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PARLIAMENTARY DEBATES

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House of Commons

Tuesday 12 March 2019

The House met at half-past Eleven o'clock

PRAYERS

[Mr Speaker *in the Chair*]

Oral Answers to Questions

JUSTICE

The Secretary of State was asked—

Victims Giving Evidence

1. **Sarah Champion** (Rotherham) (Lab): What steps he is taking to improve the experience of victims giving evidence in court. [909710]

The Parliamentary Under-Secretary of State for Justice (Edward Argar): The hon. Lady has done so much on this issue and on campaigning for victims more widely. While a range of special measures already exist, we can and will do more. As she will recall, last September we published the victims strategy, which sets out the steps to support victims of crime further, including in court, and those steps have recently been added to with our commitments in the draft Domestic Abuse Bill.

Sarah Champion: I thank the Minister for his answer. Adult survivors of child sexual abuse often wait decades to see their abuser face justice. While survivors are often key witnesses, there is no statutory duty for them to get paid leave. I have met many survivors who have to take unpaid leave or holiday, but cases could unravel without their attendance. Once again, victims are being penalised for the abuse that they have suffered, so will the Minister review the matter and ensure that no victim experiences a financial loss for getting justice?

Edward Argar: I mentioned the hon. Lady's work campaigning for victims, and she is particularly active in campaigning for the rights of those who have suffered child sexual abuse. She makes an interesting point, and I would be happy, as always, to meet her to go into it in more detail.

Mr Philip Hollobone (Kettering) (Con): Victims want criminals to face the full justice of the law and to be sure that the punishment fits the crime. What are we doing to ensure that, once sentenced, criminals serve their time in jail in full?

Edward Argar: My hon. Friend makes an important point. Victims expect justice to be done, and when someone is convicted of a crime and sentenced, they expect them to serve that sentence. Of course, sentencing is a matter for the independent judiciary, and we have complete confidence in its approach.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Is the Minister aware that it is not only victims who are affected, but everyone else? A member of my family has just done jury service, and she was amazed by the inefficiency and poor quality of management in the court process, which wastes the time of those on jury service and is wrong for victims. It is wrong for everyone, because it is a badly managed process. Let us get more money for the Ministry of Justice so that it can do things properly.

Edward Argar: The hon. Gentleman makes his point powerfully, as always. We have undertaken a number of reforms of the court system and the criminal justice process, and he will have seen in the victims strategy our clear commitment to improve each stage of the process for victims and witnesses. The Under-Secretary of State for Justice, my hon. and learned Friend the Member for South East Cambridgeshire (Lucy Frazer), has been doing a lot of work to ensure that cases run more smoothly, with fewer adjournments, so that victims and witnesses know that when they come to court they have a high chance of actually being heard on the day on which they expect to be.

Kevin Foster (Torbay) (Con): I welcomed the publication of the victims strategy back in September but, as my hon. Friend will know, giving evidence is one of the most stressful parts of seeking justice for any victim of crime. Will he reassure me that he will also be working with people such as police and crime commissioners to ensure that there is no patchwork quilt of support for victims across the country?

Edward Argar: My hon. Friend is consistent in speaking up for victims' rights, and I believe that his county's police and crime commissioner has spoken about such rights more broadly. He is right that the victims strategy seeks to adopt an approach that will give a more consistent level of support across the country.

Ann Coffey (Stockport) (Ind): I welcomed last week's announcement of an end-to-end review of how rape and sexual violence cases are handled across the criminal justice system. Am I right in my understanding that the review will also consider the effect of rape myths on juries?

Edward Argar: The hon. Lady highlights an issue that the House has quite rightly debated on several occasions. I hope that all such relevant considerations will be examined in the end-to-end review.

Gloria De Piero (Ashfield) (Lab): Back in October, I raised with the Under-Secretary of State, the hon. and learned Member for South East Cambridgeshire (Lucy Frazer), the case of a Nottinghamshire woman whose husband, despite being convicted of her attempted murder, is able to continue a cycle of abuse through the courts by claiming entitlement to their financial assets, including her home. The Minister offered to look into my suggestion of a change in the law that would ensure no financial entitlement to spousal assets following attempted murder, and to provide me with an update. Five months later, can we now have that update?

Edward Argar: I am grateful to the shadow Minister for once again highlighting an important and distressing situation. I am reassured that my hon. and learned Friend the Under-Secretary of State continues to look

carefully at the matter. I appreciate that the shadow Minister will want rapid progress, but it is important that we get this right, so my hon. and learned Friend is examining the issue and will report back in due course.

Probation Services

2. **Ellie Reeves** (Lewisham West and Penge) (Lab): If he will make it his policy to return probation services to the public sector. [909711]

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): We have been clear that probation needs to improve, and we have taken decisive action to end current community rehabilitation company contracts and develop more robust arrangements to protect the public and tackle reoffending. I am determined to learn lessons from the first generation of contracts in developing future arrangements. I believe that public, private and voluntary providers all have a role to play. We want to improve integration under new arrangements so that providers are able to work together effectively to protect the public and tackle reoffending.

Ellie Reeves: The recently published National Audit Office report on probation services highlighted not only the staggering additional costs of privatisation but the fact that CRCs are failing to provide even the most basic rehabilitation services. With nearly £0.5 billion-worth of bail-outs and only six out of 21 CRCs achieving significant reductions in reoffending, is it not now time to put probation back where it belongs, under public ownership and control?

Mr Gauke: The hon. Lady talks about costs and bail-outs. We have to remember that we are spending considerably less on CRCs than was anticipated when the contracts were entered into—some £700 million less—but it is right that we learn the lessons from the first generation of contracts. I am not satisfied with where we are, and the NAO has raised its concerns. We have also heard concerns from the inspectorate of probation, and we need to learn the lessons. It is important that this continues to be a mixed market. There is a place for the private sector and the voluntary sector, as well as for the public sector, in probation.

Robert Neill (Bromley and Chislehurst) (Con): As the Secretary of State knows, the Select Committee on Justice has looked into this area in some depth. Would he agree that the most important issue is not the ownership of the contracts or who provides this service but ensuring that there is no fragmentation of the service, which is a risk? There should be a proper join-up between leaving prison and going out into the world of freedom.

Mr Gauke: These are important points, and the debate can sometimes be a little simplistic, whether it is "public sector good, private sector bad" or vice versa. A lot of this is about integration and making services hang together. One of the things we did last year was to announce additional money for through-the-gate services, which is important, but a lesson from what has happened in the past is that we need to make sure the system hangs together more, which it has not been doing sufficiently.

