we need to pay our nurses properly to value them truly. Does my hon. Friend the Member for Wolverhampton South West agree that it is important that we have specialisms too, and that one specialism we require more of across the country is Parkinson's nurses?

Eleanor Smith: Absolutely. That is where nursing is important. Nurses are becoming specialists in Parkinson's, Turner syndrome and sickle cell, all of which are specialisms that will be required in the future of nursing.

Nurses are working in cutting-edge research on ethics, safety, improvements to care and new ways of working. They are leading from the frontline, and as professionals they should be at the heart of strategic policy making. Nursing is at a critical junction in our healthcare and systems, yet the Government are without an independent chief nursing officer after the removal of that critical leadership post from the heart of the Department of Health and Social Care. That is an insult to the nursing profession.

How many of my right hon. and hon. Friends are regularly contacted by their constituents about health and social care issues—people struggling, writing about services being reduced or cut, unable to access support without help? Increasingly, that is happening because there are not enough staff to run things safely. Across the country, nurses are clear that staffing for safe and effective care is their most important priority and their biggest worry.

Dr David Drew (Stroud) (Lab/Co-op): Does my hon. Friend accept that in the specialisms in particular—in my own area, the problem is with learning disabilities—there are such reduced numbers going through training because of the loss of the bursary, that it will have a huge impact on care homes and other forms of care delivery? Does she see that as a total tragedy?

Eleanor Smith: I do, and I will talk about that in my speech and touch on the lack of nursing students coming into those particular areas because of the bursary's disappearance.

Rachael Maskell (York Central) (Lab/Co-op): My hon. Friend is making a very sound speech. Does she agree that it is a completely false economy that, as a student nurse told me just today, of the 45 recruits to mental health nursing in his cohort, under the new financial regime only 18 remain on the course in its second year? We desperately need those nurses—what a price to pay!

Eleanor Smith: My hon. Friend is totally right. Again, I will address that point in my speech, but it is noted. I am glad that my hon. Friends are intervening, because it shows the importance of this debate on nursing and the lack of it. I am glad the nurses came to my hon. Friend and told her what it is like. The situation is beyond shocking. There are almost 42,000 vacant nursing posts in the national health service in England. Without policy and funding intervention, that will grow to almost 43,000 by 2023.

Mike Hill (Hartlepool) (Lab): My hon. Friend is making an important speech. On the current 42,000 shortfall, does she agree that with so many European Union nationals potentially leaving the health service, that figure could well be compounded in future?

Eleanor Smith: That is definitely so. My hon. Friend is completely right, and with the way Brexit is going, that is understandable. People working in the NHS understand that.

Without policies and funding intervention, as I have said, the shortfall will grow to almost 43,000 by 2023, and that number is on the low side. It does not account for the one third of nurses who are due to retire in the next 10 years. It does not include nursing shortages in social care or public health. Students are being forced to plug the gaps. They should be learning, but instead they are providing care before qualification, without supervision and before they are ready—all because we do not have enough nurses. That is deeply unfair to students. It is risky for qualified nurses and it is unsafe for patients, and all because no one wants to pay for the solution.

[Eleanor Smith]

Poor workforce planning in health and care is not new. Even in my time, policy makers pursued a boom-to-bust approach, rather than ensuring that supply was available to meet demand. Six years on from the Health and Social Care Act 2012, it is fundamentally unclear who is accountable for workforce strategy. As a result, it is not being done by anyone. Earlier this year, Health Education England held a consultation, but Professor Ian Cumming has failed to deliver a workforce strategy. We are told that it will be dealt with in the new 10-year plan. Mr Simon Stevens, the chief executive of the NHS, has been handed an additional £20.5 billion a year for the NHS by 2023-24, and it is widely understood that his long-term plan must address the extreme gaps in our nursing workforce by fixing the supply issue and providing funding.

John Spellar (Warley) (Lab): I congratulate my hon. Friend on securing this important debate. I do not think it should focus only on the bursary, as some of the letters have—important though that is—but on the Government's lamentable failure to bring in nursing apprenticeships, which provide such an important route for many youngsters from working-class areas in the Black Country, including areas in her constituency and mine.

Eleanor Smith: My right hon. Friend covers a point about apprenticeships that I will address in my speech, because what we are saying is that it is one of the routes, but not the only route.

Dr Roberta Blackman-Woods (City of Durham) (Lab): My hon. Friend is making an excellent speech on a topic that is important to us all. The Royal College of Nursing has made it very clear that the priority for the bulk of investment in nursing education must be the three-year undergraduate degree, because that is the fastest and safest route for growth at scale. Does she agree with that, and does she agree that we must not try to do nursing training on the cheap?

Eleanor Smith: Absolutely; I totally agree. I thank my hon. Friend for that intervention. We should not be doing the training on the cheap. I will try to address that point in my speech.

There is a huge risk that the long-term plan will be like previous plans and that Simon Stevens will not provide or fund a solution. He is spending money on services that cannot be staffed. He is creating new posts that cannot be filled, because trained and qualified registered nurses to fill those posts do not exist. I wonder whether the Prime Minister knows that nurses do not grow on trees, just as money does not. The five year forward view substantially failed to create nurses. In fact, during that time, the opposite happened: we lost thousands of nurses. I ask right hon. and hon. Members what on earth should be prioritised above growing the number of nurses.

Vicky Ford (Chelmsford) (Con): I agree that this is a really important issue and we must do all we can to support the nurses of the future, but does the hon. Lady agree that it is worth recording that there are 13,000 more nurses on wards today than there were in 2010?

Eleanor Smith: I thank the hon. Lady for her intervention, but unfortunately, as someone who has worked on the wards, I have to say that we do not see it; it does not feel like that.

Simply put, there is no long-term plan without a registered nursing workforce. Whatever ambition the Secretary of State and Simon Stevens have must be matched by credible growth in the number of registered nurses.

Karen Lee (Lincoln) (Lab): Will my hon. Friend give way?

Eleanor Smith: Yes.

Karen Lee: Does my hon. Friend—

Philip Davies (in the Chair): Order. It is not for me to rule on whether people should or should not give way, but I should say that it is not really on for people just to wander into the Chamber and seek to intervene within two minutes of doing so. I say that gently, but it is not for me to decide who should be given way to; that is a matter for the speaker.

Karen Lee: Sorry, I have been at another meeting.

Philip Davies (in the Chair): That is not the point, if I may say so to the hon. Lady. Would the hon. Member for Wolverhampton South West (Eleanor Smith) like to give way?

Eleanor Smith: I will take this intervention and then I would like to make some progress.

Karen Lee: I will be brief. There was mention of how many nurses there were on the wards. I was a nurse on a ward, and I am getting older. The drop by one third in the number of applications means that, even with the new nurses, we do not have the number of people to fill the vacancies. The Prime Minister makes great play of how much money there will be for all these nursing vacancies. If nurses are not trained and people are retiring and those places are not being filled by new nurses, how do we do it?

Eleanor Smith: I will address that in my speech. I thank my hon. Friend very much for that intervention.

I welcome the public commitment made by the Secretary of State at the Royal College of Nursing on 31 October to invest in growing the number of nurses through higher education, including through the long-term plan, because I feel that finally someone is paying attention. The Secretary of State has said that he will look into the possibility of introducing safe nurse staffing legislation. He has said that he will explore anything that might help to address the problem we face. I sincerely hope that the Secretary of State means it, because he and Simon Stevens have the power to fix this mess with proper funding and intervention.

That brings me to the crux of the debate. We have to grow our nursing workforce, so the only question that we need to answer is this: how do we fund what we know is the fastest and safest way to do that at scale, in the light of our crisis? Higher education is the best and most cost-effective way to ensure that we have the right

number of registered nursing staff, with the right skills and experience, which patients need and deserve. New routes into nursing, which are welcome if done right, still cannot educate anywhere near enough nurses to an appropriate skill level to meet the current need, let alone the future one. It is time to fix the supply pipeline and for the Secretary of State and Simon Stevens to stand up and be counted.

In 2016, the Government removed the NHS bursary and replaced it with a student loan. The £1.2 billion that was taken out of healthcare higher education was framed as a saving, but where did it go? What did it save? Was it used to grow the number of nurses? The stated purpose of the Government's reform was to increase the number of nursing students. It is against that goal that the impact of the Government's reforms must be judged.

Let me bust a few myths. I expect the Minister to say, "The old bursary model placed an artificial cap on the number of nurse training places that universities could offer students." That is factually untrue. Funding of nursing student numbers has always been a political choice. It has always been up to the Government to choose what they want to fund. I expect the Minister to say, "The loan model has not made it less attractive to apply." In each year since the reform, applications to nursing courses have fallen. In September 2018, nearly 1,800 fewer nurses were due to start at university, compared with September 2016.

Dr Paul Williams (Stockton South) (Lab): I thank my hon. Friend for the robust way in which she is laying out the case. Since the 2016 reforms, we have seen a significant reduction in the number of people over the age of 25 going into nursing. The Select Committee on Health and Social Care has looked at that. Obviously, people over 25 have brought great value to nursing. Does my hon. Friend agree that the changes that we have seen have potentially been very detrimental to the nursing workforce?

Eleanor Smith: I thank my hon. Friend for that intervention; he is totally right. There is a difference between the mature students who come into nursing and those who are 18. There is a great loss to those people and a great loss to us in the public sector—to hospitals, GP surgeries and, indeed, all the places where nurses work in the NHS. It is a great loss, and I will cover some aspects of that issue in my speech.

The only thing that has changed is that loans have been brought in. It is ludicrous to look at the numbers and deny that forcing nursing students on to loans has led directly to a drop in applications. That is exactly what has happened. The result is that the diversity and background of nursing students has changed radically, excluding many who would previously have been able to change their personal and economic circumstances through a rewarding career in nursing. That is the very thing that my hon. Friend was saying.

I expect the Minister to say, "There are still two applicants for every place available for a student to study nursing at university." It is the current structures that are limiting the system from being able to capitalise on that appetite to study nursing.

Grahame Morris (Easington) (Lab): I congratulate my hon. Friend on securing a really important debate. It is essential that the Minister addresses the issues raised. Is not the drop-out rate for student nurses a real cause for concern? A student nurse contacted me—I did

go to the lobby organised by the Royal College of Nursing this morning—and gave some examples of the mounting costs under the present system. That mental health nurse was telling me about the costs of trains, taxis and accommodation. She works 37.5 hours a week on a placement. Transport to her placement is costing her £500 a month. Surely that has an impact on a person's ability to sustain their attendance on a course and achieve the necessary outputs.

Eleanor Smith: I could not have put that as clearly as my hon. Friend has. I am glad that student nurses came and explained the situation to him, because that is the very reason why we are having this debate.

With the last bit of control that they have kept since the reform, the Government fund clinical placements, but they do not match the numbers to the volume of routes that they have created. They made nursing students, apprentices and nursing associates all compete for the same places. They did choose to fund, but it was not enough. Now it is a blame game full of finger-pointing. If there are so many people interested in becoming nurses and such high levels of vacant posts, why are the Government not doing more to convert the applicants into nurses?

I expect the Minister will say, "We have introduced new routes to expand the number of nursing staff." There are nursing degree apprenticeships that few people are taking up, because employers do not have enough cash to release people to study. Nursing associates, who were introduced in a supporting role to the registered nurse, should never be a substitute for registered nurses. These efforts have been small and unpredictable. Most importantly, they have not addressed the heart of what grows the number of nurses safely and at scale: higher education. This is workforce panicking, not workforce planning.

I expect the Minister will say, "This Government have grown the number of nurses working in hospitals," which is factually true, but distorts the truth that the overall number of nurses has only grown by less than 1% since 2010. While there are 7% more nurses in acute settings, there are 6,500 fewer nurses in the community, 43% fewer district nurses, a quarter fewer school nurses, nearly 5,000 fewer mental health nurses and 40% fewer learning disability nurses. Despite the Government's rhetoric about moving more care into our communities, the workforce are simply not there to deliver it. Who has overseen that? Ian Cumming of Health Education England, Simon Stevens of NHS England and the Government.

Nursing students spend 50% of their time in placement, learning in the community, a care home or a hospital, but the services are so short of staff that students are being unsafely used to plug the gaps. Due to their placements and studies, they do not have time for part-time jobs to earn extra money. Like other hon. Members, I am contacted by constituents who tell me that they always wanted to be a nurse, but money worries and the pressure they feel are making them reconsider their choice. The personal cost of becoming a nurse is turning people away when health and care services need more growth. This is disgraceful, irresponsible and short-sighted.

However, our leaders have a real chance to secure major change. Nursing students need a new deal. All that is needed is political will, and for people to stand up and be accountable. I demand the bursary is brought

[*Eleanor Smith*]

back. Our future nurses urgently need more financial support if the Government are ever to tackle the workforce crisis. There needs to be an extension of the hardship funds for those who need more assistance.

At what point do we say enough is enough? How can we fail to act when faced with student nurses trying to balance their placement, part-time healthcare assistant work and trying to finish their coursework? How can anyone begin in a profession when they are already burnt out? It is disrespectful for any of us to stand here and tell stories about how much nurses make a difference to us, without acknowledging their professional expertise and their critical role in transforming services. We have to stop making their jobs harder and pushing people to the brink. No nursing student or nurse should have to grind their teeth and keep going, knowing that shortages mean that vital care is left undone. This situation is unsafe for everyone. It is morally reprehensible.

The Prime Minister gave an extra £20 billion to the NHS. Simon Stevens holds the pen. The Secretary of State will sign off the long-term plan. There is a small window of opportunity to change the future of nursing. We can either propel it forward or drag it back. I am determined to leave my daughter a legacy. I take public service seriously; that is why I went into nursing and why I am an MP.

I look forward to hearing from the Minister how the long-term plan will deliver the workforce strategy, how it will fulfil the Secretary of State's commitment to creating more nurses, and how Simon Stevens and Ian Cumming will be held to account over fixing the nursing supply and investing in it. This is our moment to rebuild public trust and confidence, so I end by asking the Minister: what are you going to do?

Several hon. Members *rose*—

Philip Davies (in the Chair): There are about seven Members seeking to catch my eye. We need to get to the Front-Bench speeches by 3.30 pm. Therefore, I will impose a five-minute limit on all speeches straightaway. I should also point out that any interventions might reduce that further, so that is in colleagues' hands.

2.55 pm

John Howell (Henley) (Con): It is a pleasure to serve under your chairmanship, Mr Davies. It is also a pleasure to follow the hon. Member for Wolverhampton South West (*Eleanor Smith*), especially because she was a nurse. Incidentally, on her point that nurses are more popular than politicians, when the Houses of Parliament burnt down in the 1830s, the cheers could be heard from Westminster Bridge, where people took out their frustration with politicians.

It is wrong to approach this debate in an aggressive “them and us” spirit. We all aim to increase the funding for nurses to an appropriate and proper level. I agree that nurses do a fantastic job, but we should acknowledge those nurses who are involved in end-of-life care—in my hospital, they work closely with social care staff.

However, before addressing that, I should say that, only last week, I visited my hospital in Henley—Townlands Memorial Hospital—with the previous Minister for Health. I extend an invitation to the current Minister to visit the hospital, which has a unique way of doing

business. We and the NHS see it as an exemplar in the country. We spoke to a number of nurses about the services they provide, particularly in relation to the rapid access care unit, which looks after people above a certain age very well—they typically seek treatment there. I pay tribute to those nurses.

In our conversation with the nurses, we raised the point about funding for their education. We had a very mature discussion about the lack of bursaries following Government action. As a result, there was a general agreement that the situation that existed with the bursaries was not particularly helpful to nurses seeking to become part of the nursing profession—the NHS effectively generated a cap on the number of people who applied—and that we need a system that encourages people to become nurses as well as go into other professions. We pointed out that, under the bursary system, 30,000 people who applied to become nurses were rejected, which is not a good situation.

We went on to discuss other things in relation to the nursing profession. In particular, the one thing they saw as inhibiting people from becoming a nurse was the price of housing, which is astronomical in the Henley constituency. We need a tremendous amount of affordable housing, to help people to get a start on the housing ladder, and to provide them with rented accommodation where possible.

In addition to visiting the hospital, I have worked with parish councils to encourage them to provide much smaller buses on much tighter routes to give people the ability to travel from their home to their job.

I have been told that the shortage of staff was due to EU nationals leaving, but when I raised that issue with the matron, it emerged that that was not the case at all—the shortage was due to operational reasons.

3.1 pm

Janet Daby (Lewisham East) (Lab): My mother is a retired nurse from the Windrush generation and my sister is in the nursing profession having studied midwifery and having been a health visitor. I value their contribution, and many other contributions, to health and social care in this country. I have some insight and understanding of the challenges that underfunding brings.

Health and social care in England is short of registered nurses. The NHS in England is missing nearly 42,000 nurses—it is estimated that, without significant funding and policy intervention by 2023, the figure will rise to almost 48,000. That is a conservative estimate drawn directly from the system-held data and should be seen as a public interest issue.

This serious underfunding for Royal College student nurses is a crisis in England and action must be taken to address it. England is now the only country in the UK without some form of bursary for the nursing degree. The First Minister of Scotland recently announced that the bursary for nursing and midwifery students in Scotland would rise to £10,000 by the academic year 2020-21. We in England are failing in that respect.

On 31 October, the Secretary of State for Health and Social Care publicly committed to investing in nursing education, stating that nursing students must

“get the support they need to complete their training so they can serve in our NHS. That is something we will specifically address in the long-term plan for the NHS”.

Sandy Martin (Ipswich) (Lab): Does my hon. Friend agree that the important point is that the nursing course demands full-time study? Someone cannot do a part-time job while they are taking a nursing course. Unfortunately, because of the lack of maintenance grant, in most other areas of higher education students have to do part-time jobs in order to keep themselves alive, but it is not an option for nurses.

Janet Daby: I absolutely agree with my hon. Friend and I will address that crucial issue.

What I need to know, and what student nurses, potential student nurses and England need to know, is this: when will we see the long-term plan to promote the sustainability of the NHS and when will the Government take it seriously? I ask because the number of applicants from England aged 18 decreased by 12% between 2016 and 2018, while the number of applications from those aged 25 and above from England fell by 40% in the same period. Furthermore, a decline in the number of mature students affects specialist areas of nursing such as learning disability and mental health.

In all areas of nursing, not having enough nurses means that the safety of care is a concern—it could become fundamentally unsafe. Frontline staff are compromised, and people seeking to access health and care services are not able to receive the quality of care that they need.

Nursing students spend 50% of their time in clinical practice and—as mentioned by my hon. Friend the Member for Ipswich (Sandy Martin)—nursing courses run longer than many other degrees, which means that nursing students have no opportunity to take on part-time work to supplement their income. They deserve support that recognises the exceptional nature of nursing and we need to invest in their future. If we do that, we would also be investing in our NHS and, indeed, in England.

It is clear that student nurses work long hours, which demands much from them. This can be physically, mentally and in many cases emotionally draining. It is particularly difficult when a student nurse witnesses, for example, a newborn baby dying on a paediatric ward, or when they are caring for terminally ill patients or those with complex mental health needs. If the Government consider that training and the NHS worthy of recognition, when will they properly invest in student nursing careers?

I have been lobbied considerably. My local hospital is overstretched for health and care professionals, including for doctors and nurses. It seeks to recruit from overseas but, in the context of Brexit, the growth of the domestic workforce will be ever more important. The Government and NHS England must invest at least £1 billion a year in nursing, through higher education, as part of their long-term plan for the NHS in England.

Finally, I endorse and praise the work of the “Fund Our Future” campaign and I thank my hon. Friend the Member for Wolverhampton South West (Eleanor Smith) for securing this debate.

3.6 pm

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): It is a pleasure to serve under your chairmanship, Mr Davies. I congratulate the hon. Member for Wolverhampton South West (Eleanor Smith) on securing a debate on this very important subject and the Minister for Health on his new role.

I do not think there is anybody in Westminster Hall today who would doubt the value of nursing or the importance of good nursing and nurse training. I have worked for my entire career as a paediatrician; I am now a consultant paediatrician. Nurses and midwives have had a significant impact on both my career and my personal experiences. When I worked on a neonatal intensive care unit, many nurses influenced my career. However, there was one in particular—a lady called Mary Palfreman, a nurse in Nottingham—who had a profound effect on me, because she is such a fantastic nurse. On a personal level, I was cared for through several of my pregnancies by a midwife called Marie Robinson, who was able to balance treating me as a medic, who had more knowledge of neonates and babies than the average first-time mum, with treating me as a mum. She recognised that I was a bit of both and perhaps needed a slightly different approach from others—even a unique approach. She treated everybody as she found them, and she is a fabulous woman.

None of us, therefore, would doubt the value of a good nurse and the importance of making sure that there are adequate numbers of nurses. Nursing is a great and varied career, which is something we should be selling more. Nurses have the opportunity to nurse in many different fields. As their career progresses, they can go into administrative roles, managerial roles and specialist technical roles in the community or in a hospital, and develop a good and, at the high level, extremely well paid career.

So what should a good training scheme do? Obviously, it should provide high-quality experience, so that students develop the necessary expertise; it should provide the opportunity for continuing personal development; and it should ensure that there is an adequate supply of nurses. We have a change in demographics: the population is getting older, there are more people with complex health needs, and the population is increasing in size. So we need to ensure that the number of new nurses keeps up with both those developments and the natural attrition of nurses as people retire and so on. We also need to ensure—this is very important to me as a Conservative—that anyone who has the desire and the aptitude to train as a nurse can do so and is not limited by how much money they have or where they are from.

Looking at some of the figures, it is evident there has been a drop in the number of people applying to become nurses, but at this stage there are still many more applications for nursing than there are nursing training places. I was not a parliamentarian when the new policy was introduced, but I understand that the aim behind it was to ensure that more places were available so that more people with the desire and the aptitude could train. The figures I have been given show there are 13,000 more nurses on the wards now than there were in 2010.

In January I was a member of the Select Committee on Health when it produced the nursing workforce report that the hon. Member for Stockton South (Dr Williams) mentioned earlier. It showed specific shortages in mental health, learning disability and district nursing. I understand that the previous Minister undertook to give up to £10,000 to people training in that field, to try to address the shortages. Will the Minister tell us how that is working and whether it is increasing applications? Also, the Government had recognised specific challenges for

[Dr Caroline Johnson]

people wishing to go back into nursing or to develop nursing as a career after having children. Is the Minister looking into what support can be offered to those with disabilities and those with children to make sure that they are still able to access nurse training and become the fabulous nurses that they can be?

The issue of part-time jobs has been raised. Most of the nursing students I have worked with in my career have had part-time jobs, usually as a healthcare assistant, often on the same ward that they have worked on as a nurse, so I am not sure the point that was made entirely reflects what I have seen.

Finally, I want to mention alternative routes into nursing. There is more than one route to achieving a goal. There are opportunities for people to work as nursing associates. Some of the healthcare assistants I have worked with have done that, and they really enjoy their training. There is also the opportunity to go into a nurse apprenticeship as an alternative way of training while working. That is not for everybody, because people want different things, but it is another way in which we can increase nurse numbers without having an impact on training. I am aware of the time, but will the Minister update us on—

Philip Davies (in the Chair): Order. The hon. Lady's time is up.

3.11 pm

Paul Blomfield (Sheffield Central) (Lab): I congratulate my hon. Friend the Member for Wolverhampton South West (Eleanor Smith) on securing this debate, and the RCN student nursing campaign, "Fund Our Future", on putting the issue firmly on the agenda. I cannot speak with her authority from experience, but I am chair of the all-party group on students and also represent a significant number of student nurses, midwives and allied health professionals in training at Sheffield Hallam University.

It is disappointing that we have to be here debating this issue again, because we have been over the argument several times. I remember the debate that we had in this Chamber in January 2016 when the Government first proposed to end the previous funding system and introduce loans and fees. I remember a powerful speech from the hon. Member for Lewes (Maria Caulfield). She talked about how hard it was to be a student nurse; how she bore the scars of her nurse training; and how nurses had to learn, take exams and also go through placement changes every eight to 12 weeks, which presented significant challenges for mature students. She also clarified that when we talk about mature students, in many cases we are talking about people not in their 40s and 50s but in their 20s and 30s—people with young families and single mums.

One of the students from Sheffield Hallam University who contacted me ahead of today's debate was Clary Manners, who echoed many of those points from her current experience. She said she gave up a well-paid job to train as a mental health nurse. She currently does 37 hours a week on placement and has a three-hour round drive there and back each day for the placement. She pays £10 in parking charges when she gets to the hospital. She takes no holidays. She has little spare time because she takes bank nursing jobs to boost her family income, but still her four children are on free school meals because of the struggle to get by on her income.

In the debate in 2016, the hon. Member for Lewes said—this view was echoed throughout the Chamber—that encouraging people to take on debt would

"definitely put them off entering nursing, and to say otherwise is madness."—[*Official Report*, 11 January 2016; Vol. 604, c. 217WH.]

The then Health Minister, Ben Gummer, assured us that what the Government were trying to do—you could not make this up—was to share the benefits of the funding system for other students with nursing, midwifery and allied health students. Some of us questioned in what way a £50,000 debt was a benefit, but he was insistent that we would see an increase in applications. Now we know he was wrong. UCAS figures published earlier this year show that applications for the current year were down by a third on the same point in 2016—it is a continuing trend—and by 13% in the past year alone.

The changes have been a particular barrier to those from lower-income families, which is hugely important because nursing and midwifery has been one of the channels of social mobility available for many who do not enter conventional university. We have heard how the profession has traditionally been dominated by mature students, who have been particularly hard-hit in the fall-off in numbers. Overall, compared with when the changes to nursing degree funding were made in 2016, we have almost 1,800 fewer nurses due to start at university. I remind Government Members that although they talk about the 13,000 extra nurses now on the wards, many of them started their training before 2010 under a Labour Government. There is a pipeline for nursing supply, and the current system benefits from the pipeline that we put in place.

There are almost 42,000 nursing vacancies in England. Without action now, that could rise to 48,000 in the next five years. The Government have a responsibility to fix that, and they can do it by introducing a student funding system that is fit for purpose and that can reverse the drop in applications and encourage people to take up nursing in the way that they did previously.

3.16 pm

Vicky Ford (Chelmsford) (Con): It is a great pleasure to serve under your chairmanship, Mr Davies. I thank the hon. Member for Wolverhampton South West (Eleanor Smith) for securing the debate. I declare an interest: I am the child of two doctors, the sister of a doctor and the wife of a doctor. Through my entire life I have been humbled by how hard all the doctors, nurses and midwives in our NHS work and by their dedication to their patients and the fundamentally huge professionalism that they show every day.

A couple of weeks ago I visited the palliative care team at the J's Hospice, which helps people towards the end of their life in Chelmsford and across large parts of Essex. I give my huge thanks to the nurses there for the work that they do. As I left, I asked them whether there was one thing that would change their lives that they would really like politicians to do, and they said, "Please can you get us a car park permit so that, when we go out to meet the patients we try to care for in their homes, we do not get a parking ticket if we end up having to park in a residential parking bay?" I do not know whether the Minister can change that, but that is a real ask from them. They do amazing work. One more thing they said was that if there was a little bit of capital funding, they

would love some help with some digital technology so that they do not need to go back to base to fill out their patient records.

I am also proud to have a brand-new medical school in my constituency. Anglia Ruskin University has a medical school that opened this autumn. I spoke to the acting vice-chancellor earlier in the week and he told me that things are going really well. It has its 100 students, it is brilliantly vibrant, and it is doing great work. I also asked him how the nursing courses are doing. On the good side, ARU has pioneered alternative routes into nursing. Nurse apprenticeships and nurse associateships are going really well and are very encouraging. They give people who would not necessarily have gone on to a traditional nursing course an alternative route into the career, and it is really appreciated. However, it was pointed out to me that since the bursaries went, there has been a drop in the number of applicants from eight per place to five. So there are still many more people applying for courses than places on the courses, which is good news, as is the fact that the quality of applicants is not dropping.

There is concern, however, at the fact that in some areas there are not enough high-quality applicants because of the changes. Mature students in particular are more debt-averse—that is probably the best phrase—and concerned about taking on a student loan. Those older students tend to be women. Today is a special day for women; the 50:50 Parliament campaign reminds us that women have been able to do the job we do here for 100 years. We need to make sure that women across the country can do the jobs they want to do. The change in nursing bursaries has had an effect on more mature students, especially with regard to entering adult nursing and mental health nursing. That is particularly true in my constituency, although it is less of an issue at other nursing colleges further from London.

The acting vice-chancellor of ARU says that the golden hello that a previous Minister introduced for mental health and learning disability nurses is welcome, but asks whether we could please consider it for adult nursing as well. The previous Minister, now the Secretary of State for Exiting the European Union, was prepared to give help in the form of an additional £10,000 golden hello to help people in particular targeted areas not to have to take on debt, so can we consider that for adult nursing?

The second ask from Anglia Ruskin is a higher-profile campaign. There was some publicity, and a national campaign encouraging people to consider nursing, but it did not have much visibility. Nurses are wonderful people, and they make a huge difference to all of us. As well as encouraging the idea of supporting them through financial golden hellos when they are needed, we need more publicity about the routes into nursing, and the benefits.

Philip Davies (in the Chair): Order. I am afraid that I shall have to reduce the time available for the last two Back-Bench speakers to four minutes. I apologise.

3.22 pm

Siobhain McDonagh (Mitcham and Morden) (Lab): Last month my mum celebrated her 95th birthday. Like many Irish nurses of her age, 75 years ago she travelled to London from Ireland to start her career in the very first generation of NHS nurses by qualifying as a state enrolled nurse at Warlingham Park psychiatric hospital.

Growing up, I saw at first hand just how vital a dedicated, passionate and happy nurse was for the welfare of the patients. That is why I am incensed when I see the treatment of trainee nurses today. Let us be clear. Nursing students are exceptional. Their courses are complex, their training is tough, and they spend significant amounts of time on clinical placement, working all hours of the day and night. They deserve a tuition and living cost funding model that recognises their extraordinary efforts and the importance of those efforts.