Richard Burgon (Leeds East) (Lab): Before wreaking havoc in the Department for Transport, the Secretary of State for Transport was busy wreaking havoc in our justice system. He unleashed a crisis in our prisons and then he privatised probation, leaving the public less safe and costing the public hundreds of millions more than necessary. The world's media are treating the Transport Secretary as a laughing stock, but the joke is on us because this Government are set to repeat past errors by signing a new round of private probation contracts. When will the Justice Secretary do the decent thing and put an end to the failed experiment of a privatised probation system?

Mr Gauke: The hon. Gentleman takes a somewhat simplistic view. His approach appears to be that he wants all probation services to be nationalised and every offender intervention to be done by the public sector. I think there is an opportunity to make use of both the private sector and the voluntary sector. If he takes the approach he appears to advocate of closing off any activity performed by anybody other than the public sector, we will not get the best probation service we could have.

PAVA Pepper Spray

3. **Mary Glindon** (North Tyneside) (Lab): If he will take steps to accelerate the roll-out of PAVA pepper spray to prison officers. [909712]

The Minister of State, Ministry of Justice (Rory Stewart): The hon. Lady and I have sat down and discussed this matter with the unions. We are determined to make sure that we have safe and appropriate ways to protect prison officers, which is why we have piloted PAVA at four sites, two of which I have now visited. We are currently completing an equalities assessment, and we should be in a position to begin the full roll-out in April.

Mary Glindon: I thank the Minister for that answer, which is good news. I hope he will keep in mind that a significant proportion of prisoners expressed the view that PAVA is necessary, so I hope he will give me a guarantee that he will stick to his word and that this vital protective equipment will be rolled out soon in the spring.

Rory Stewart: Absolutely. As the hon. Lady will bear in mind, we have to be thoughtful about how we use this spray. It is there to deal with issues of extreme violence. This type of pepper spray is a new measure, and we have to be particularly clear when we use it against people with protected characteristics, which is why we are conducting the assessment. I believe that once we have conducted it, this will mean less extreme violence in prisons.

Ruth George (High Peak) (Lab): In the past 12 months, there were more than 10,000 assaults on staff in our prison service, which is more than one every hour and represents a 30% increase year on year. Clearly that is unacceptable, and it is having a deterrent effect on the recruitment of prison officers, who are so important in keeping prisoners and other staff safe. How is the Department doing on the recruitment of additional staff to make up for the 7,000 who have been lost?

Rory Stewart: The answer is that recruitment has gone quite well. We now have 4,700 additional officers; we have more than we have had at any time since March 2012, so we are at the highest level for seven years.

Jim Shannon (Strangford) (DUP): Taking into account the fact that prison officers are allowed to claim for compensation for only three attacks throughout their career, will the Minister outline his opinion on the abuse that prison officers are expected to take as part of their jobs, which would be unacceptable in any other job?

Rory Stewart: The important thing is to begin by paying a huge tribute to prison officers, who are doing an incredibly important job. They are probably one of the most important operational bits of any public service, and we owe them a huge duty of care. We have to make sure that the drugs and weapons do not get in. We have doubled the sentence for people assaulting prison officers, and I am happy to sit down with the hon. Gentleman to talk about this in more detail.

European Convention on Human Rights

5. **Gavin Newlands** (Paisley and Renfrewshire North) (SNP): What recent discussions he has had with Cabinet colleagues on the future status of the UK as a signatory to the European convention on human rights. [909714]

22. **Dr Philippa Whitford** (Central Ayrshire) (SNP): What recent discussions he has had with Cabinet colleagues on the future status of the UK as a signatory to the European convention on human rights. [909732]

The Parliamentary Under-Secretary of State for Justice (Edward Argar): My right hon. Friend the Secretary of State has regular meetings with Cabinet colleagues relating to the UK's exit from the EU and issues such as our approach to human rights and the ECHR. The UK is committed to membership of the ECHR, as my right hon. Friend has previously set out, and we will remain a party to it after we have left the EU.

Gavin Newlands: In a letter written last year, the Minister implied that the Human Rights Act would come under threat post-Brexit. He said that

"our manifesto committed to not repealing or replacing the Human Rights Act while the process of Brexit is underway. It is right that we wait until the process of leaving the EU concludes before considering the matter further."

So, for the avoidance of doubt, will he rule this out today?

Edward Argar: This country has a long tradition, which long predates the ECHR or the EU, of championing and setting the highest standards on human rights. The Human Rights Act 1998 reflects that and gives further effect to the ECHR in our domestic law, and we are not considering amending or repealing it.

Dr Whitford: Despite the Prime Minister's previous wish for the UK to leave the ECHR, the Brexit White Paper committed to membership of the convention. However, the political declaration talks only of respecting the ECHR, so can the Minister explain the change of language and clarify whether the Government plan to repeal or protect the Human Rights Act after Brexit?

Edward Argar: I do not accept that our position on the ECHR is ambiguous. Both the political declaration and the White Paper make it clear that our future relationship with the EU should be underpinned by our shared values of respect for human rights and fundamental freedoms, and this includes our ongoing commitment to the ECHR. As I have just made clear, the HRA gives further effect to the ECHR in our domestic law, and we are not considering amending or repealing it.

Joanna Cherry (Edinburgh South West) (SNP): Human rights are, of course, not a reserved matter, and the Scottish Government have an advisory group on human rights in relation to devolved matters. Will the Minister commit to full consultation with the Scottish Government about his future plans for human rights protection across the United Kingdom?

Edward Argar: I am grateful to the hon. and learned Lady, as ever, for her question. We work closely with the Scottish Government. I am always willing to listen and speak to them, and I will continue to do so.

Joanna Cherry: The Scottish Government's advisory group on human rights reported in detail on 10 December, setting out three guiding principles for Scotland's approach to human rights:

"non-regression from the rights currently guaranteed by membership of the European Union; keeping pace with future rights developments within the European Union; and continuing to demonstrate leadership in human rights."

Can the UK Government commit to each of those principles for the whole of the UK? If not, why not?

Edward Argar: The hon. and learned Lady will correct me if I am wrong, but I believe Professor Miller chairs that advisory group. We debated this issue in Westminster Hall some weeks ago and I read his report with interest. We note with interest the measures being considered by the Scottish Government to enhance human rights in Scotland, and the principles and seven recommendations set out in that report. Of course, Scotland's legal system is separate and distinct from that of England and Wales, but I am considering that report, and others, with great care.

Female Genital Mutilation: Prosecution

6. **Helen Whately** (Faversham and Mid Kent) (Con): What discussions he has had with the Crown Prosecution Service on improving prosecution rates for people responsible for female genital mutilation. [909715]

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer): Last night, the House unanimously passed legislation to further protect women and girls from the horrific crime of FGM, and I am pleased that my hon. Friend the Member for Mid Faversham and Kent served on the Bill Committee that was part of the passage of that legislation through the House. My hon. Friend asked particularly about improving prosecution rates, and I am pleased to tell her that each CPS area now has a lead FGM prosecutor. Those prosecutors will be working with their local police forces on arrangements for the investigation and prosecution of FGM offences.