England is now the only country in the UK without some form of bursary for the nursing degree. That has crumbled the number of nursing applications and fostered an environment that is utterly unfair to nursing students and completely unsafe for patients. The Government promised that reforms would provide up to 10,000 additional nursing and health professional training places but, since the loss of the bursary, nursing applications in England are down by a third and falling fast. In fact, the 2018 figure was the lowest since nursing courses were first included in the UCAS system.

Nursing must be made an attractive profession for all groups, and restoring the bursary is a fundamental step to achieving that. Now is not the time to experiment with funding models for nursing students. One in three nurses is due to retire within the decade. Ensuring the long-term recruitment of new nurses must be a Government priority. That, of course, is before we take account of the Brexit impact: 75% of NHS trusts have done nothing to prepare for the UK's departure from the EU. Meanwhile, there is an alarming trend for nurses and midwives to leave the profession before retirement, citing intolerable working conditions. However, it is not a numerical conundrum. It is a national crisis. A fall in student numbers is simply exacerbating our current recruitment shortage and it is patients who are being put at risk.

Ms H, a student nurse in London, contacted me this morning:

"I've felt completely unsafe on many occasions because of short staffing, not just because of my personal protection but more so because of the safety of the patients that I care for".

Her colleague, Ms Y, found a young patient on an adolescent ward with a ligature tied around her neck. Short staffing meant that there was no one to debrief, and in fact no one even realised that it was a student who found the young patient. Ms H said:

"Most weeks of my final year as a student nurse I have cut out sleeping an average of 2 nights per week. Staying awake for 36 hours is the only way I can afford to train, study, and work to sustain a living."

And yet her main grievance is not about the present, but the future:

"It just doesn't feel like there is really light at the end of the tunnel. Instead, we will just enter a longer tunnel of a career completely unsupported by Government."

The warning signs are loud and clear. The conditions described today are unfit for those who selflessly care for our most vulnerable. The devastating consequences of leaving the system broken would be felt for decades to come.

3.26 pm

Karen Lee (Lincoln) (Lab): I was a mature student aged 41 when I started my nurse training, and I was a single parent. I could not have completed my training without a bursary, and could not have done a part-time job because it was a full-time course and I had a child to

[Karen Lee]

care for. My younger single friends also needed their bursaries, because everyone had bills to pay. I was a nurse for 14 years and my colleagues are still nurses. None of us could have trained without the bursaries, and none of my friends would have gone on to be nurses as they are to this very day.

There are currently 41,000 nursing vacancies in NHS England. For the second year in a row, more nurses are leaving the profession than joining it, and one in three is expected to retire in the next 10 years. The NHS has spent £527 million plugging staffing gaps with expensive agency staff. I do not know how that makes any kind of economic sense. Added to that, the reality is that patient safety is compromised. Agency staff are not experts in their field. I have been in an arrest situation in which, out of seven trained, only three were regular nurses. It compromises patient safety. In addition, the number of European nurses registered in Britain dropped by 87% compared with 2016-17 figures. That means that there will be even fewer nurses.

The Government must stop putting lives at risk by understaffing and underfunding the NHS. People just are not signing up to be apprentice nurses. It sounds all right in theory, but does not work in practice. There is not the take-up. If we genuinely aim to train sufficient nurses the Government must join the Labour party in committing to reinstate nursing bursaries. Until that happens, no matter how many nursing jobs the Government fund, as nurses of my generation retire and numbers of the newly trained gradually decrease, we will simply not have the trained nurses to fill the places.

3.28 pm

Marion Fellows (Motherwell and Wishaw) (SNP): It is a pleasure to serve under your chairmanship, Mr Davies. I thank the hon. Member for Wolverhampton South West (Eleanor Smith) for securing this important debate, to which I have listened with great interest. I will not summarise what everyone said, but cut to my speech, as there are a few other important things I want to say. We have heard questions to the Minister from both sides of the Chamber about the state of nursing and applications to study nursing in England. It seems passing strange to me that the Government have chosen to abolish bursaries at a time when nurses from the EU are leaving NHS England, causing even further shortages. I was particularly struck by the hair-raising stories that the hon. Member for Mitcham and Morden (Siobhain McDonagh) gave us about patient safety and nurse safety—I hope the Minister addresses that.

As has been mentioned, the situation in Scotland is quite different. In case the Minister is not aware, I shall give him some ideas about how we do things in Scotland, to see whether that will help. I do so in a spirit of help, to see whether we can improve things in NHS England. In Scotland, the First Minister has just announced an increase in nursing and midwifery bursaries—the bursary will go up to £10,000 in 2021. That is part of a drive to continue the increase in numbers of student nurses we have had over the past few years. The Scottish Government also have discretionary funds for those nursing and midwifery students who are most in need, and are upping the number of places for students of nursing and midwifery in the academic year 2019-20. We recognise the importance of those nurses.

On a personal note, after what I have been through over the past year, I would not be able to stand here were it not for the support of nurses throughout the entire stage of my late husband's treatment and the end-of-life care that he received, and I appreciate the opportunity to put on record my thanks to St Andrew's Hospice in Airdrie, of which I am a patron.

The Scottish Government's discretionary fund will give more money to mature nursing students—that cause has been mentioned—if we use the word “mature” to apply only to those who have children. Those people need extra support and are given it. As most previous speakers have said, it is important that we attract mature students into nursing, as well as those who come straight from school. From personal experience, I think that mature students bring an extra level of care and understanding that we do not always get right away from young entrants into the profession.

Student nursing and midwifery places in Scotland will increase for the seventh consecutive year, reaching record levels with the intake rising by 7.6% to more than 4,000. Upping intake for the 2019-20 academic year is one of a number of measures to support the sustained recruitment and retention of NHS staff, but it is also important to retain our existing staff. We have heard stories about the pressures that nurses are currently under, and they must be alleviated. In addition to increased student places, almost 460 former nurses and midwives have signed up to retrain through the Return to Practice programme since 2015. The Scottish Government are funding the Open University to deliver a pre-registration programme, which currently supports around 116 nursing students. In October 2016, 10,239 students were in education—an increase from 9,936 the year before—and we will get the 2017 data next month.

I often find myself standing in this place, especially in Westminster Hall, and asking Ministers whether they have looked at the situation in Scotland, because sometimes we are more progressive. Sometimes it is easier, because Scotland has a smaller national health service, but we also value the NHS in Scotland. Earlier this decade, the First Minister announced that, in all hospitals in Scotland apart from those built under private finance initiative contracts, parking charges would be withdrawn. That has been carried out. That simple measure can help nurses, and I urge the Minister most sincerely to consider it, as well as some of the other practices that we have taken on board to increase nursing numbers in Scotland.

3.33 pm

Justin Madders (Ellesmere Port and Neston) (Lab): It is a pleasure to serve under your chairmanship, Mr Davies, and I congratulate my hon. Friend the Member for Wolverhampton South West (Eleanor Smith) on securing this important debate. The level of interest from Members shows how important this subject is. My hon. Friend spoke from great personal experience, and I thank her and everyone else who has worked in the NHS for their contribution over many years to make it an institution of which we are all rightly proud.

My hon. Friend comprehensively dismantled the Government's arguments on the merits of removing the bursary. As she said, it is indisputable that the number of applications and the numbers of people starting courses have fallen, and that the age profile of students

has changed. She was right to say that the decision to abolish the bursary was a political choice, and not one that the Labour party would have made. Along with other Members, she highlighted areas that have fewer nurses in community and district hospitals and in settings that treat those with learning disabilities or mental health problems. Given that the pipeline for delivering nurses is not working as it should, those shortages may worsen. My hon. Friend was right to say that higher education is the best way to train enough highly skilled nurses to meet the needs of patients.

Marion Fellows: I wonder how many Members are aware that the Select Committee on Education will shortly publish the results of its inquiry into nursing apprenticeships.

Justin Madders: I thank the hon. Lady for her public service announcement. Let me now refer to some other contributions.

The hon. Member for Henley (John Howell) made a fair point about how the price of housing exacerbates the shortage of nurses in some areas, and all Members will be aware that earlier this year more than 1,900 nursing vacancies were advertised in the Thames Valley area, although only five were filled.

My hon. Friend the Member for Lewisham East (Janet Daby) gave a thoughtful and persuasive speech that highlighted the fact that the number of applicants over 25 has fallen by 40%, and she mentioned the impact of that in specialist areas. She was right to say that the nature of the nursing degree limits the opportunities for students to earn income outside their course demands.

The hon. Member for Sleaford and North Hykeham (Dr Johnson) made a considered contribution about her criteria for what would make a successful training course, and I will reflect on that good piece of advice.

As always, it was a pleasure to hear from my hon. Friend the Member for Sheffield Central (Paul Blomfield), who has great experience in this area. He referred back to a debate in 2016, and was right to say that this policy has damaged mature students and social mobility. Many concerns that were raised back in 2016—including by Government Members—have been ignored, or indeed come to pass.

The hon. Member for Chelmsford (Vicky Ford) gave us the benefit of the thoughts of nurses in her constituency. It is always a good idea to hear directly from those on the frontline, and she came up with some interesting practical suggestions about what could be done to make the lives of nurses easier. Along with other Members, she mentioned the impact of this policy on the number of mature students applying, and the impact that that has on particular specialisms.

My hon. Friend the Member for Mitcham and Morden (Siobhain McDonagh) set out why, due to a combination of factors, now is not the time to experiment with a flawed and unproven model. She mentioned the challenge of retention, and related some graphic and moving stories from her constituents. She was right to say that if we do not fix this issue now, we will pay the consequences for decades to come.

Finally, my hon. Friend the Member for Lincoln (Karen Lee) spoke of her own frontline experience, and mentioned the expense and risk of over-reliance on

agency staff. No doubt the challenges that we face and have discussed today will be exacerbated, which will place even more reliance on temporary and agency staff.

We have had a broad and wide-ranging debate. This is the Minister's first outing in his role, and I welcome him to his place and congratulate him on his appointment. I was trying to work out whether he is the fourth or fifth Minister I have shadowed since I was appointed to my role just over three years ago, which shows that it is not just the NHS that has problems with retention.

The NHS faces a significant workforce challenge, and nowhere is that more pronounced than in nursing. England is missing about 42,000 nurses and, according to conservative estimates, without significant intervention that figure may rise to more than 48,000 by 2023. The situation is serious—other Members have described it as a “crisis”, which is absolutely right, but this crisis could have been avoided.

As Members have said, we are facing a perfect storm, with recent trends showing that more nurses are leaving the profession than joining it, the ongoing uncertainty over Brexit, the fact that one in three nurses is due to retire within the decade, and the catastrophic decision to scrap bursaries for nurses, midwives and allied health professionals. According to the Royal College of Nursing, “without enough nurses, care is fundamentally unsafe, frontline staff are compromised and people seeking access to health and care services are not able to receive the care that they need.”

The RCN also reports that services are sometimes so short-staffed that nursing students are inappropriately used to plug gaps in the workforce and have to look after patients before they are qualified to do so. That is an extremely worrying development.

This is a crisis of the Government's own making. Before I come on to the current policy context of higher education funding, I will say a little about the circumstances leading to the decision to undertake the reforms back in 2015. As my hon. Friend the Member for Wolverhampton South West said, workforce planning has not traditionally been a great strength of the NHS.

One of the first decisions of the coalition Government back in 2010 was to cut the number of nurse training places at university. In 2010-11, 20,092 places were funded, but that fell sharply to 17,741 in 2011-12 and dropped again to 17,546 in 2012-13. At that stage, David Green, vice-chancellor of the University of Worcester and a former chair of the west midlands group of universities said:

“We are heading straight for a national disaster in two to three years' time.”

The RCN also warned that the cuts would cause “serious issues in undersupply for years to come.”

Those warnings were not heeded by the Secretary of State at the time, and a completely predictable and preventable crisis in the nursing workforce was created. Had the coalition Government only maintained the levels set by the last Labour Government, 8,000 additional nurses would have been trained in the last Parliament alone.

In the midst of this completely manufactured crisis, the abolition of undergraduate nurse bursaries was announced. I ask the Minister to consider whether that response to the crisis was the correct move. In just two lines in the 2015 autumn statement, with no consultation and no evidence base, the Government committed themselves

[Justin Madders]

to a huge gamble with the future of the NHS workforce and with patient safety. The then Minister described the proposal as

“potentially one of the most exciting things that we will do in the NHS in the next five years to increase opportunity and quality, and the presence of nursing staff on wards.”—[*Official Report*, 4 May 2016; Vol. 609, c. 196.]

We were told at the time that our many concerns were misguided, and that the changes would lead to an additional 10,000 training places being provided. However, as we have heard, the opposite has happened. As of September 2018, almost 1,800 fewer people are due to start nursing university courses in England. The number of mature students has plummeted by some 15%, which as we have heard has had a particular impact on specialist areas. There has been a 12.9% reduction in the number of mental health nurses since 2010.

As my hon. Friend the Member for Stroud (Dr Drew) said, there has been a shocking 40% reduction in learning disability nurses. Learning disability nursing celebrates its 100th anniversary in 2019. It will be an astonishing failure of the Government's if they allow it to disappear altogether. That reduction comes at a time when the needs of people with learning disabilities have never been more paramount, with premature mortality resulting from complex health conditions and people being detained in assessment and treatment units for far longer than necessary.

We warned at the time that this policy would have precisely the effect that it has. After meeting representatives from the profession and looking at the evidence, the Government carried on. On the other hand, they did not formally consult the Royal Colleges before announcing their plans. I know that there has been some dialogue since then, and I will be grateful if the Minister will set out his recent discussions with the sector about the impact of the bursary cut and what steps the Government are taking to deal specifically with the crisis in learning disability and mental health nursing, which have been particularly hard-hit by the changes.

As various Members have said, the new Secretary of State recognised the crisis by saying

“simply put: we need more”

nurses, and that:

“That is something we will specifically address in the long-term plan for the NHS”.

That plan is due to be published any time now, and we will examine it very closely. However, if the Secretary of State is serious about tackling the workforce crisis and increasing the nursing workforce, he needs to make a key element of the strategy the reintroduction of NHS bursaries. It remains our policy to do so, and there has not been a single jot of evidence since they were removed to dissuade us from our initial view that their abolition was short-sighted, damaging and, ultimately, self-defeating. In a written answer on 19 April this year, the former Minister indicated that the Department would publish an update on the effect of the plans later this year. Will the Minister advise us of where that is up to?

Although I have referred to a lot of large numbers to highlight the overall impact of the policy, it is important to hear, as we have from some Members, about the impact on individuals. I do not know if the Minister had

the opportunity to attend the RCN drop-in earlier today. If he did not, I convey to him how well the students I spoke to conveyed how difficult it is to work what they and I consider to be unsafe hours to make ends meet; how the inclusion of the student loan in income for benefits calculations leaves families worse off; and how the students notice that, each time they return to the lecture theatre, there are fewer and fewer of them. What assessment has the Department made of the attrition rate of university courses since the abolition of the bursary?