Mr Speaker: The voice of Faversham and Mid Kent, rather than of Mid Faversham and Kent; I call Helen Whately.

Helen Whately: I thank my hon. and learned Friend the Minister for her support for the FGM Bill that was passed last night and for her work in this policy area. As she knows, as many as 137,000 women and girls in the UK have suffered from FGM. I urge her to take further action to make sure that we end FGM in the UK.

Lucy Frazer: My hon. Friend is not only a constituency MP in Faversham and Kent but the Conservative party vice-chair for women. She makes a really important point about the number of women who have suffered from this crime in the UK, pointing out that 137,000 women living in the UK right now are suffering the consequences of FGM. Some of those women had the crime inflicted on them here, while others had it inflicted on them in other countries, so our response needs to be two-pronged. First, we need to ensure that we support other countries, which the Department for International Development is doing—it recently made the largest single donation of £50 million to help countries overseas. Secondly, we need to tackle it in this country. We are taking a cross-governmental view, with many Departments taking action, from the Department for Education to the Home Office to the Department of Health and Social Care, and of course my Department is enacting legislation.

Mr Jim Cunningham (Coventry South) (Lab): In general terms, when it comes to domestic abuse and so forth, cases take far too long. What is the Minister doing about that?

Lucy Frazer: The hon. Gentleman makes an important point about the importance of all cases that come to court. Obviously, for those who have been the victim of horrific sexual crimes, including domestic violence, we are committed to ensuring that those crimes come to court and are dealt with swiftly. There are a number of ways to do that, including by using judicial resource. We recently saw a significant increase in the number of hours allocated to judicial sittings in the family court. Listing is a judicial matter, but in some courts those trials are fixed for particular days, whereas other cases float and and may come on that day or be adjourned to a later date.

Living Wage

7. **Emma Hardy** (Kingston upon Hull West and Hessle) (Lab): If he will make it his policy to pay the staff in his Department the living wage. [909716]

10. **Grahame Morris** (Easington) (Lab): If he will make it his policy to pay the staff in his Department the living wage. [909719]

The Minister of State, Ministry of Justice (Rory Stewart): We pay, both directly as the Ministry of Justice and indirectly through our suppliers, the national living wage in line with legislation.

Emma Hardy: I thank the Minister for his answer. I hope he is aware that I have previously raised in the House the problems relating to procurement and ensuring that every subcontractor adheres to the same rules as the people directly employed by the Department. Will the Minister ensure that subcontractors also pay all their staff the real living wage?

Rory Stewart: The point, which is an important one, is that we have to ensure that our subcontractors follow exactly the same rules as Ministry of Justice direct employees. We insist that the national living wage should be paid both to Ministry of Justice employees and to our subcontractors.

Grahame Morris: Cleaners and security staff at court buildings up and down the country are currently in dispute with outsourcers Mitie and G4S over poverty pay and draconian terms and conditions. The Minister can try to wash his hands of this mess and blame his predecessor's appalling contracts—he is now wreaking havoc with the Brexit ferries—but when is he himself going to intervene to demand that, under new planned contracts, the hard-working staff who clean and protect his Department's buildings are paid the real living wage and not exploited by their unscrupulous employers?

Rory Stewart: I take this opportunity to pay tribute to those staff—the people who maintain the courts and the people who provide the security—who do a very important job. We are absolutely clear that this is a Government policy across the board and that everybody, regardless of whether they are in the private sector or the public sector, is obliged to pay the national living wage.

Prison Estate: Reducing Costs

8. **Mr Ranil Jayawardena** (North East Hampshire) (Con): What steps he is taking to reduce costs throughout the prison estate. [909717]

The Minister of State, Ministry of Justice (Rory Stewart): Although our real-terms spending on the prison estate has increased, we continue to drive efficiencies through to make sure that we can put as much money as possible into keeping our prisons safe, decent and secure. The best way of driving down costs is through technology, particularly video conferencing, which reduces the costs involved in moving people to and from courts; facial recognition technology, which has begun to deal with queues in visitor areas; and kiosks, which are overcoming some of the challenges around logistics supply.

Mr Jayawardena: I thank the Minister for that considered answer, but may I ask him to assure me and the House that, in his efforts to reduce the cost of the estate on the taxpayer, he will not scrap short sentences, given that 4,300 knife-wielding criminals last year would have remained on our streets?

Rory Stewart: First, I make it absolutely clear that no decision on sentencing policy will be driven by anything other than public protection. That is the key in any sentencing decision. Secondly, I make it absolutely clear that we are fully behind the Home Secretary and the work that is being done on knife crime and we want to make sure that judges have the full powers at their disposal to deal with people who are wielding knives.

David Hanson (Delyn) (Lab): Will the Minister confirm to the House that he will not go cold on the Justice Secretary's pledge to reduce short sentences? Short sentences

and removing people from prison who will reoffend if they go to prison are the surest way to save money and to stop reoffending in the long term.

Rory Stewart: As the right hon. Gentleman is aware, this is something that we are continuing to look at very carefully and we are continuing to learn both from what has happened in Scotland and the evidence that suggests, on the basis of a study of 130 different characteristics in 300,000 separate offenders, that people are more likely to reoffend with a short custodial sentence and therefore that tens of thousands more crimes are committed every year by the wrong use of a custodial sentence.

Sir Greg Knight (East Yorkshire) (Con): In seeking to reduce costs, will the Minister give a pledge not to cut corners? He is seeking to build a new prison in my constituency at Full Sutton, but the traffic assessment that has taken place is, I believe, deeply flawed. Will he look at that again? Even if it means extra cost, if he deems it is warranted, will he order a new traffic assessment please?

Rory Stewart: I absolutely undertake to look again at the traffic assessment and to sit down with my right hon. Friend to examine it in more detail together.

Alex Norris (Nottingham North) (Lab/Co-op): Previous cost cutting in the Prison Service such as reducing staff has proved to be a false economy. In Nottingham Prison, the prisons Minister has needed a surge of staff to try to stabilise what had become a very violent and dangerous prison. Can I have an assurance from him that, once things improve at Nottingham, those staff will not be withdrawn again?

Rory Stewart: Some of the staff at Nottingham, to which the hon. Gentleman is referring, have come from other establishments in other parts of the country, but when they return they will be replaced because we must ensure that Nottingham is fully staffed. That is essential particularly in order to continue with delivery of the key worker programmes so that each prison officer can be paired with six prisoners. That will be vital to getting violence under control in Nottingham.