In conclusion, the uncertainty created by Brexit means that the reliance on recruitment from the EU that we have seen in recent years is no longer an option to shore up nursing numbers. Our NHS staff cannot keep giving more at the same time as we give them less. The Government need to fund our future and invest in nursing higher education. They simply cannot afford not to.

3.45 pm

The Minister for Health (Stephen Hammond): It is a great pleasure to serve under your chairmanship, Mr Davies, as I make my first speech in what I regard as one of the most important ministerial roles in the Government. I thank the hon. Member for Wolverhampton South West (Eleanor Smith) for securing the debate. It has been a passionate debate that has reflected the importance that so many people—including, clearly, everybody in this Chamber—place on NHS professionals. It has recognised that high-quality education and training for nurses is fundamental to ensuring that the highest level of nursing care is given to patients. I obviously recognise that the hon. Lady, having served in the NHS for more than 40 years, has first-hand knowledge of the difference that nurses can make to individuals and families.

The hon. Lady raised several points in her speech, many of which I will address. However, she quite rightly opened by saying that we need and must have staffing that is safe for effective care. No one in the House would move from that. She asked several questions, including on bursaries, mature students and the number of people in training, which I will come to, but also made several points about the long-term plan, which it is important to talk about at the beginning.

The long-term plan will contain a chapter on NHS professionals and workforce planning, which I recognise will be the most important chapter. The hon. Lady will know that Health Education England undertook a consultation on the strategy for the workforce, which was published in draft last year. HEE also undertook a full consultation on the priorities for the health and care workforce, which concluded in the summer. The “Talk Health and Care” platform has been introduced, which the Government particularly expect to inform the work that NHS England is leading on the long-term plan.

It is also particularly important—it is potentially by accident—that the debate takes place on the day that the RCN produced a document, to which the Secretary of State and I have committed to respond. The shadow Minister is right: I deliberately took the time before the debate to meet a number of the students. I heard at first hand a number of their concerns, and I said to them—the hon. Gentleman will perhaps understand this, given his remarks about retention at the start of his speech—how important I think retention is, not only of nurses but of Ministers as well.

Vicky Ford: I am delighted that the Minister met the RCN and nursing students this morning. Will he confirm that hearing the voices of students themselves is absolutely vital in making decisions on the future?

Stephen Hammond: Of course it is important. As my hon. Friend will know, as Members, and particularly as Ministers, we get all sorts of briefings, which are very helpful and contain lots of numbers, but not real-life experience.

My hon. Friend the Member for Henley (John Howell) talked about the experience of nurses at his hospital. He made the point quite powerfully that there are several common issues that we need to address, but several other issues that are not necessarily common to every experience. It is right that we consider the issues they raise.

Janet Daby: One of my constituents who is a student nurse has been to see me. She is struggling with her student nursing loans. She has two children, and she was literally in tears while telling me her stories about how difficult it is for her—the Student Loans Company is demanding the money back. She is working and has children, and cannot afford to pay back those loans. Does the Minister think that situation is tenable?

Stephen Hammond: I will talk about that issue in more depth later, but if the hon. Lady wishes to write to me, I will look at her constituent's case. I will point out that the learning support fund already offers a number of opportunities, including child dependants allowance, travel costs and an exceptional hardship allowance. I hope her constituent knows about and is taking advantage of those opportunities.

The hon. Member for Ellesmere Port and Neston (Justin Madders) asked whether the Government will publish an update on the impact of the reforms. That is currently being worked on with education and health organisations and stakeholders. We will look at the most appropriate way of making sure that, following receipt of the proposals by the RCN, and in the context of the long-term plan and the chapter on workforce planning, the higher education funding review takes place and feeds into that update. We will set that position out in due course—I dare say that the hon. Gentleman and I will debate it in due course as well.

My hon. Friend the Member for Sleaford and North Hykeham (Dr Johnson) described what an excellent training scheme should look like, which was very helpful and powerful. My hon. Friend's experience as a clinician is invaluable, and hopefully my speech will address a number of the points that she raised. I listened carefully to the asks of my hon. Friend the Member for Chelmsford (Vicky Ford). Some are in my power and some are not, but she made a point about mature students, and the Government recognise that the number of mature student applications has dropped across the wider higher education sector as well as in nursing. We are working with organisations in the sector to see how we can attract more mature students and whether specific funding can be targeted more effectively towards those students via the learning support fund.

It does not really need saying that, at the national level, the Government understand how important nurses are. We are committed to making sure that the nursing workforce are properly supported and funded. In her

contribution, the hon. Member for Wolverhampton South West made the point that funding to the NHS is increasing: by 2023-24, it will receive £20.5 billion a year more than it currently does, and the Government expect the long-term plan to set out a strategy for the NHS to ensure a sustainable supply of nurses, rolling that supply across the whole range of pathways. We expect NHS England to clearly set out its commitment to the nursing workforce in the long-term plan, and ensure that there is a clear way for that plan to be implemented. A number of significant interventions are already in place to boost the supply of nurses, including training more nurses, offering new routes and enhancing reward packages. As my hon. Friend the Member for Sleaford and North Hykeham pointed out, there are over 11,900 more nurses on our wards than there were in May 2010.

However, the Government, and I as the new Minister for Health, should never be complacent, so I will set out a few other things that I regard as priorities. Our priority is to get more nurses on to our wards. As has been referred to, the education funding reforms, which moved student nurse funding into the student loans system, were introduced to unlock the cap that constrained the number of pre-registration nursing training places. Those reforms allow more students to gain access to nurse degree training courses. We have announced funding for 5,000 more clinical training places to make sure that those placements can be put in place. We have also increased midwifery training places by more than 3,000 over the next four years, and in 2017, there were 22,575 acceptances—the second-largest number since nursing became a degree-only profession.

It is also important to note that the loans system gives more cash when compared with the bursary system—effectively, up to 25% more. A mature student with two children will receive up to an extra £7,500 a year. I recognise that a number of other things need to be, and should be, put in place and known about more widely. The Government have also targeted support for healthcare students on courses through the learning support fund, which provides additional non-repayable grants. Up to £1,000 is available for eligible students in childcare allowances and hardship funding provisions. None of that, of course, was available under the bursary scheme. More nurses are in training, and the Government are working with Health Education England and the university sector to ensure that students continue to apply for nursing courses up to the end of clearing this year. I am pleased to say that, this year, we have seen a 6% increase in the number of 18-year-olds applying for courses and being accepted.

As an hon. Friend pointed out, there continues to be strong demand, specifically for younger people. I have made the point that we need to address the issues faced by more mature students who wish to enter, or re-enter, the profession. That should be a key priority in the long-term plan. The Government, and I as the new Minister, recognise that we need to do much more to continue to encourage people to apply for nursing courses, particularly more mature students. Therefore, my officials are actively engaging with the Royal College of Nursing, the Council of Deans of Health, and Universities UK—all of those organisations have a role to play. The Government will be consulting on the detailed proposals on future funding for higher education that the RCN has put forward today. I said this earlier, but I want to recommit

[Stephen Hammond]

and make it clear that we regard those as serious proposals, and will be writing to the RCN to engage on those proposals. We will start that work straightaway.

Paul Blomfield: I appreciate that the Minister is new to his post, and that it may be more appropriate for him to write to me in response to this point. I wonder whether he will address the attrition rates question asked by my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders). There is a relationship between the falling number of applications, the funding regime, and the higher attrition rates. Does the Minister have numbers on that, and what consideration are the Government giving to it?

Stephen Hammond: Inspiration has just reached me. As the hon. Gentleman will know, Health Education England recently published a report on attrition rates on nursing courses—I made the point earlier that the rate of attrition among all people applying for university places has gone down. However, I will write to the hon. Gentleman. The report published by Health Education England describes how attrition rates on those courses have fallen considerably over the past few years, but I will write to him to be absolutely clear. He may then choose to make that letter available.

Dr Caroline Johnson: “The nursing workforce” report, which was published by the Select Committee on Health in January, identified that 30% of students due to complete in 2015-16 or 2016-17 did not complete within that period. Significant variability between different training institutions was also identified. Will the Minister commit to looking at why some institutions have such high attrition rates compared with others?

Stephen Hammond: That is an extremely important point. There is not necessarily a universal reason why particular institutions have worse attrition rates than others, and that may well be key to retaining people who wish to stay in the profession.

In my last minute, I will finish on this point: NHS England, NHS Improvement and Health Education England are all working with trusts on a range of recruitment, retention and return-to-practice programmes. Some of those have met with some success: NHS Improvement’s retention programme works directly with trusts to support improvements in retention. However, I want to make clear that, as the newest member of the Government and of the Department, I regard the retention of our NHS professionals as a priority, and I am looking forward to making a contribution not only to things like the “Talk Health and Care” platform, through which there has already been positive engagement, but on this matter more generally. Retention is key, and we want to make sure nurses understand that we recognise how important they are. The long-term plan will set out a strategy to ensure a more sustainable future supply of nurses. They work incredibly hard, and it is absolutely right that this Government will commit to ensure that funding is dedicated to the supply—

Motion lapsed (Standing Order No. 10(6)).

Plastics: Agriculture

[SIR CHRISTOPHER CHOPE *in the Chair*]

4 pm

Scott Mann (North Cornwall) (Con): I beg to move,
That this House has considered the use of plastics in agriculture.

It is a pleasure to serve under your chairmanship, Sir Christopher.

My constituents in North Cornwall are incredibly concerned about the environment, for a number of reasons. Perhaps most importantly, it is because we are a coastal constituency with a great deal of communities reliant on the sea, like the Minister’s constituency of Suffolk Coastal. It might also be because of the beautiful inland landscape of our countryside. Arguably the biggest threat to the environment, other than the ice caps melting, is the plastic in our seas and environments.

The invention of modern plastics transformed the world. It sped up processing and changed entirely how we store everything from food to medicine and how we wrap bulk items. However, with all the good that plastic has done in ease of use, it now poses an imminent threat. We all know that plastic is not biodegradable, and that is now coming at a price to our environment. The most noticeable damage being done to us in North Cornwall is undoubtedly plastic in the ocean. Around two months ago, I asked the Foreign and Commonwealth Office a question about marine conservation in which I congratulated Lewis Pugh on his mammoth swim from Land’s End to Dover. He did that to raise awareness of the tide of plastic we now find pouring into our oceans.

Wera Hobhouse (Bath) (LD): I congratulate the hon. Gentleman on securing this important debate and raising this issue. Does he agree that quite a lot of the issues are caused by commercial waste collectors that do not make plastic recycling easy, particularly for businesses?

Scott Mann: The hon. Lady makes an exceptionally good point. I will come on to talk about the environmental impact of industrial plastics later on. There needs to be a wider debate about not only residential waste but commercial waste.

Just last month, *The Guardian* reported that microplastic fragments are now finding their way into human stool samples. It is incredibly worrying that plastic is now entering the human food chain. Polypropylene and polyethylene terephthalate were the plastics most commonly found. Although there is still little data on the long-term implications of those microplastics for the human body, it is causing serious concern.

Our food comes from our agricultural industry, which we rely heavily on. It relies on the use of plastics, and it is there that I believe we can make some progress. Plastics and the environment is a key issue in my constituency and for future generations. I am sure many Members have similar talks when they go into their local primary and secondary schools, but when I visit schools in my constituency, the first question they ask me, after my favourite football team—it is Plymouth Argyle, by the way—is always an environmental one. Often it is about plastics.

I certainly welcome the amazing progress that the Government have already made. We have made a commitment to leave the environment in a better place than we found it. We have seen progress in legislation to tackle the scourge of plastics in our environment. We implemented the ban on the manufacture of products containing microbeads, and the coalition introduced the 5p carrier bag charge. At the time, I was slightly sceptical about that, but it has definitely changed behaviour, taking 9 billion bags out of circulation. There are the recent proposals for a bottle deposit scheme, which I welcome, and a ban on the sale of plastic straws, stirrers and plastic-stemmed cotton buds. Most recently, the Chancellor has announced consultation on a world-leading tax on plastic packaging that does not include at least 30% recycled content.

Those policies are part of a cultural change in how the public view single-use plastics, and around the country we are seeing great examples of how that is coming about through grassroots organisations. Penzance recently became the first town in the country to go plastic-free, and was declared as such by Surfers Against Sewage. That was achieved by Penzance residents coming together and thinking of creative new ways of replacing plastics. For example, they have started to use food boxes made of starch. I commend the people of Penzance for their great achievement.

I welcome the nation's action on the issue of plastics in the environment, but I want to focus specifically on plastics in the agricultural sector. In rural communities such as North Cornwall, plastics are used heavily on farms. In fact, PlasticsEurope, an association of plastic manufacturers, says on its website:

"A wide range of plastics are used in agriculture".

Those include polyolefin and polyethylene, which tend to be used in mulch to protect saplings and conserve water. Polypropylene is used to make woven sacks for storage. Ethylene-vinyl acetate is used for sealing packaging. Polyvinyl chloride is used for plastic pipes for irrigation. Those are just a few examples of the plastics used in the agricultural space.

Those plastics provide innovative but not always sustainable ways of managing crops. Plastic irrigation pipes prevent the wasting of water and nutrients. Rainwater can be retained more effectively in plastic reservoirs. The use of pesticides can be greatly reduced by keeping crops in a closed space such as a greenhouse or by mulching under plastic film. Moreover, pesticide emissions into the atmosphere are reduced by having a fixed plastic cover in place.

At the end of their life cycle, agricultural plastics such as greenhouse covers can be recycled. Once retrieved from the fields, other plastics have to be washed to eliminate sand, herbicides and pesticides before they are ground up and extruded into pellets. That in itself is quite environmentally intensive, but the material can then be used again in the manufacturing of such things as outdoor furniture. When recycling is not viable, energy can be obtained from agricultural plastic waste through co-combustion. The recent call for evidence by Her Majesty's Treasury on single-use plastics, "Tackling the plastic problem", was intended to explore how changes to the tax system or charges could be introduced to reduce the amount of single-use plastics.

Sandy Martin (Ipswich) (Lab): Is the hon. Gentleman aware that dealing with plastics through incineration is 12 times less fuel-efficient than burning the original stock fuel?

Scott Mann: I have learned something today. I was not aware of that. The whole principle is that reusing plastics rather than burning them is a much better way of dealing with the scourge we have in the environment.

I know the Government are keen to explore new and innovative measures in this area. The National Farmers Union recently said that it recognises the potential for new production opportunities in the industry and would like to see some Government action. It said:

"However, it is important that food safety and quality are not compromised".

It wants

"to encourage the phase-out of single-use plastics. Agriculture is responsible for only a small proportion of plastic packaging waste."

We clearly need to find a way to make agriculture more environmentally friendly without putting a heavy burden on our fantastic farmers. In some cases, farmers have taken the initiative. For example, plastic mulches took over from materials such as straw leaves and wood chips as they are more effective to install in large-scale indoor animal enclosures, but there are cases of financially viable modern-day farms that have turned their back on single-use plastics and have gone organic to cover crops. I was recently made aware by the Horticultural Trades Association that its new plant pots are recyclable and do not contain any carbon pigment. The Government need to get behind a move to organic materials, or at least material that can be recycled. A further problem to which we need a solution is that some farms are remote and struggle to get a private contractor to come in and collect waste. That sometimes leads to farmers burning waste, which has a huge impact on the environment and is not the right way forward.