Leaving the EU: Departmental Priorities

9. **Stuart C. McDonald** (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): What recent assessment he has made of the implications for his departmental priorities of the UK leaving the EU. [909718]

24. **David Linden** (Glasgow East) (SNP): What recent assessment he has made of the implications for his departmental priorities of the UK leaving the EU. [909734]

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): My Department continues to ensure that the necessary preparations are in place to mitigate potential impacts associated with leaving the EU wherever possible. For all scenarios, these preparations remain on track. In a no-deal scenario, we do not expect any immediate impacts on our departmental priorities, although there are risks in terms of pressures on the courts. We will react to longer-term impacts that are harder to predict, such as financial impacts, should they arise.

Stuart C. McDonald: In recent years, 15 German nationals have been extradited from Germany to the United Kingdom, including for some very serious offences, but last month that country made it clear that it will no longer extradite its citizens to the UK after Brexit. What other countries does the Secretary of State anticipate will take a similar approach, and what, if anything, can he do to respond to this massive Brexit headache?

Mr Gauke: In terms of the European arrest warrant, we have to accept that as a consequence of Brexit the current arrangements will no longer be available, but we will continue to work very closely with EU member states to ensure that we can address this matter as effectively as we can.

David Linden: Last week, I met the area commander in Glasgow East, and it was clear that the police are having to focus on Brexit preparations, yet that is not what people in my constituency actually want them to be focusing on—they want them to be focused on catching criminals in the street. If we do not have access to the European arrest warrant, it will not matter that all these contingency plans are in place. The only people who are going to benefit from that are those who seek to evade justice.

Mr Gauke: As I say, largely because of the constitutional issues with Germany, there are issues with the European arrest warrant; I absolutely accept that. We will take every measure that we can to ensure that authorities can co-operate. With regard to security issues, leaving the European Union with a deal is much better than leaving without a deal, and therefore the House should support the deal this evening.

Richard Burgon (Leeds East) (Lab): The Tories' disastrous handling of Brexit poses a serious threat to our economy and to our rights, and a real threat to our justice and security too. Any loss of access to the European arrest warrant or to European criminal records databases would damage our justice system, yet we have nothing but warm words from the Government on future justice co-operation. I was recently in Brussels discussing this with European partners, and it is obvious that the Government have failed to give this matter the priority it so urgently deserves. So what guarantees can the Secretary of State give today that his Government's approach to Brexit will not leave our citizens less safe and will not let criminals off the hook?

Mr Gauke: If the hon. Gentleman cares about criminal justice co-operation, as I am sure he does—I certainly do—then there is a course of action available to him later today to ensure that we can have further criminal justice co-operation, and that is voting for the Government's deal.

Violence in Prisons

11. **James Cartlidge** (South Suffolk) (Con): What steps the Government are taking to tackle violence in prisons. [909720]

The Minister of State, Ministry of Justice (Rory Stewart): In order to tackle violence in prisons, we first have to make sure that drugs and weapons are not getting into prisons. We need more prison officers, which is why we are pleased that we now have 4,700 more prison officers in place. We also need to invest much more in staff training and support. In the end, the key to reducing violence is good relationships between prison officers and prisoners.

James Cartlidge: I thank my hon. Friend for that answer. Clearly, preventing violence in prisons is a priority, so, to that end, will he update us on what plans he has to increase searches of cells and wings?

Rory Stewart: This is absolutely central. Getting on top of cell searching—making sure that we understand what is in a cell, what should not be in a cell, getting the mobile phones and getting the drugs—is vital to having the baseline for a safe prison, so we are investing in more dog teams, in more mobile phone detection equipment and in dedicated search teams across the estate.

John Cryer (Leyton and Wanstead) (Lab): In the past eight years 7,000 prison officers have been lost. That means that there is still a deficit, on the Minister's own figures, of 2,300, with attacks on officers going through the roof. At what point will the number of officers rise to the level where safety is assured?

Rory Stewart: We believe that the current number of 4,700 is the appropriate number that we require—in particular, because it allows us to deliver the key worker system. We continue to use operational support grade staff on perimeter security. We think this is the right balance.

Philip Davies (Shipley) (Con): In order to better support our prison officers, I have suggested that anybody who is found guilty of assaulting a prison officer should lose their right to automatic early release from prison. Will the Minister take on board that suggestion?

Rory Stewart: We believe that the appropriate response to someone assaulting a prison officer is to work with the Crown Prosecution Service and the police to prosecute them. That is why we are pleased that we have doubled the maximum sentence for anyone assaulting a prison officer, and we are working much more closely to increase the number of prosecutions and the sentences for those who break the law against people we should protect.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I spent yesterday on D and F wings in HM Prison Swansea, and I was told time and again, including by the dedicated search team, that the prison desperately needs a body scanner to reduce the incidence of drugs arriving there. What are the Minister's plans to roll out body scanners to the entire prison estate?

Rory Stewart: Body scanners can be very useful, particularly in local prisons where prisoners are coming in and out a great deal. They are very expensive bits of kit to not only install but manage, and they have medical implications; they can be used safely perhaps 50 times in a year. We are conducting a pilot with 14 X-ray scanners across the estate. Once we have looked at the evidence and convinced ourselves that that is the best way of doing it, we will move forward and prioritise local prisons in that roll-out.

Janet Daby (Lewisham East) (Lab): Inexperienced prison officers, poor conditions and more time being spent in cells contribute to violence in prisons. What steps are being taken to address those factors?

Rory Stewart: In terms of inexperienced prison officers, it is about longer training courses and better mentoring on the wings, with band 4 officers in particular working day in, day out with new staff. In terms of time out of cells, this is why having 4,700 more staff is really important—it allows us to unlock people more and get back to a regime that allows people to get into education and work and protects the public.

Imran Hussain (Bradford East) (Lab): The point that the Minister conveniently misses is that frontline prison officer resignations have more than tripled since 2010, and now one in three officers has less than two years' experience, as the Minister fails to get a grip on a retention crisis caused by years of relentless cuts. Does he really think that this exodus of experienced staff will keep prisons safe, as assaults and violence rise to record levels?

Rory Stewart: There are two separate things here. The shadow Minister is correct that experienced staff are vital, but it is also worth bearing in mind that one reason why there are so many new staff is that we have recruited 4,700 additional officers; by definition, many of them will be new. Retention is vital. The development of the advanced prison officer grade, which allows experienced closed grade officers to move from band 3 to band 4, will be very important in stabilising prisons.

Probation Reforms

12. **Ian C. Lucas** (Wrexham) (Lab): What assessment he has made of the effectiveness of probation reforms since 2015. [909721]

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): Transforming Rehabilitation opened up probation to a diverse range of providers and extended support and supervision to an additional 40,000 offenders leaving prison. The National Probation Service is performing well in supervising higher-risk offenders, but we have been clear that the performance of community rehabilitation companies needs to improve. That is why we have taken action to end contracts early and conducted a public consultation on proposals to better integrate probation services. We are reflecting on the feedback received and lessons learned from current contracts as we develop future arrangements, and we will announce our plans in detail later this year.