I originally came up with the concept for today's debate after visiting a constituent called Phil who runs Kernow Farm Plastics in Cornwall. His business is part of the national farmers recycling service, which operates across the whole of the south-west. Kernow Farm Plastics offers a service to farmers to collect and recycle their agricultural plastics. Phil took me round for half a day to show me his business and to educate me—it really was a bit of an education—on the different kinds of plastics in agriculture and their environmental impact.

One thing that is not made of biodegradable material, and which I am particularly concerned about, is net wrap, which is used to tie large bales of hay. It is not the plastic coating that goes around the outside—the black stuff. Net wrap holds the bale in place, and is made up of a very thin strand of non-recyclable plastic. It is terrible for wildlife and the marine environment, and ultimately could find its way into watercourses and then into the sea. That is my main focus in the debate.

Jim Shannon (Strangford) (DUP): I spoke to the hon. Gentleman beforehand to let him know about an innovative scheme. My local council, Ards and North Down Borough Council, yesterday became the first in the United Kingdom of Great Britain and Northern Ireland to install a marine sea bin, which has the capacity to sieve 2 million litres of sea water annually and trap plastics in its mesh.

[Jim Shannon]

The sea bins cost about £3,500 each, and use a low-energy motor that can be run for about £1 a day. Each bin can capture 3 tonnes of litter a year, and 70% of each unit is made of recyclable plastic. Does he agree that such initiatives can and must be recognised and encouraged? Ards and North Down Borough Council, as the first council in the United Kingdom of Great Britain and Northern Ireland to install a sea bin, is leading the way.

Scott Mann: I absolutely agree. I know that the hon. Gentleman is a great champion of his community, including his fishing community. Like me, he understands that our marine environment is vital. I hope that we see more of those schemes around the country.

We need to find biodegradable and organic alternatives to net wrap. The original alternative was binder twine. We used to see lots of twine used for tying bales, but that seems to be less prevalent now. Twine has traditionally been more durable than plastic, but is prone to rotting away. It is not nearly as suited to the job as plastic. In many industries, plastic has been seen as a much more effective alternative, but not necessarily for the environment.

Net wrap is a key example of where we need an alternative that is easy and safe to recycle. It is unacceptable for us to continue to use this stuff on an industrial scale when we could use something that is recyclable. My ask of the Minister and the Department is that they set up a research and development fund to try to find a way of ensuring that all plastic farming materials can be recycled, and to encourage viable alternative organic production methods wherever possible so that we do not end up with plastics in our environment, among our wildlife and in our oceans.

We need to make the debate on plastics as wide as possible so that we can get the best results, and I know that the Minister gets that. It has been a pleasure to take part in today's debate, and I am really looking forward to listening to the Minister's response.

4.14 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): It is a pleasure to serve under your chairmanship, Sir Christopher. I congratulate my hon. Friend the Member for North Cornwall (Scott Mann) on securing the debate. I recognise the extensive introduction he gave to the marine impact of a lot of plastic getting into rivers and oceans. I fully share those concerns, and we are working exceptionally hard in a number of ways to tackle that important issue. However, I will mainly address his questions about the use of plastic in agriculture.

The Government share concerns about plastic waste polluting our environment from all sources, including agriculture. Our priority is to prevent plastic from entering the environment in the first place. My hon. Friend will be aware that the overarching ambition is to achieve zero avoidable plastic waste over the lifetime of the 25-year environment plan, but ideally sooner.

As a material, plastics are incredibly useful and versatile, as my hon. Friend mentioned. They are flexible and durable and have a multitude of uses in the agricultural sector. Plastic is used on farms for a variety of purposes, including wrapping hay and silage bales, transporting feed and fertiliser, and insulating soil and horticultural

crops. Wrapping animal feed such as silage, hay and straw in plastic protects it from the weather and saves time while baling. It is a handy way to store valuable feed that is used to feed stock through the winter.

Removing the wrap from hay bales can be a burden for farmers. Failure to do so, and to dispose of it properly, means that animals can sometimes eat the plastic wrapping and injure themselves when it enters their rumen. We urge farmers and agricultural workers to take responsibility for their waste, and to follow guidance to ensure that they capture plastic waste and deal with it properly. A coalition of groups has published information to help farmers and land managers to do the right thing with agricultural waste as part of the "right waste, right place" campaign. That campaign was sponsored by the Environment Agency and supported by the National Farmers Union among others.

Plastic wrap used for hay bales can be recycled, and the infrastructure exists within the country to manage that. However, contamination levels, the relatively high costs of collection and other costs associated with cleaning plastic waste before it can be recycled mean that demand for farm plastic waste is very low. I recognise and welcome the valuable work of operators in the farming sector who are taking proactive steps to recycle farm plastic waste. For example, yesterday Grassroots Recycling organised a meeting that brought together the NFU, the Environment Agency and 10 farm waste collectors, including Kernow Farm Plastics Ltd, to which my hon. Friend referred, and Agri Cycle Ltd, to consider the challenges for recycling farm plastics.

As my hon. Friend laid out, it is important that such a service is available to the farming community right around the country in order to help farmers deal with some of their regulatory requirements. He will be aware that, if a farmer chooses to sell a bale of hay, they need to participate in the packaging recovery note system, although if it just gets reused on their own land they do not need to because it is just a transfer of product.

It is fair to say that there were concerns that the end markets are challenging at this time, particularly as recycling processes tend to take plastic waste from other sources, given the issues that I outlined. I must admit that today is the first time that I have heard somebody talk specifically about the problem of net wrap. After my hon. Friend's eloquent explanation of the challenges in how it is used, I fully understand his concerns about how net wrap in particular could easily become part of the litter that ends up going into watercourses, having the impact to which he referred.

My hon. Friend mentioned the possibility of a research and development fund to look at alternatives. There is an opportunity for people to apply for funding from our plastics innovation fund, which is led by Innovate UK under the steering of the Department for Business, Energy and Industrial Strategy. He will be aware that there are many producers, so this is a good challenge.

As we announced in the Budget, we are introducing what is effectively a new tax for plastic products that are not at least 30% recycled. There may be a possibility to apply such measures to wider plastic wrap as well as the net wrap. However, I am conscious of what my hon. Friend said about alternatives. I strongly agree that, just as we are looking at alternative uses for plastics industrially as well as recreationally, there may well be more we can do once the opportunity for innovation is explored.

Alex Sobel (Leeds North West) (Lab/Co-op): The Minister mentions money for research into plastic wrapping, but there is also a problem with plastic mulching. We do not know what effect plastic mulch may have when it gets into watercourses, rivers and seas, but it is a potential source of microplastics and it may also go straight into the soil. It could be a widespread problem, but there is a lack of research into plastic mulching and a lack of knowledge about its effects.

Dr Coffey: I had never heard the phrase “plastic mulching” before either, but I am conscious of what the hon. Gentleman suggests. Elements of plastic can end up in the natural environment in different and unintended ways. Some broader research has been done into the impact of plastics, but I recognise that there is more to do. I think Public Health England has been considering the matter.

Mr Jonathan Lord (Woking) (Con): I welcome what the Minister says about encouraging biodegradable fibres and bioplastics, but until those materials are available more widely, we will need a domestic solution to recycling. China is now refusing to take plastic waste, and other Asian countries may follow suit. Recycling plastic has recently become more complicated and expensive than ever before, so I hope that she will say what the Government are doing to encourage domestic recycling solutions.

Dr Coffey: The reality is that until now, China, Turkey, Malaysia, Indonesia, Vietnam and other countries have largely been happy to accept our plastic because they have seen it as a raw material that they can use to generate more products. Plastic recycling is technically possible and exists in this country already—it is just that it is not as economical. People have to pay to recycle various sources of plastic rather than getting a benefit from them, although that is changing. We recognise that China has reduced the amount of contamination that it is prepared to accept in plastic—it does not ignore all plastic, but effectively it has closed the market and made it less worth while. I am sure my hon. Friend is eagerly awaiting our strategy on resources and waste, which will appear in due course. Perhaps more can be revealed at that time.

I mentioned the measures in the 25-year environment plan we published in January, as well as the Government’s commitment to taking action against the problem of single-use plastics waste as part of our wider strategy. We have given £20 million to the plastics innovation fund, which is co-ordinated by Innovate UK and the Engineering and Physical Sciences Research Council,

and which aims to reduce the environmental costs of plastic and litter. I am pleased to say that, in the Budget, we announced not only a tax on plastic products that are not at least 30% recycled, but a further £20 million of funding: £10 million extra for R&D and £10 million to pioneer innovative approaches to boosting recycling and reducing litter. The fund will be made available during the 2019-20 financial year. I agree with my hon. Friend the Member for North Cornwall that innovation is vital in supporting developments to tackle plastic waste, so we will continue to explore commercially viable options.

Beyond the farm, we have worked with retailers and with the Waste and Resources Action Programme to explore the potential for introducing plastic-free initiatives. At the end of the month, WRAP will publish a technical report on the evidence for providing fresh produce. Its purpose is to inform a dialogue on providing uncut fresh fruit and vegetables loose, and it will contain advice on how to eliminate unnecessary plastic packaging without unintentionally increasing food waste. I am sure that the famous cucumber scenario will be mentioned many times in the discussions about whether plastic is a benefit or a horror. The opposite environmental aspect that we need to consider is food waste, especially in regard to carbon. The technical report will be available for consideration and discussion by signatories to the 2025 Courtauld commitment and the UK plastics pact.

The Government want to create a vibrant market for recycled materials in the UK, including plastic. We want to increase the quantity and quality of materials collected by local authorities in England and accelerate greater consistency. My hon. Friend referred to biodegradable materials, which may be seen as a solution that would reduce the impact of plastic waste. However, if disposed of incorrectly, they can be more environmentally damaging than non-biodegradable materials. We are concerned that, in the absence of standards, claims about the biodegradability of plastic-based products cannot be verified, which has the potential to lead to confusion in the marketplace, increased levels of consumption and environmental harm at the point of disposal.

I thank my hon. Friend for securing this debate on plastic. Some may see it as a niche issue, but he is fully aware of its importance and I congratulate him on all his work and campaigning. The issue needs to be tackled at the source in every possible way, and we need constantly to challenge ourselves, our agricultural industry and other similar industries to do so.

Question put and agreed to.

Leaving the EU: Legal Services

4.26 pm

Mr Jonathan Djanogly (Huntingdon) (Con): I beg to move,

That this House has considered the provision of legal services after the UK leaves the EU.

I am pleased to have secured this timely Brexit debate on the provision of legal services. This is a key moment for our country's wellbeing and direction, and the implication for the provision of legal services is significant. I introduce myself as a non-practising solicitor and as chair of the all-party parliamentary group on legal and constitutional affairs, which produced a report in October that noted serious issues that merit further debate. I take this opportunity to thank the APPG's secretariat from the Law Society for its assistance with the report.

Before I launch into Brexit issues, let me explain why the legal services sector is so important to our economy. The legal services sector is a great UK success story. The UK has the second largest legal services market in the world and the largest legal services sector in the EU. In 2017, it contributed more than £26 billion to the economy—equivalent to 1.5% of GDP—and was responsible for net trade of some £4 billion. It employs and trains over 380,000 people.

The jurisdiction of England and Wales is recognised as a global centre for legal services, particularly for international, commercial and corporate transactions, and dispute resolution and arbitration. In 2015, more than 22,000 commercial and civil disputes were resolved through arbitration, mediation and adjudication in the UK. In the commercial court, which is housed in its new, modern building, nearly 1,100 claims were issued, of which two thirds involved at least one party whose address was outside England and Wales.

Our legal services sector is a great international success story, but we have no natural right to retain that business. Indeed, over the past 10 years several jurisdictions have sought to compete with England and Wales. We keep the work because of the excellence of our professional lawyers and judges and because of foreign parties' trust in our rule of law and our reputation for judicial efficiency and fairness.

John Howell (Henley) (Con): My hon. Friend makes a very valid point. Surely one of the biggest threats to the UK comes from Singapore, which is developing a good range of courts to tackle commercial issues. I have raised the subject on several occasions, but there does not appear to be a united Government front to see off the threat from Singapore.

Mr Djanogly: My hon. Friend makes a very important point. Other jurisdictions are also mounting challenges. We must avoid doing anything that might impair the reputation of the sector.

Robert Neill (Bromley and Chislehurst) (Con): My hon. Friend talks of the reputation of the sector. It is also about hard cash. At the end of the day, the legal services sector makes a contribution of about £25.7 billion per annum to the economy. It is really significant for our economic wellbeing.

Mr Djanogly: My hon. Friend makes another very important point.

English law is the most widely used legal system in the world—27% of the world's 320 legal jurisdictions use it. There are more than 200 foreign law firms with offices in the UK, from more than 40 jurisdictions. The UK legal services sector is forecast to produce turnover of £30.82 billion and net exports of £4.25 billion by 2025.

Brexit will be the largest ever change to the UK's legal framework and it represents both opportunities and risks for the legal sector. The impact of Brexit on lawyers, law firms and legal practices will be significant. Negotiations around the UK's withdrawal from the European Union and the transition period have been agreed, but questions remain, especially about the future relationship of the UK and the EU.

Ellie Reeves (Lewisham West and Penge) (Lab): Legal services amount to the equivalent of 1.5% of GDP. Both the Bar Council and the Law Society have issued warnings that any form of Brexit will have a significant impact on the sector. Does the hon. Gentleman not agree that it would be better for the legal services sector if we remained in a single market?

Mr Djanogly: Yes, and the hon. Lady is going to hear me explain how the post-Brexit situation that I want to see is as close to that as possible.

Mr Jonathan Lord (Woking) (Con): I congratulate my hon. Friend on highlighting in this place the importance of the legal services sector to our economy and our justice system. Will he indicate what he believes the direction of travel for the legal services sector is in the proposed deal? We would all be interested in his initial reaction.

Mr Djanogly: That is exactly what I shall be doing.

The legal sector has broadly welcomed the Government's negotiating stance so far. However, concerns remain that withdrawal from the EU and our future relationship will not deliver in a number of key areas for legal services. There are concerns over whether the Government's current approach will deliver sustainable market access for legal services and flexibility for services. Unlike financial services, there is no in-depth common rulebook or Europe-wide regulator in legal services. Instead, legal services remain regulated autonomously by each EU member state, while functioning on the principle that an EU law firm should be treated as equal to domestic lawyers and firms. There is therefore no great benefit for the legal sector in maintaining regulatory flexibility when pursuing trade agreements with third countries.

I would point out, from my time on the Select Committee on Exiting the European Union, that that is the view of most service industries. They have every intention of following EU rules whether they are mandated to or not, because that is what their business dictates. Certainly, from a legal services perspective, the preservation of the present system should be prioritised, so that lawyers from EU member states, European economic area states and Switzerland can practise freely across the continent.