Ian C. Lucas: My constituent Nicholas Churton was murdered by an offender who was on licence. Following his release from prison, an assessment was not carried out by the CRC, and the murderer committed two further offences before he went on to kill Mr Churton. All this information is in the public domain because I have put it there. I want there to be an independent inquiry into this case, to inform Justice Ministers, all of

whom I respect, to ensure that the probation service is functioning and to prevent people from suffering in the way that my constituent's family have because of the appalling current system.

Mr Gauke: The hon. Gentleman raises a very important matter. I would like to express my sympathies to his constituent's family for what they have undergone. I know that the hon. Gentleman has met my hon. Friend the prisons Minister to discuss this, and they may meet again. These tragic cases are rare, but that does not in any way undermine how tragic they are. Because there is a greater workload, with a greater number of people dealt with by CRCs than before, we have seen some increase in the numbers, but the rate falls below 0.5%.

Bill Esterson (Sefton Central) (Lab): Last week, the prisons Minister offered to meet the family of Sam Cook, who was murdered by a convicted offender who was released on licence, in a similar case to the one we have just heard about from my hon. Friend the Member for Wrexham (Ian C. Lucas). They would very much like to meet the Minister. Can the Secretary of State ask his officials to arrange that meeting as soon as possible? They want to speak to the Minister to make sure that no one has to experience what Sam Cook experienced and that the probation service is doing its job to protect the public from offenders who are released on licence and is supervising them properly.

Mr Gauke: I know that the prisons Minister would be very willing to have that meeting, but I make the point to both hon. Gentlemen that we want to get this right, we do recognise that we need to reform the probation system and that that is exactly what we intend to do.

Access to Justice

13. **Tom Brake** (Carshalton and Wallington) (LD): What steps he is taking to improve access to justice in the criminal justice system. [909722]

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer): I am very pleased to have an opportunity to highlight the important work that we are doing in the criminal justice system. Last year, we spent £882 million on criminal legal aid and this year we announced an investment of a further £23 million for criminal advocates. We are spending £1 billion to transform our Courts and Tribunals Service. However, improvements to the criminal justice system, as with the civil justice system, are not just about money and we are seeking to bring our justice system up to date, modernising it and making sure that people have swift and effective access to justice.

Tom Brake: The Loughborough University report "Priced out of Justice?" identified how many people were excluded from justice because of the means test. I welcome the review of the means test that the Government are conducting but, pending the outcome, would the Minister support calls from the Law Society for the means test threshold to be uprated now as part of the spring statement?

Lucy Frazer: As the right hon. Gentleman said, we have recently done a legal aid review. As part of that review, we were not obliged to look into thresholds because there were not very many changes to thresholds as part of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. However, we recognise the need to look at that because the figures have not been uprated for some time. We are undertaking that review and the timetable for that is set out in our legal support action plan.

Chris Elmore (Ogmore) (Lab): A recent report from Women's Aid has set out that many women are now having to represent themselves because they do not meet the threshold for legal aid. But the report also says that the only savings the women have cannot be used because they have to be able to rehouse themselves. Can the Minister give some assurance that she is willing to look at improving the situation of these individuals, so that they do not have to represent themselves in court, which can have a hugely negative impact on the victim's experience within the justice system?

Lucy Frazer: I am fully aware of the issues that these women face. I am very pleased to have held a number of roundtables, as part of our understanding for the review, with a number of vulnerable parties, including women. Women's Aid was part of those roundtables, where we had an opportunity to hear from it directly. That is one of the reasons why we have specifically mentioned victims of domestic violence, and we will look at the thresholds in the legal aid review that we are conducting.

Prison Officer Safety

14. **David Morris** (Morecambe and Lunesdale) (Con): What progress the Government have made on improving the safety of prison officers. [909723]

The Minister of State, Ministry of Justice (Rory Stewart): We are doing everything we can to protect prison officers. That is about perimeter security to make it more difficult to get the drugs and weapons into the prisons, making sure that prison officers have the protective equipment to protect themselves against attack, gathering the forensic evidence when an attack takes place, and prosecuting prisoners who attack prison officers. We have a huge duty and we will do everything we can to protect them.

David Morris: I thank my hon. Friend for that good answer. The hard-working staff at HMP Lancaster Farms are doing a very good job in this respect and I invite my hon. Friend to come to Lancaster Farms whenever he can.

Rory Stewart: Lancaster Farms is a cat C training prison. It is a challenging prison and we are very pleased with the recent inspection report that we have received from Peter Clarke. He is a tough critic, but he sees it as a decent and competent prison. I take this opportunity to pay tribute to the governor, Derek Harrison, for the work that he does.

Children Conceived through Rape

15. **Judith Cummins** (Bradford South) (Lab): What steps he is taking to ensure that rapists do not have access to children conceived through rape. [909724]

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer): The hon. Lady raises an important and sensitive issue, but I would like to reassure her that our family law system is centred around the child and the welfare of the child. When judges make decisions about contact or care, the welfare of the child is always paramount, but we have been looking at various ways to strengthen our procedures and practice directions in relation to who gets notice of particular court applications. However, I remind the hon. Lady that the central principle is very important.

Judith Cummins: Following the recent high-profile case in Rotherham, has the Minister's Department carried out a review of what went wrong? Is she considering a change in the law to ensure that such a case cannot happen again? If not, why not?

Lucy Frazer: I am aware of the case the hon. Lady refers to, and I am pleased to have met Sammy Woodhouse some time ago, along with other Members of Parliament, to discuss the issue. We are continuing to look at this issue, at the principles that underlie it and, as I mentioned, specifically at the practice directions and procedures around these cases.

Access to Justice: Court Staffing and Closures

16. **Thelma Walker** (Colne Valley) (Lab): What assessment he has made of the effect on access to justice of recent (a) changes in court staffing and (b) court closures. [909725]

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer): I would like to assure the hon. Lady that any decision to close a court is not taken lightly, but in circumstances where 41% of our courts operated in 2016-17 at half their available capacity and where we are investing £1 billion in courts and bringing them up to date, the Ministry of Justice has to think carefully about where our court resources are most effectively and efficiently spent.

Thelma Walker: I thank the Minister for her response. However, the recent closure of courts in West Yorkshire is putting additional pressure on those that remain, causing backlogs and delays. The Hands off HRI campaign, which is fighting to save services at our local hospital, Huddersfield Royal Infirmary, is waiting for a consent order that is with Leeds Crown court. However, the backlog of several weeks means that the campaign is undergoing a lengthy period of uncertainty, as are those involved in many other cases. What is the Secretary of State doing to ensure that cuts to staffing and closures are not damaging my constituents' access to justice?