The APPG inquiry focused on mutual market access and on how legal services will be able to operate following the UK's withdrawal from the European Union. We accepted written evidence and held sessions in Parliament to hear oral evidence from interested parties, including

law firms and chambers, individual practitioners and other stakeholders. We sought evidence on the impact of Brexit on legal practices, the workforce, business structures and client bases. We explored how lawyers currently practise across borders, looking at everything from rules on immigration and practice rights to the recognition of professional qualifications, and how that is anticipated to be affected by Brexit. We sought to understand where contingency planning was taking place and what steps firms were already taking to mitigate any effect of Brexit on the sector. We sought to understand the key concerns of the sector about the effect of Brexit, and we published the final report in October—if anyone wants a copy, I have some. It explored the concerns and comments raised in the oral and written evidence.

We made 10 recommendations. First, the Government should ensure that mutual market access is retained, as currently envisaged, in any transitional arrangements. Secondly, we urge the Government to seek to retain mutual market access as far as possible in any future relationship with the European Union. Thirdly, the Government should ensure that UK lawyers are able to continue to serve their clients post-Brexit on what is called a fly-in, fly-out basis. Fourthly, the Government should ensure that any future relationship with the EU includes a mechanism for UK lawyers to practise EU law via the mutual recognition of professional qualifications and law firm structures. Fifthly, the Government should seek to secure the rights of audience in EU courts, such as the Court of Justice of the European Union.

Sixthly, it is vital that, following Brexit, the Government provides for the ability of the legal sector to easily recruit skilled individuals from outside the UK. Seventhly, the Government should ensure that our immigration system does not block lawyers from continuing to provide services in the EU. Eighthly, the Government and the EU should agree on the draft withdrawal agreement as soon as possible to ensure a transition period that provides legal certainty—that one, hopefully, gets a tick. Ninthly, any transitional agreement should replicate the current legal framework as far as possible to ensure legal certainty and prevent businesses and individuals from having to adapt to changes in their rights and obligations twice—once during a transitional phase and once upon implementation of a new UK-EU agreement. Tenthly, a no-deal scenario should be avoided at all costs.

Let me address a few of those points, taking first the ability to practise, mutual recognition of professional qualifications and rights of audience. Of key concern to the legal sector was the ability to practise in Europe. The current framework, which allows for the mutual recognition of professional qualifications, rights of audience and the ability to practise and establish firms in EU member states, has hugely benefited the UK legal services sector, providing a large net contribution to the UK economy, as was mentioned by my hon. Friend the Member for Bromley and Chislehurst (Robert Neill). As far as possible, mutual market access should be retained.

Ellie Reeves: The withdrawal agreement does of course refer to mutual recognition, but only for the transition period. Does the hon. Gentleman agree that that creates further uncertainty for the legal profession, which, as has been pointed out, already contributes so much to our economy?

Mr Djanogly: I will be making the case that the hon. Lady has just put.

On labour mobility, the legal services sector has profited from the ability to attract talent from across the globe and the ability to work in the European Union. Frankly, many people going into the offices of a City law firm would be staggered by the number of nationalities and the depth of EU and world legal experience that we have in the UK. For instance, an American client would quite commonly run its European company acquisition strategy from London—because we speak English, yes, but also because they trust our jurisdiction and courts, and because we have European expertise here in London. We do not want to lose that. It is very important that a labour mobility framework that guarantees those abilities post-Brexit is put in place.

The legal services sector requires legal certainty throughout the UK's withdrawal from the European Union. Law firms and their clients are already, sadly, beginning to implement contingency plans and move business elsewhere. We now have a draft of a detailed transition agreement, and the sector believes, as I do, that that agreement must be confirmed as soon as possible to ensure the sector has the legal certainty that it requires.

Robert Neill: Does my hon. Friend agree that having a swift and clear transition agreement is important not just, as he rightly says, to give law firms the certainty they need to continue their operations, but to ensure for their clients contractual continuity and, above all, the enforceability of contracts and judgments in commercial matters and a whole range of other matters?

Mr Djanogly: As ever, my hon. Friend makes a pertinent point. Avoiding a no-deal scenario and securing the right future relationship with the European Union is of the utmost importance. The APPG supports the view of the legal services sector that a no-deal scenario would be devastating to the sector and should be avoided at all costs. Of course, there have been significant recent developments. Last week, on 14 November, the Cabinet collectively agreed to the draft withdrawal agreement and the political statement on the future relationship. Following a special European Council meeting on 25 November, the Government intend to lay a final version of the agreement before Parliament for debate.

It needs to be recognised that the draft withdrawal agreement contains a number of positive elements for the legal services sector, including provisions on mutual recognition of professional qualifications and on lawyers continuing to obtain qualifications throughout the transition period, and clarity on continued recognition and enforcement of judgments and orders throughout that period. Lawyers will continue to have the right to represent a party in proceedings before the CJEU in all stages of proceedings where a case can be brought by or against the UK. The automatic transfer of an EU intellectual property right into an equivalent UK right before the end of the transition period is very welcome.

The non-legally binding declaration, however, is a work in progress. To be frank, it is worryingly brief and it is vague on services, especially legal services. The relevant part of the political declaration explains that the goal is to secure

“Ambitious, comprehensive and balanced arrangements on trade in services and investment, delivering a level of liberalisation in trade in services well beyond the Parties' WTO commitments”.

It says that the Government will put in place

“Appropriate arrangements on professional qualifications.”

[Mr Djanogly]

I have to say that this is pretty sketchy stuff, and so we continue to have concerns about the lack of detail contained within the political declaration between the UK and the EU.

First, it is pretty unambitious for the UK-EU agreement to say only that it will go “well beyond” the parties’ World Trade Organisation commitments, and it is likely to lead to significantly less market access for services. Secondly, like with the Government’s White Paper, there are concerns about the continued focus on regulatory flexibility, as I mentioned before. The preservation of the present system, whereby lawyers from EU member states, EEA states and Switzerland can practise freely across the continent, should be prioritised instead. Thirdly, it is good to see a reference to professional qualifications, but that only goes some way towards giving lawyers the ability to practise in the EU, and generally it is not their preferred route.

Fourthly, it is disappointing not to see a reference either to civil or commercial co-operation, unlike in the Government’s White Paper. The UK and the EU currently enjoy the gold standard in civil and judicial co-operation, which should continue. Fifthly, without an agreement on judicial co-operation, judgments made in UK courts might be unenforceable in EU countries in the cross-border settlement of trade disputes, which might result, for instance, in debts owed by EU entities to UK businesses not being recovered. It follows that uncertainty about whether judgments from UK courts would be enforced could make the UK less appealing as a jurisdiction of choice for contracts and dispute resolution, which would lead to the growth of competing jurisdictions.

John Howell: My hon. Friend is being very generous with his time. I am not sure that I heard him mention the family courts in his list of things that we need to establish good relationships over. The family courts are very important, because sadly the amount of work that they undertake—on both sides of the channel—is growing. There is enormous mutual responsibility for them.

Mr Djanogly: I agree with my hon. Friend, who makes an important point. The Brussels II regulation is a single legal instrument that helps families resolve disputes about divorce and the custody of children where they involve parties in more than one EU state. Under the regulation, EU courts automatically recognise judgments on matrimonial and parental responsibility that are delivered in other states. That will no longer apply to the UK when we have left the EU. Similarly, the maintenance regulation, which helps to ensure the payment of maintenance in cross-border situations, will no longer apply.

In a no-deal scenario, the UK and EU27’s trading relationships in legal services would be governed by the general agreement on trade in services, or GATS, which falls far short of replicating the current EU framework. UK lawyers would be subject to myriad rules and regulations in each of the 31 European Free Trade Association states rather than to a single legal framework. UK judgments are automatically recognised and enforced across the EU27, but they will not be in a no-deal scenario, unless the UK unilaterally signs The Hague convention.

At the moment, clients can receive UK law advice from UK lawyers however and wherever they want in the EU; in a no-deal scenario, clients in some jurisdictions might be limited in how they can receive UK legal advice from UK lawyers. Currently UK lawyers have the automatic right to set up practices in an EU host state with minimal bureaucracy; in a no-deal scenario, UK lawyers’ ability to set up practices in an EU27 jurisdiction will depend on local laws and regulations. If establishment is possible, permitted activities still might be limited.

Currently UK lawyers have the right to advise clients who are based in the EU27 on EU law, because their legal professional qualifications are automatically recognised. In a no-deal scenario, clients based in EU27 jurisdictions might no longer be able to receive EU law advice from UK lawyers, as UK legal professional qualifications might not be recognised. Now, law firms can set up in one EU member state and export their services across the EU by establishing branches of the same structure in other member states. In a no-deal scenario, legal entities would lose the automatic right to use their preferred business structures in certain EU27 countries, and the UK corporate form of limited liability partnerships might no longer be accepted in some jurisdictions. As can be seen, we must avoid a no-deal scenario.

Growing concern that the UK could exit the EU without a deal has led the Law Society to publish a series of papers that give solicitors guidance on how to take steps to mitigate some of the risks. Law cuts across every area of life, and often UK and EU lawyers work across borders and enforce and litigate on family, data or business disputes. The first tranche of Law Society papers gives advice on some of the potential rule changes where a deal between a business here and in the EU goes wrong, what happens in family law if a couple splits up, and how we should approach data sharing should we quit the EU without an agreement. There is another paper on providing legal services in the EU, and I understand that further papers are in production. Perhaps the Minister could take this opportunity to explain how her Department is preparing itself and the legal services sector for a no-deal scenario.

It is fair to say that services, including legal services, have not been given the same attention in the Brexit process as manufactured goods have. The sector wants a bespoke agreement that comprehensively covers legal services and is based on mutual market access, mutual recognition of regulatory frameworks, regulatory co-operation and continued mutual access to talent. I have high regard for the Minister, her understanding of this sector and her ability. I hope that she takes the opportunity provided by this debate to set out how she will champion the English legal services sector in negotiations on the future relationship with the EU, with the intention that legal services are not left behind and will be given the tools to maintain their world-leading reputation for excellence after Brexit.

4.48 pm

John Howell (Henley) (Con): It is a great pleasure to serve under your chairmanship, Sir Christopher. I will not speak for very long, but I want to raise an important point about international arbitration while wearing my hat as the chair of the all-party parliamentary group on alternative dispute resolution, which looks at arbitration, mediation and other forms of dispute resolution.

I was pleased to see that the withdrawal agreement commits us to international arbitration to resolve any disputes between us and the European Union as we exit it. That is a very positive step forward and a good compromise to have received from the European Union. I pay tribute to the authors of the withdrawal agreement for getting the EU to agree to that. I put so much emphasis on international arbitration because it is arguably a cheaper and much quicker way of resolving disputes. As we have heard, we are a leading centre for arbitration, as the number of people who come to us from around the world indicates. They do that because of our distinguished judges and arbitrators, and because English law is admired around the world.

I raised that issue with the Lord Chief Justice this week, and I asked him how secure he is in believing that we will be able to continue with this regime after Brexit. He said, first, that it is difficult to see it continuing unless we do something about the fact that the number of judges is so diminished at the moment. That is a very important point. Arbitration is not solely based on judges, but we need judges with a great deal of experience.

The second thing he said—I made this point in an intervention—is that we need to be more aware of the alternative centres that are emerging around the world to deal with arbitration. I mentioned Singapore, which has put tremendous effort into developing a commercial solution. I hope that in the summer recess—assuming we still have one—I will be able to go out to Singapore to see for myself how its arbitration courts work and what sort of cases they deal with. We should be concentrating on those important things.

My hon. Friend the Member for Huntingdon (Mr Djanogly) said that legal services make an enormous contribution to the UK's economic activity. I will not repeat what he said about them, other than to underline their phenomenal contribution.

I want much more emphasis to be put on tying up the elements that I have mentioned. We should not take for granted our legal position as the pre-eminent jurisdiction for arbitration. Our officials need some fight to ensure that we keep our jurisdiction and our reputation so that we can continue with that.

I stress the importance of ensuring that we have some sort of reciprocal arrangement for the family courts. My hon. Friend mentioned Brussels II and the maintenance regulations that apply to it. It is not the ideal form of governance of the situation with the European Union, but it is undoubtedly better than what preceded it, and we should be very careful about throwing it out.

I was disappointed not to see more in the withdrawal agreement about the protection of legal services. There is a gap there. It would have been nice to see more about how they will operate in the new environment and about how qualifications will continue to be recognised beyond the transition period. Those points have already been made, but I am happy to make them again because they are important and we need an answer.

4.54 pm

Robert Neill (Bromley and Chislehurst) (Con): It is a pleasure to serve under your chairmanship, Sir Christopher. I warmly congratulate my hon. Friend the Member for Huntingdon (Mr Djanogly) on securing the debate. I congratulate the all-party group on legal and constitutional

affairs on its excellent report, which mirrors the Justice Committee's conclusions in our report in the 2016-17 Session on the implications of Brexit for the justice system, especially in the areas that relate to co-operation in civil and commercial law. Our report, of course, went further and stressed the importance of continuing co-operation on criminal law and law enforcement, but our conclusions on the civil front are exactly in line with those of the all-party group. That is not surprising, because the evidence is entirely consistent.

My hon. Friend the Member for Henley (John Howell), who serves on the Committee with me, stressed the other issue that we want to raise: family law. This is not just about the clients of big commercial firms. The ability to enforce judgments makes a difference to parents who are seeking to get maintenance from a partner in another EU jurisdiction. At the moment they can enforce their maintenance agreement without any difficulty, but they would be at a grave disadvantage if they were not able to do so.

Many of us will remember the problems that arose in the past with the growth of what is called parallel litigation in family cases, in relation to divorce, financial arrangements and child custody arrangements. The last thing we want is a crash-out arrangement. In theory, that would mean that, as of 1 April next year, a parent in the UK and one in another EU jurisdiction would be capable of commencing parallel proceedings in family matters.

John Howell: My hon. Friend is stressing the role of the family courts, but he might also want to mention the ability to handle child abduction equally on both sides.

Robert Neill: That is entirely right. Some of the worst examples, before we developed the mutual enforceability of judgments, related to child abduction. In cases involving non-EU states, in which we are a third country, the parent here—frequently the mother—was at a significant legal disadvantage and did not have the protections that we have under the current arrangements, particularly the recast Brussels arrangements. I am glad that my hon. Friend has raised that issue.

I want to make two other points very briefly. First, I support my hon. Friend's point about English law. Those of us who have practised know that, because of the reputation of our system, it is almost the norm to find English law clauses in international contracts. We want that to continue, but it is concerning that the Bar Council and the Law Society have been reporting evidence—so far anecdotal, but strong—that the uncertainty and the risk of a crash-out arrangement without contractual continuity is leading some firms to advise their clients to have clauses excluding English law from contracts. It would be extremely troubling if that were to persist. The longer the uncertainty, the greater the risk.

Simmons & Simmons, a leading law firm, conducted a survey of clients in Germany, France, Italy, Spain and the Netherlands to look at what the courts in those countries might adopt if we were a third country and could not rely on the current arrangements. It reported that 88% of clients—people abroad buying British services—thought that the Government needed to make an early public statement to remove uncertainty, and 50% said that, without that, they would be inclined to move away from choosing English law or jurisdiction clauses. The situation is urgent, so I will back the

[Robert Neill]

withdrawal agreement because it will get us into a transitional arrangement, which will give continuity for that period. More importantly, contracts will run beyond the date on which we leave, and significant commercial litigation will almost certainly take more than two years to work its way through. I hope that those issues will also be taken on board.