Lucy Frazer: As I mentioned, when we undertake court closures—they are undertaken very carefully, and the Lord Chancellor does not undertake these decisions lightly—we look at court utilisation rates, and the courts that are closed are often those that are not performing in terms of capacity. On the case the hon. Lady refers to, I am happy to take it up with her and to look at any backlog or delay.

Yasmin Qureshi (Bolton South East) (Lab): The Government have been forced to announce a one-year delay to their £1 billion court reform programme. Many people are concerned that this programme is simply a smokescreen for sacking staff and closing courts. Will the Government take this opportunity to have a public debate about the issue and to allow Parliament to debate and scrutinise these changes?

Lucy Frazer: Our court reform programme is one of the most ambitious in the world. We recently held a seminar at which at least 20 other countries were represented. They talked about their reform programmes, and none of them was as ambitious as ours in streamlining, making more effective and modernising the court process. The delay in the programme is to ensure that we can efficiently and effectively manage the programme going forward.

Prisoners: Access to Telephones

17. **Charlie Elphicke** (Dover) (Con): What steps he is taking to control prisoners' access to telephones. [909726]

The Minister of State, Ministry of Justice (Rory Stewart): We need to prevent these mobile phones from getting into prison. That is not always easy, because some of the new phones are almost just an inch in size. This work involves not just metal detectors, but X-ray scanners that can look inside bodies. If these phones get inside prisons, we need to identify them, we need to intercept the calls and block them, and we need to seize the phones.

Charlie Elphicke: I thank the Minister for that reply. Does he agree that, where prisoners use mobile phones to send vile messages to the families of their victims, social media giants such as Snapchat must take responsibility and help the police to bring the culprits to justice?

Rory Stewart: First, using a mobile phone in a prison is an illegal act. It is a horrifying thing to harass victims using a phone from prison. It is entirely illegal, and we will be working with colleagues from the Department for Digital, Culture, Media and Sport to draw the attention of these social media companies to the fact that illegal action is taking place through their systems.

Rehabilitation in Prisons: New Technology

18. **Alan Mak** (Havant) (Con): What steps the Government are taking to introduce new technology to support rehabilitation in prisons. [909727]

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): Technology can play an important role in supporting rehabilitation. The careful use of basic computers and telephones enables us to do that. New digital services are being built for prison officers as part of the offender management in custody programme.

Alan Mak: Good mental health and wellbeing are key to rehabilitation in prisons. What steps is my right hon. Friend taking to use the best technology in this regard?

Mr Gauke: My hon. Friend raises a very important point. There is huge potential in this area, but we are already taking steps through telehealth and virtual consultations. We have in-cell telephony, which can be

used in these circumstances. Digital hub services also exist, and the prison virtual learning environment includes a health application, so we have a virtual campus that can help people to address addiction issues. I think that there is much more potential in this area in the future.

Imprisonment of Offenders

19. **Julian Knight** (Solihull) (Con): What the Government's policy is on the use of imprisonment for offenders. [909728]

20. **John Lamont** (Berwickshire, Roxburgh and Selkirk) (Con): What the Government's policy is on the use of imprisonment for offenders. [909730]

23. **Andrea Jenkyns** (Morley and Outwood) (Con): What the Government's policy is on the use of imprisonment for offenders. [909733]

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): Under this Government, the most serious offenders are more likely to go to prison and for longer, helping to protect the public and keep communities safe. Prison will be the right place for some offenders, but equally there is evidence that it does not work in rehabilitating others. I want to move the debate on from the old false choice between soft justice versus hard justice, and instead ensure we are focused on delivering smart justice. We need to think more imaginatively about different and more modern forms of punishment in the community.

Julian Knight: I support the broad thrust of ensuring that sentences work, particularly for female offenders. Does the Secretary of State agree that at the same time we should look at early release and whether it could be recalibrated to improve prison discipline?

Mr Gauke: Incentives in the prison system are important to achieving good behaviour. Early release does help offenders to successfully make the transition from custody to living crime-free lives in the community. An additional early release scheme for certain offenders, home detention curfew, further helps to manage that transition and reduce future offending.

John Lamont: Question 20, Mr Speaker.

Mr Speaker: The hon. Gentleman's question has been grouped. His opportunity is here. His moment is now. Let us hear the sonorous tones of the hon. Gentleman.

John Lamont: I am very grateful, Mr Speaker.

I understand the UK Government are looking at the effectiveness of short-term custodial sentences to reduce reoffending. I invite Ministers to look at the experience in Scotland, where short-term sentences have already been abolished yet reoffending rates remain stubbornly high. I therefore urge Ministers to look more closely at whether rehabilitation programmes in prison are working effectively, even those for prisoners on short-term sentences.

Mr Gauke: In conjunction with reforming short sentences, it is important that we have confidence in the delivery of community orders. We have been clear that in England and Wales probation services need to improve—we have already discussed that—but the two have to run together: reform of short sentences and adequate community alternatives.

Andrea Jenkyns: What are the Government doing to ensure tougher sentences for those who are found guilty of violent crimes?

Mr Gauke: Under this Government, over the past nine years, sentences for violent crime have gone up. For knife crime in particular, the chances of a custodial sentence have increased and the length of the custodial sentence has increased.

Female Offenders

21. **Luke Hall** (Thornbury and Yate) (Con): What steps the Government are taking to improve the management of female offenders in the criminal justice system. [909731]

The Parliamentary Under-Secretary of State for Justice (Edward Argar): The "Female Offender Strategy", which we published last summer, sets out a raft of specific commitments underpinned by our vision to see fewer women coming into the criminal justice system, a greater proportion managed successfully in the community and better conditions for those in custody.

Luke Hall: Rates of suicide in female institutions are often disproportionately high. Will the Minister update the House on what he is doing to work with female prisons to bring suicide rates down, including prisons such as Eastwood Park in my constituency?

Edward Argar: Every death in prison is a tragedy, and we are committed to improving the safety and support available to all in our prisons. The rate of self-inflicted deaths in women's prisons is lower than that seen in the male estate, but we recognise that the rate of self-harm is nearly five times the rate in the male estate. Therefore, we know that we need to do more. That is why we have set up a specialist safer custody team dedicated to the women's estate and are rolling out revised and improved suicide and self-harm prevention training.

Topical Questions

T1. [909735] **Nigel Huddleston** (Mid Worcestershire) (Con): If he will make a statement on his departmental responsibilities.

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): Yesterday, the Government were pleased to give their support and time to the Children Act 1989 (Amendment) (Female Genital Mutilation) Bill, sponsored in this House by my hon. Friend the Member for Richmond Park (Zac Goldsmith). The Bill, which seeks to make a small yet important change to the Children Act 1989, offers both a sensible simplification of the court process and a useful extension to the family courts' powers to protect girls at risk of female genital mutilation. It will add to the measures that the Government have brought forward to tackle FGM issues.