Will the Minister consider a couple of suggestions by the City of London Corporation and TheCityUK, to which I am grateful, about failsafe devices—I do not like to use the word “backstop”, because it has certain controversial associations—that we could have in parallel with seeking to get the withdrawal agreement through and get into the transition period? It has been suggested that it would be reasonable to look at a means of copying the text of the Rome I and Rome II regulations into our own private international law. Those regulations, of course, determine the applicable law for contractual obligations. As well as seeking the transition, many lawyers think it would be advisable to copy those texts—in parallel, I suggest, as a belt and braces operation—which are much superior to anything that went before, into our law. It is also important that we consider re-signing The Hague convention as an independent party. That would be a failsafe, not my preferred objective, but we need to have those eventualities in mind. That would assist with certainty.

In her Mansion House speech, the Prime Minister talked about the Lugano convention. I think that most people would concede that Lugano, in its original form, is nothing like as good or effective as Brussels I and II in their recast form. They are the gold standard that my hon. Friend the Member for Huntingdon referred to. Will the Minister take away the idea that, to get us anything like as good as we have under Brussels, any Lugano would have to be a Lugano plus plus plus?

Alex Chalk (Cheltenham) (Con): I am grateful to my hon. Friend, the Chair of the Select Committee on Justice, for giving way. The comments made in this debate bear a striking similarity to those made in the debate that followed the production of the Committee’s report. That just goes to stress the urgency of the situation. Law firms cannot wait forever to get a degree of certainty; the time for action is fast running out. Does he share my concerns about that?

Robert Neill: I agree that there is a danger of us becoming a legal version of groundhog day in these debates. I know that the Minister is absolutely committed to achieving continuity, but there is a real sense of frustration among practitioners because, although there are warm words, promises and statements of intent, and a Brexit law committee in which practitioners are involved is being set up, none the less, despite those strong wishes, the detail on future arrangements remains extremely scarce. If the Prime Minister succeeds in moving us on to the next stage, as I hope she does, it is absolutely critical that that detail is fleshed out at the earliest stage. I hope that we will take the opportunity of strengthening the political declaration that comes as part of the package with the withdrawal agreement, as the Prime Minister said today, so that it makes more reference to legal services in particular.

5.2 pm

Gavin Newlands (Paisley and Renfrewshire North) (SNP): It is a pleasure to serve under your chairmanship, Sir Christopher. I congratulate the hon. Member for Huntingdon (Mr Djanogly) on securing such an important debate, and I will touch on some of his remarks. He mentioned that the legal services sector contributed £26 billion to the economy. Like him, I look forward to hearing the Minister outline what her Department is doing to prepare for a hard Brexit, should that occur on 29 March.

My colleague on the Justice Committee, the hon. Member for Henley (John Howell), mentioned a point made by Lord Chief Justice on the paucity of judges in the English system, which has come up from time to time in the Committee’s deliberations. I have made it a habit not to disagree with the Chair of the Justice Committee, the hon. Member for Bromley and Chislehurst (Robert Neill), because he is wise and rarely wrong, and he was right again, particularly when he brought up the potential position of family courts post-Brexit. He also mentioned that the discussion is akin to groundhog day, which I am pleased to tell him is on my birthday, so I look forward to a nice bottle of malt from him.

Robert Neill: Does the hon. Gentleman want single or double?

Gavin Newlands: Whatever the hon. Gentleman can afford; I would be most grateful.

On a more substantive point, we have heard today that Brexit has the capacity to complicate and disrupt every aspect of our lives. Over the decades, European co-operation on justice issues has undoubtedly led to countless criminals and victims getting justice. Brexit seriously risks that successful current arrangement for very little gain. It is vital that the UK Government do everything in their power to ensure that cross-border legal service arrangements are as close as possible to the current arrangements.

At the moment, it is unlikely that the Prime Minister’s withdrawal agreement will pass the House of Commons. On top of countless other problems, a no-deal Brexit would discard the agreement to have reciprocal recognition of legal qualifications. With their technical notice, the Government have provided something, but it does not provide anywhere near enough clarity on justice arrangements after a no-deal Brexit. I welcome the fact that under the withdrawal agreement, mutual recognition of legal professionals would continue at least during the transition period.

That is just one example that highlights how European Union membership benefits our justice system and society more widely. The Scottish National party will continue to argue that the best course of action for Scotland and the UK’s other constituent nations is full membership of the European Union. Failing that, even single market access via the European economic area and customs union membership would also allow current arrangements to continue unhindered.

We are hurtling rapidly towards a blindfold Brexit, with no clarity on what future arrangements will look like. Despite some of the welcome guarantees, we are still none the wiser about what the arrangements for legal services will look like. We remain gravely concerned

about the future of legal services in Scotland and across the UK after transition. I urge the Minister and the UK Government, in the strongest possible terms, to get their act together and address that urgently in the future partnership arrangements.

No one can know for certain what will happen in the next few months, but it is clear that the Prime Minister will struggle to gain approval for the agreement, and a damaging no-deal Brexit is still a real possibility. As we heard from the hon. Member for Huntingdon in his opening speech, the mutual recognition of professional qualifications directive, the lawyers' services directive and the lawyers' establishment directive all provide reciprocal arrangements between EEA states for the recognition of qualifications, creating arrangements for European lawyers to register to practise permanently in another EEA state as a registered European lawyer. As the Government's technical notice clearly states, if no deal came to pass, those reciprocal arrangements would cease to apply, which would result in a sharp end to them on 29 March. As we have heard in great detail, that would be an unmitigated disaster for law firms and lawyers who operate in the EU.

The Law Society of England and Wales carried out research on Brexit. Some £3 billion could be stripped from the sector's turnover by 2025 if the UK crashes out of the EU without a deal, and a hard Brexit could cut the legal sector's rate of growth by half. The UK is a world-leading centre in legal expertise, as we have heard, and that standing could be irrevocably diminished because of Brexit—"global Britain" indeed. The Scottish National party has been consistently clear that freedom of movement and all the advantages that it brings should be allowed to continue in Scotland. Ending freedom of movement will jeopardise the continuing success of the legal sector in a country that voted overwhelmingly to remain in the European Union. That will be heavily damaging and deeply unfair. It is vital that the legal sector continues to receive the benefits of freedom of movement, and retaining freedom of movement is the simplest way to secure that.

Andrew Langdon, Chair of the Bar, told the Justice Committee that

"without the free movement of lawyers nothing else of much importance will be salvaged",

arguing that lawyers' ability to represent local clients in cases with EU connections is important for the individuals and businesses they represent.

Stakeholders and leading legal experts are desperately calling out for clarity and decisive action from the Government. A sector that is especially vital to the UK economy is under threat, and our lawyers need answers beyond the transition period. If the Prime Minister cannot get an agreement through the House, we seriously risk subjecting the sector to further irreparable damage. It is therefore better to reverse the whole shambolic process and remain in the European Union, so that we would retain the benefits, not only in the justice system but in countless other areas that have enjoyed benefits for decades. At the very least, we should come to an agreement on retaining membership of the single market and the customs union, but if, as I fear, we do not, I suspect many Scots will feel that they have no choice but to exercise their democratic right to regain all those benefits by choosing an independent path of their own within the European Union.

5.8 pm

Yasmin Qureshi (Bolton South East) (Lab): It is a pleasure to serve under your chairmanship, Sir Christopher. I congratulate the hon. Member for Huntingdon (Mr Djanogly) on securing the debate, and thank him for his comprehensive speech, which dealt with the issues and challenges we will face once the Brexit negotiations have been carried out. I commend him on the work that he has done as chair of the all-party parliamentary group on legal and constitutional affairs in the inquiry on the effects of Brexit on legal services.

This has been a thoughtful and considered debate. In particular, I thank the hon. Member for Henley (John Howell), who does a superb job as the chair of the all-party parliamentary group on alternative dispute resolution. He discussed the need for arbitration and how it, too, is important to UK legal services. I hope we have further debates, for example on family law protection or the European arrest warrant post-Brexit. Serious concerns have been expressed in all parts of the Chamber.

As we have heard, Brexit will be the largest ever change to the UK's legal framework, which presents many concerns and risks for the legal sector. Regardless of the outcome of the negotiations, we need to ensure that citizens and businesses in the UK continue to have certainty about access to justice in civil, commercial, consumer and family law matters. That requires clarity on the responsibilities of the courts in the United Kingdom and in the European Union, and certainty that judgments can be enforced with a minimum of delay and cost.

The UK legal services market, as the hon. Member for Huntingdon said, is worth anything between £25 billion and £30 billion in total, employs 370,000 people and in 2015 generated an estimated £3.3 billion of net export revenue. Central to that market is the ability of barristers, solicitors and other legal professionals to provide legal services in the European Union. Equally importantly, our exporters' confidence in doing business abroad depends greatly on the ability of their lawyers to establish and provide services in the countries in which they seek to trade and invest. Numerous aspects of the work of barristers and solicitors will no longer be possible when we leave the European Union, unless existing cross-border rights are preserved.

The Government must therefore have regard to the nature of the legal work that comes to the UK as a result of the UK legal profession's expertise, not least in European Union law. Will the Minister tell us what measures the Government are taking to maintain cross-border legal practice rights and opportunities for the UK legal sector, given efforts by European Union law firms to use Brexit to win clients from UK competitors?

The draft withdrawal agreement, like the White Paper before it, continues to emphasise regulatory flexibility in the context of services, which would not assist the legal sector. Legal services do not need further regulatory flexibility: the regime in the European Union is already considered to be among the most liberal in the world, and provides lawyers with the freedom to advise and represent their clients anywhere in the EU and in any dispute resolution forum.

The Government have also made mention of adopting the approach of a free trade agreement to services. That is disappointing. Will the Minister explain how a binding

[Yasmin Qureshi]

EU-wide regulatory framework for legal services could be agreed in the context of a free trade agreement? Is there a danger that the legal profession in the UK would be left to negotiate different bilateral agreements covering the provision of legal services with many of the EU member states? Will that leave a patchwork of rights and obligations, varying from country to country?

I am also concerned that lawyers from England and Wales might lose their right to advise on European law when in the EU. UK businesses, which will still need to operate under EU law, will be unable to have their trusted UK legal professionals by their side and will instead be forced to hire EU lawyers with whom they are not familiar, and vice versa—despite language and other barriers—to protect and defend their rights within the European Union. Indeed, lawyers from England and Wales will even lose the right to defend the UK Government, as well as UK businesses and UK citizens, before the Court of Justice of the European Union, despite a former president of the Court recognising the UK profession for providing some of the best advocates. That would be a huge loss to both the UK and the European Union. Will the Minister in her response confirm that the Government will ensure that any future relationship with the European Union includes a mechanism for UK lawyers to practise EU law via the mutual recognition of professional qualifications and law firm structures?

The deal lacks the detail that the professional services sector needs to know in other respects, in particular with regards to temporary mobility for business travel. Do the Minister and the Government appreciate that that is essential for the quick delivery of legal services? For example, a lawyer might need to see a client at short notice in one of the EU members states, or to represent that client in an arbitration or mediation meeting. Will she ensure that, post-Brexit, UK lawyers are able to continue to serve their clients on a fly-in, fly-out basis? Does the Minister recognise that the UK risks not only the loss of the tax revenue from legal services, but an erosion of the enormous influence and soft power generated by our legal services sector in Europe and internationally?

Finally, I remind the Minister that the UK is the largest market for legal services in Europe, and globally is second only to the US. The Government must do all that they can to protect Britain's legal services sector after Brexit if the country is to remain the world's jurisdiction of choice. Equally, it is vital to ensure that international parties understand the ongoing benefits of using English law and legal services once the United Kingdom has left the European Union. An efficient and cost-effective resolution of disputes is critical to that goal and to the ongoing development of English law. After all, that is at the core of the international attractiveness of the United Kingdom.

I hope the Minister and the Ministry of Justice will consider properly some of the representations made by the Law Society and the Bar Council. We all want the best for legal services, and I hope the Minister will respond on such an urgent issue and perhaps tell us what concrete steps the Department and the Government have taken to deal with it, and with the concerns. I am sure the concerns are not new and that the Government are not unaware of them, so I look forward to hearing from her.

5.17 pm

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer): It is a pleasure to serve under your chairmanship, Sir Christopher.

I congratulate my hon. Friend the Member for Huntingdon (Mr Djanogly) on securing this debate. I am grateful for the opportunity to take part in it, as the future of UK legal services and their promotion after we leave the EU is important. I am particularly delighted to respond to a debate of my hon. Friend, who not only has extremely ably occupied my role as a former Justice Minister, but is knowledgeable on this issue as a non-practising solicitor, the co-chair of the APPG on legal and constitutional affairs and a member of the Exiting the European Union Committee. I am also grateful to him and to his APPG for their thorough and helpful report.

In that report, the APPG and my hon. Friend recognise the significance of our legal sector. As he rightly said, it is a great success story. The sector is worth at least—it varies—£24 billion a year. The UK's trade surplus in legal services has nearly doubled over the past 10 years and now accounts for about 10% of global legal services fee revenue. Importantly, the sector provides jobs—it drives employment by employing well over 300,000 people. Those jobs are found throughout the UK, although we also have a huge hub of specialist lawyers, many of whom support our vital financial services sector.

English law, as many people have said today, is the most widely used in the world, with 27% of the world's jurisdictions using it. International firms want to operate in this country, which is why more than 200 foreign law firms have offices in the UK. UK-based firms also operate around the world, and nearly 7,000 practising solicitors from the UK work abroad. My hon. Friend is right to identify that people come here for their legal disputes because of the integrity of our judges, the professionalism of our lawyers and our respect for the rule of law.

My hon. Friend highlighted that the report recognises that

“Brexit will be the largest ever change to the UK's legal framework and it presents both opportunities and risks for the legal sector.”

It also recognises that the ability of solicitors, barristers and chartered legal executives to practice as lawyers in the EU is important to lawyers and, as my hon. Friend Member for Bromley and Chislehurst (Robert Neill) mentioned, the people whom those lawyers serve.

As far as the transitional period is concerned, market access will remain the same. The draft withdrawal agreement provides that, during the implementation period, EU and UK professionals working in the UK or EU will continue to have their professional qualifications recognised. We set out in the future economic partnership White Paper our proposal for new arrangements for services and investment after we leave the single market. We must recognise that we will no longer be in the single market and that there will be implications for market access.

The outline political declaration made last week identifies:

“Ambitious, comprehensive and balanced arrangements on trade in services”.

Those go well beyond World Trade Organisation commitments. The political declaration also identifies the need for provisions on market access and the importance of non-discrimination, and records the need for arrangements on professional qualifications. Alongside

that, the mobility framework will support businesses to provide services—that includes travelling freely without a visa for temporary business activity, for example.