Mr Speaker: We are very short of time. One-sentence questions will suffice.

Nigel Huddleston: Can my right hon. Friend provide an update on the Government's consideration of giving children the right to have access to their grandparents in the event of family breakdown or divorce?

Mr Gauke: I pay tribute to my hon. Friend's activities in this area. I am reviewing the options for strengthening the involvement of grandparents in children's lives to be explored in a future consultation. I will make an announcement on the Government's plans in due course.

Richard Burgon (Leeds East) (Lab): Too many young lives are being lost to violent crime on our streets. Whatever the Prime Minister may say, substantial reductions in police numbers leave our communities less safe—so does shutting hundreds of youth centres and so, too, does the Ministry of Justice's halving of funds for youth offending teams since 2010. Tens of millions of pounds that once went to protecting children in their communities have needlessly been taken away, so when will the Government stop trying to do justice on the cheap and instead properly fund youth offending teams?

Mr Gauke: I do not accept the hon. Gentleman's criticism. This Government have announced a £200 million youth endowment fund. We are taking measures to deal with the sources of problems with this, and we will continue to do that.

T3. [909737] **Andrea Jenkyns** (Morley and Outwood) (Con): Will the Minister confirm that he is working with his colleagues in the Department for Environment, Food and Rural Affairs on introducing the necessary legislation to increase the maximum penalty for animal cruelty from six months' imprisonment to five years?

The Minister of State, Ministry of Justice (Rory Stewart): I absolutely confirm that. Britain has a very proud tradition in campaigning nationally and internationally against animal cruelty. The Government remain committed to increasing the maximum sentence for animal cruelty to five years.

T2. [909736] **Stephen Lloyd** (Eastbourne) (Ind): Means-tested criminal legal aid can be granted only where there is a realistic prospect of custody. Consequently, has a detailed impact assessment been undertaken to show how many people will no longer qualify for legal aid in the event of the reduction or abolition of prison sentences of six months or less?

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer): As the hon. Gentleman will know, thresholds across the board, including in relation to criminal legal aid, are part of the legal aid review that we are now undertaking.

T5. [909739] **Helen Whately** (Faversham and Mid Kent) (Con): Some of my constituents have told me that they have waited over a year for a court date to appeal a welfare decision. Will my right hon. Friend assure me that he is taking steps to improve access to justice for benefit claimants?

Lucy Frazer: My hon. Friend is right to highlight that we need to speed up the hearing times for people's welfare claims. There are two aspects to that: the first is that we need to work with the Department for Work and Pensions, which we are doing, and I am doing with my counterpart in the DWP, to get decisions right first time; and the second is to speed up those hearings.

T4. [909738] **Alex Cunningham** (Stockton North) (Lab): Both the prisons Minister and the Secretary of State have heaped praise on the Durham Tees Valley community rehabilitation company when I have asked about the not-for-profit organisation's future, but will the Minister tell me whether it will survive the next round of reforms or be swallowed up and privatised with the rest of them?

Rory Stewart: As the hon. Gentleman says, that is a fantastic organisation. We are, of course, conducting a very detailed consultation on the future of probation, but to reassure him, the principles behind Durham's CRC and, in particular, the involvement of local authorities and of the voluntary sector and the close co-ordination with the National Probation Service are fundamental to our reforms.

T9. [909743] **Philip Davies** (Shipley) (Con): Given the Minister's opposition to short prison sentences, it must follow that he is equally opposed to fixed-term recalls of 28 days when criminals reoffend when out of prison on licence or when they break their licence conditions. Will he therefore pledge to scrap these fixed-term recalls and ensure that any such offenders are returned to prison for the remainder of their original prison sentence, as was the case in the past?

Mr Gauke: Where an offender is assessed as presenting a risk of serious harm, they will receive a standard recall and may only be released into the community if they can be safely managed there. If there is not that risk, a proportionate response is sensible. Her Majesty's inspectorate of probation has found that probation services, in the vast majority of cases, are making the right decisions.

T6. [909740] **Grahame Morris** (Easington) (Lab):What discussions is the Minister having with her colleagues in the Department for Work and Pensions about the appalling tribunal backlog they are creating with poor assessment and decision making, particularly on personal independence payments, universal credit and employment and support allowance?

Lucy Frazer: I have had a number of meetings with my counterpart in the DWP, and my officials discuss this issue with the DWP regularly. I and my counterpart in the DWP will undertake a joint meeting at an assessment centre to further consider these important issues and ensure that we get decisions right first time.

Mr Philip Hollobone (Kettering) (Con): There are 9,090 foreign national offenders in our prisons, including 760 from Albania. Why are those people not serving their sentence in prison in their own countries?

Rory Stewart: That is a very good challenge. My hon. Friend specifically raised Albania, with which we have a prison transfer agreement in place. I met the Albanian

Minister of Justice two weeks ago. We need to ensure that more returns take place, but we are well ahead of Italy and Greece on returns to Albania.

T7. [909741] **David Hanson** (Delyn) (Lab): Youth justice funding has fallen from £145 million to £71 million in the past 10 years. Yesterday, the Local Government Association said, "No more." Is it right?

Mr Gauke: My Department will continue to argue the case for spending our money sensibly and getting the best deal for justice.

James Cartlidge (South Suffolk) (Con): Will my hon. Friend the Minister outline what plans he has to increase support for rape crisis centres?

The Parliamentary Under-Secretary of State for Justice (Edward Argar): I pay tribute to Fern Champion, who has been incredibly courageous in speaking out recently about this hugely important issue. We provide funding for 89 rape support centres. From April, we will increase funding by 10% for them all, with a 30% increase in London, and move to a three-year funding settlement.[1]

T8. [909742] **Emma Hardy** (Kingston upon Hull West and Hessle) (Lab): My constituent Phil suffered from addiction, became homeless and then became involved in criminal activity. Because he was given a suspended sentence, he was released from court with no money, no support and nowhere to live, and he spent the night on the streets. If he had been released from serving a sentence, there would have been support in place. Do the Government have a plan to address that disparity, to give people like Phil the best possible chance of rehabilitation?

Rory Stewart: It is absolutely true that we need to look not just at convicted prisoners but at people with suspended sentences. That is something we are looking at in reforming probation, and the pilots on homelessness will also seek to address it.

T10. [909744] **Ruth George** (High Peak) (Lab): Derbyshire Law Centre is the only place to which I can refer many of my constituents who are in desperate need of legal support. Will the Minister commit to securing Treasury funding to provide essential grants to law centres to help ensure their survival?

Lucy Frazer: Law centres play an absolutely fundamental role. I recently visited Bromley by Bow Centre and Islington Law Centre. As part of our pilots, law centres will be able to bid for new ways to interact with their clients, and I hope they will take that opportunity.