The outline political declaration will be built on and finalised with the aim of producing a full political declaration, which we hope can happen before the end of the month. In a no-deal scenario, there will be no basis for reciprocity—registered European lawyer status, which allows European economic area lawyers to practice permanently in the UK under their home title, will be phased out after exit. New entrants will be able to seek recognition of their qualifications and be admitted to the UK profession in the same way as third-country lawyers. There will be a transitional framework until 31 December 2020 for EEA lawyers and business owners to transfer their qualifications or adapt their business model.

My hon. Friend the Member for Huntingdon and the hon. Member for Paisley and Renfrewshire North (Gavin Newlands) asked me what preparations my Department was making for no deal. As a competent Government, we are making preparations for no deal. We have issued two technical notices, we are preparing our no-deal statutory instruments and we received £17.3 million in the spring statement, which was allocated to our Department to make suitable arrangements. My hon. Friend the Member for Bromley and Chislehurst made important points about laws that we can take advantage of in the event of no deal. We will incorporate Rome I and Rome II into our laws and we will sign up to The Hague convention in our own right.

Beyond negotiations with the EU27, we are working with the sector to promote the benefits of market liberalisation. We want to ensure the continued pre-eminence of UK legal services and English law. The Government are committed to championing the legal services sector. We are building our international and domestic relationships and leveraging them to promote the sector overseas. We are working to improve legal services market access. We will seek opportunities in future trade agreements to include ambitious provisions for services.

My hon. Friend the Member for Henley (John Howell) was right to identify the importance of international arbitration. Companies often choose the UK as the seat

of international arbitration, which is an important part of the sector. The Ministry of Justice is working across the board to prepare for the UK's exit from the EU, as well as continuing to promote legal services on the international stage.

5.23 pm

Mr Djanogly: It is not often that I get the chance to respond to the Minister, because normally so many people want to speak. I am pleased to do so. I thank my hon. Friends the Members for Henley (John Howell) and for Bromley and Chislehurst (Robert Neill), and the hon. Members for Paisley and Renfrewshire North (Gavin Newlands) and for Bolton South East (Yasmin Qureshi), for their contributions, and the Minister for her response.

I did not hear a lot of difference in the approach across the piece. We know the issues and what we want to get to. Interestingly, my hon. Friend the Member for Bromley and Chislehurst spoke about a Committee report from two years ago that dealt with the same issues. Two years later, we have come to the same conclusions in this report—it is not even as though this is a new finding. We all want mutual market access, we want the importance of a labour mobility framework and we see the need for legal certainty.

Several hon. Members said that if those things are not achieved and, as a result, English law clauses are included to a lesser degree in contracts, there is potential for very lasting damage to our legal services. That must be of great concern to everyone in this Chamber. Various treaties were mentioned—Lugano and so forth—but relying on those would be second best. We want the best for our legal services sector. I hope the message has been received and that, as we go into further negotiations, the Minister will bang the drum for legal services as I am sure she will.

Question put and agreed to.

Resolved,

That this House has considered the provision of legal services after the UK leaves the EU.

5.26 pm

Sitting adjourned.

Written Statements

Wednesday 21 November 2018

DEFENCE

Armed Forces Covenant Annual Report

The Parliamentary Under-Secretary of State for Defence (Mr Tobias Ellwood): I am today laying before Parliament “The Armed Forces Covenant Annual Report 2018”. This is the seventh report since the Armed Forces Act 2011 established the armed forces covenant and set out the requirement for the Defence Secretary to report progress annually to Parliament. The covenant is a promise by the nation to ensure that those who serve, or have served, and their families are treated fairly and suffer no disadvantage. Special consideration is appropriate in some cases, especially for those who have given the most such as the injured or the bereaved. The sacrifices made by serving personnel, veterans and their families should be recognised accordingly.

I am proud to present this report to Parliament, describing what the Government have done to uphold the principles of the covenant. In the context of the 100-year anniversary of the Armistice, it is particularly important to consider the role of the armed forces in society today. Following the recent launch of the “Strategy for our Veterans” (Cm 9726) and the consultation paper (Cm 9727), the annual report focuses on serving personnel and families, explaining how we provide support to the whole of the armed forces community. The theme of delivering effective support acknowledges the nation’s improving understanding of not just the needs of the armed forces community, but also how we can support them to make best use of the diverse skills and experiences that they offer wider society. While we are now better placed to measure our progress in delivering the covenant and mitigating disadvantage to the armed forces community, we know there is much more still to be achieved, particularly in ensuring consistency of outcomes.

The report covers progress on healthcare, education, accommodation, inquests, family life, through-life support, and business and community. Key highlights of this year’s report include: the expansion of the Department for Education’s common transfer file to capture more contextual information on service children from September 2018; the publication of guidance to ease the impact on serving personnel and families moving between administrations; the announcement of the 3,000th signatory to the covenant; the relocation of the defence medical rehabilitation centre to a new purpose-built facility at Stanford Hall; and the launch of NHS England’s veterans mental health complex treatment service.

The report also explains the creation of the independent Armed Forces Covenant Fund Trust as an independent charity, to manage the £10 million per annum covenant fund. The new status will allow a more flexible approach to grant-making.

The report has been compiled in consultation with other Government Departments, the devolved Governments in Wales and Scotland, and with key stakeholders in Northern Ireland. The external members of the covenant

reference group, which includes the three service families federations, the Confederation of Service Charities, the Royal British Legion, SSAFA, the War Widows Association and Professor Hew Strachan, have also been consulted. [HCWS1094]

EDUCATION

Student Loans Company: Review

The Minister for Universities, Science, Research and Innovation (Mr Sam Gyimah): I am announcing today the start of a tailored review of the Student Loans Company, a non-profit making Government-owned organisation, which disperses grants to students in universities and colleges in the UK. The SLC has been classified as an Executive NDPB since 1996 and its current shareholding structure, split between the Department for Education (DFE) and the devolved Administrations, has been in place since 2013.

As a non-department public body (NDPB) sponsored by DFE, the Student Loans Company is required to undergo a tailored review at least once in every Parliament. The principal aims of tailored reviews are to ensure public bodies remain fit for purpose, are well governed and properly accountable for what they do.

The review will provide a robust scrutiny of, and assurance on, the continuing need for the Student Loans Company—both its function and its form. It will assess the governance and control arrangements in place to ensure they are compliant with the recognised principles of good corporate governance and delivering good value for money. The structure, efficiency and effectiveness of the Student Loans Company will be considered throughout the review.

A challenge panel, chaired by a DFE non-executive director, will examine the findings of both stages of the review.

The review will follow guidance published in 2016 by the Cabinet Office: “Tailored Reviews: Guidance on Reviews of Public Bodies”. This can be found on gov.uk.

In conducting this tailored review, officials will engage with a broad range of stakeholders across the UK, including across UK Government, devolved Administrations, business and civil society, as well as with the Student Loans Company’s own staff and management.

I shall inform the House of the outcome of the review when it is completed and copies of the report of the review will be placed in the Libraries of both Houses.

[HCWS1095]

EXITING THE EUROPEAN UNION

General Affairs Council

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): I represented the UK at the General Affairs Council (GAC) meeting on 12 November in Brussels. A provisional report of the meeting and the conclusions adopted can be found on the Council of the European Union’s website at: <https://www.consilium.europa.eu/en/meetings/gac/2018/11/12/>.

Values of the Union—Hungary/article 7(1) TEU reasoned proposal

The presidency informed Ministers of its meeting with the European Parliament to discuss the reasoned opinion.

Rule of law in Poland—article 7(1) TEU reasoned proposal

The Commission briefed Ministers on developments since the GAC meeting in October and recommended that there should be a third hearing on the rule of law in Poland at the December GAC.

Preparation of December European Council on 13 and 14 December 2018

Ministers discussed the draft agenda for the December European Council which comprises the multiannual financial framework, the single market, migration and external relations. Ministers welcomed the agenda and, in discussions on migration, called for more progress to be made on the implementation of the approach agreed at previous meetings of the European Council. I intervened to underline the need to disrupt people smuggling networks and their business models and to tackle the challenges of migration upstream.

As part of the discussions on external relations, the European Council will consider measures to address online disinformation. Ministers welcomed the inclusion of a new joint action plan to tackle disinformation in the 2019 Commission work programme. I intervened to highlight the UK's support for this work and reminded Ministers of the need to ensure that freedom of speech was respected.

Annual rule of law dialogue

Ministers took part in the fourth annual rule of law dialogue and considered the levels of trust that EU citizens have in public institutions. Ministers discussed the threat posed by political apathy, online disinformation and hostile cyber-activity in electoral processes. The presidency will prepare draft conclusions on the dialogue and these will be discussed further by Council working groups.

Multiannual financial framework 2021-27

The Council discussed progress on the multiannual financial framework (MFF) proposals. The Commission and the presidency noted that the significant progress made since June would ensure that leaders would be in a position to discuss the MFF at the European Council meeting in December.

Legislative programming—Commission's work programme 2019

The Commission presented the Commission work programme for 2019 and set out the measures it will take over the next 10 weeks to conclude proposals in relation to economic growth, competition, climate change, cyber-attacks and disinformation.

Subsidiarity package

The Commission presented its subsidiarity package which was published on 23 October. The package seeks to strengthen the principles of proportionality and subsidiarity in EU decision making. In those areas which do not form part of the EU's exclusive competence, the principle of subsidiarity means that action should only be taken at EU level when the desired objectives cannot be effectively achieved by action taken at national or regional level.

European semester 2019—road map

The Austrian presidency and the incoming Romanian presidency presented the timetable for the 2019 European semester, which will provide a framework for the co-ordination of economic policies across the EU.

[HCWS1096]

FOREIGN AND COMMONWEALTH OFFICE

Government Hospitality Wine Cellar Annual Report

The Minister for Europe and the Americas (Sir Alan Duncan): I have today placed a copy of the Government hospitality wine cellar annual report for the financial year 2017-18 in the Libraries of both Houses.

Following the outcome of the review of the Government hospitality wine cellar in 2011, this seventh annual report continues our commitment to annual reporting to Parliament on the use of the wine cellar, covering consumption, stock purchases, costs, and value for money. The wine cellar has been self-funding since 2011-12, through the sale of some high-value stock and payments made by other Government Departments for events organised by Government hospitality.

The report notes that:

The highest consumption level by volume was again of English and Welsh wine, at 57% of the total (cf. 52% in 16-17);

The highest volume of purchases was of English and Welsh wines at 64% of the total;

Consumption by volume increased by some 20% in FY 2017-18 due to an increased number of larger events;

Sales of stock amounted to £50,600 (cf. £40,800 in FY 16-17);

Further funds from other Government Departments added £26,494 to the overall receipts (cf. £16,234 in 16-17);

Purchases amounted to £56,976 (ex-VAT), an increase of 26% by value cf. £45,042 in 16-17.

Attachments can be viewed online at:

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-11-21/HCWS1098/>.

[HCWS1098]

Petition

Wednesday 21 November 2018

PRESENTED PETITION

Petition presented to the House but not read on the Floor

Petition of Giovanni Di Stefano

The petition of Giovanni Di Stefano,

Declares that the petitioner is currently imprisoned at HMP Highpoint, Stradishall, Suffolk CB8 9YG and is a national of the Republic of Italy, born on the 1 July 1955; the petitioner is serving a sentence of 14 years imprisonment from 28 March 2013 and such sentence ends on the 27 March 2020 or under the early release scheme on the 27 June 2019; the petitioner is however, also subject to a 3 year default sentence for a confiscation order imposed on the 22 April 2014; however, that order and default was solely on the basis of “hidden assets”; further the House of Commons will be alarmed to know that under the Proceeds of Crime Act 2002 and all its subsequent amendments in the past 16 years the House of Commons never added “hidden assets” as a finding; further, the Proceeds of Crime Act 2002 remains wholly

silent on such a term or finding; the term and imposition of imprisonment for “hidden assets” was created by the Judiciary who are not elected law making members of parliament; the term commenced in 2006 and no political challenge has ever been taken; Parliament has no legislative superior; further that the courts have no inherent powers to invalidate, strike down, supersede, disregard, add or amend the provisions of any statute duly enacted by the Queen in Parliament, and indeed extremely limited power to even enquire whether a statute has been duly enacted; the judiciary in adding/amending the Proceeds of Crime Act 2002 by adding “hidden assets” have usurped the functions of Parliament and thousands of citizens are suffering imprisonment as a direct result.

The petitioners thus requests that the House of Commons urges first and foremost that the Secretary of State for Justice orders the immediate release of anyone currently imprisoned as a result of a finding of “hidden assets” and that any defendant in confiscation proceedings are not subject to future arbitrary and unlawful detention founded upon the Judiciary creating a law without the sanction of Parliament.

And the petitioners remain, etc.—[*Presented by Sir Roger Gale .*]

[P002297]

ORAL ANSWERS

Wednesday 21 November 2018

	<i>Col. No.</i>		<i>Col. No.</i>
INTERNATIONAL DEVELOPMENT	845	INTERNATIONAL DEVELOPMENT—continued	
Devolution	851	UK Aid	848
Palestine Refugees	850		
Rohingya	845		
Rohingya	847	PRIME MINISTER	854
Topical Questions	852	Engagements	854

WRITTEN STATEMENTS

Wednesday 21 November 2018

	<i>Col. No.</i>		<i>Col. No.</i>
DEFENCE	23WS	EXITING THE EUROPEAN UNION	24WS
Armed Forces Covenant Annual Report	23WS	General Affairs Council	24WS
EDUCATION	24WS	FOREIGN AND COMMONWEALTH OFFICE	26WS
Student Loans Company: Review	24WS	Government Hospitality Wine Cellar Annual Report	26WS

PETITION

Wednesday 21 November 2018

	<i>Col. No.</i>
PRESENTED PETITION	1P
Petition of Giovanni Di Stefano	1P

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**not later than
Wednesday 28 November 2018**

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CONTENTS

Wednesday 21 November 2018

Oral Answers to Questions [Col. 845] [see index inside back page]

Secretary of State for International Development
Prime Minister

Yemen [Col. 871]

Answer to urgent question—(Jeremy Hunt)

Gosport Independent Panel [Col. 883]

Statement—(Matt Hancock)

Palestinian Statehood (Recognition) [Col. 893]

Bill presented, and read the First time

Marriage and Civil Partnership (Consent) [Col. 894]

Motion for leave to bring in Bill—(Fabian Hamilton)—agreed to
Bill presented, and read the First time

Fisheries Bill [Col. 897]

Motion for Second Reading—(Michael Gove)—agreed to
Read a Second time
Programme motion—(Amanda Milling)—agreed to

Petitions [Col. 975]

Tourism Industry: VAT Reduction [Col. 977]

Debate on motion for Adjournment

Capital Gains Tax [Col. 985]

Motions, on a deferred Division, agreed to

Immigration [Col. 997]

Motions, on a deferred Division, agreed to

Westminster Hall

Self-identification of Gender [Col. 323WH]
Rape Myths and Juries [Col. 344WH]
Nursing: Higher Education Investment [Col. 351WH]
Plastics: Agriculture [Col. 374WH]
Leaving the EU: Legal Services [Col. 381WH]
General Debates

Written Statements [Col. 23WS]

Petition [Col. 1P]

Presented Petition

Written Answers to Questions [The written answers can now be found at <http://www.parliament.uk/writtenanswers>]