1. *[Official Report, 21 March 2019, Vol. 656, c. 12MC.]*

Withdrawal Agreement: Legal Opinion

12.32 pm

The Attorney General (Mr Geoffrey Cox): With permission, Mr Speaker, I would like to make a statement about my legal opinion on the joint instrument and unilateral declaration concerning the withdrawal agreement published last night.

Last week, I confirmed I would publish my

"legal opinion on any document that is produced and negotiated with the Union."—[*Official Report*, 7 March 2019; Vol. 655, c. 1112.]

That has now been laid before the House. This statement summarises the instruments and my opinion of their legal effect.

Last night in Strasbourg, the Prime Minister secured legally binding changes that strengthen and improve the withdrawal agreement and the political declaration. The Government laid three new documents reflecting those changes in the House: first, a joint legally binding instrument on the withdrawal agreement and the protocol on Northern Ireland; secondly, a unilateral declaration by the United Kingdom in relation to the operation of the Northern Ireland protocol; and thirdly, a joint statement to supplement the political declaration. The legal opinion I have provided to the House today focuses on the first two of those documents, which relate to the functioning of the backstop and the efforts of the parties that will be required to supersede it.

Let me say frankly what, in my opinion, these documents do not do. They are not about a situation where, despite the parties properly fulfilling the duties of good faith and best endeavours, they cannot reach an agreement on a future relationship. Such an event, in my opinion, is highly unlikely to occur, and it is in the interests of both the United Kingdom and the European Union to agree a future relationship as quickly as possible. Let me make it clear, however, that were such a situation to occur, the legal risk, as I set it out in my letter of 13 November, remains unchanged. The question for the House is whether in the light of these improvements, as a political judgment, it should now enter into those arrangements.

Let me move on to what the documents do achieve. As I set out in my opinion, the joint instrument puts the commitments in the letter from Presidents Tusk and Juncker of 14 January 2019 into a legally binding form, and provides, in addition, useful clarifications, amplifications of existing obligations, and some new obligations. The instrument confirms that the European Union cannot pursue an objective of trying to trap the UK in the backstop indefinitely. It makes explicit that that would constitute bad faith, which would be the basis of a formal dispute before an arbitration tribunal. That means, ultimately, that the protocol could be suspended if the European Union continued to breach its obligations.

The joint instrument also reflects the United Kingdom's and the Union's commitment to work to replace the backstop with alternative arrangements by December 2020, including as set out in the withdrawal agreement. Those commitments include establishing

"immediately following the ratification of the Withdrawal Agreement, a negotiating track for replacing the customs and regulatory alignment in goods elements of the protocol with alternative arrangements."

If an agreement has not been concluded within one year of the UK's withdrawal, efforts must be redoubled. *[Laughter.]*

Mr Speaker: Order.

The Attorney General: In my view, as a matter of law, the provisions relating to the timing of the efforts to be made in resolving withdrawal agreements make time of the essence in the negotiation of a subsequent agreement. A doctrine with which the lawyers in the House will be familiar is of legal relevance. In my opinion, the provisions of the joint instrument extend beyond mere interpretation of the withdrawal agreement, and represent materially new legal obligations and commitments which enhance its existing terms.

Let me now turn to the unilateral declaration. It records the United Kingdom's position that, if it were not possible to conclude a subsequent agreement to replace the protocol because of a breach by the Union of its duty of good faith, it would be entitled to take measures to disapply the provisions of the protocol in accordance with the withdrawal agreement's dispute resolution procedures and article 20, to which I have referred. There is no doubt, in my view, that the clarifications and amplified obligations contained in the joint statement and the unilateral declaration provide a substantive and binding reinforcement of the legal rights available to the UK in the event that the Union were to fail in its duties of good faith and best endeavours.

I have in this statement, and in the letter that I have published today, set out, frankly and candidly, my view of the legal effect of the new instruments that the Government have agreed with the Union. However, the matters of law affecting withdrawal can only inform what is essentially a political decision that each of us must make. This is a question not of the lawfulness of the Government's action but of the prudence, as a matter of policy and political judgment, of entering into an international agreement on the terms proposed.

12.39 pm

Nick Thomas-Symonds (Torfaen) (Lab): I am grateful to the Attorney General for his statement and for advance sight of it.

The Attorney General made it clear in his original advice of 13 November on the backstop protocol that:

"In international law the Protocol would endure indefinitely until a superseding agreement took its place, in whole or in part",

and he was right, because article 178 of the withdrawal agreement is clear that the remedy of suspension of obligations is only ever meant to be temporary to secure compliance to the agreement and not as a gateway to a full exit.

So people quite rightly ask now what has changed. In her Strasbourg statement the Prime Minister said the joint interpretative instrument makes three changes. She said, first, that the UK can challenge the EU in an arbitration panel if the EU is found in breach of good faith and suspend the backstop. But that was already in article 178 of the withdrawal agreement; it is not new. Secondly, the Prime Minister said there is a legal commitment that whatever replaces the backstop does not need to replicate it, but the January letter of Presidents Tusk and Juncker said:

"Any arrangements which supersede the Protocol are not required to replicate its provisions in any respect";

it is not new. Thirdly, the Prime Minister said it entrenches in legally binding form the commitments made in the exchange of letters with Presidents Tusk and Juncker in January, but on 14 January the Prime Minister told this House:

"My right hon. and learned Friend the Attorney General has also written to me today confirming that in the light of the joint response from the Presidents of the European Council and the Commission, these conclusions 'would have legal force in international law'."—[*Official Report*, 14 January 2019; Vol. 652, c. 824.]

That is not new either.

I am going to take the Attorney General at his word, because he said in his *Mail on Sunday* interview:

"I will not change my opinion unless I'm sure there is no legal risk of us being indefinitely detained in the backstop."

I am going to be fair to the Attorney General: he has not changed his opinion. Let us read his advice to this House at paragraph 19:

"the legal risk remains unchanged that if through no such demonstrable failure of either party, but simply because of intractable differences, that situation does arise, the United Kingdom would have, at least while the fundamental circumstances remained the same, no internationally lawful means of exiting the Protocol's arrangements, save by agreement."

I say to the Attorney General that paragraphs 15 to 19 of his advice constitute seven sentences that destroy the Government's strategy of recent weeks—that sink the Government's case that they had any chance of securing a right, under international law, to unilaterally exit the protocol's arrangements. We have gone from having "a nothing has changed" Prime Minister to having "a nothing has changed" Attorney General.

In fairness to the Attorney General it is not just his view: it is the view of a number of other respected lawyers, including Professor Philippe Sands, Professor Sir David Edward and the Government's own former counter-terror watchdog, now Lord Anderson QC. The Attorney General knows that speaking about reasonable endeavours and bad faith is one thing, but he can confirm the reality, which is that the new documents do nothing about the situation when the talks with the EU are at a stalemate not because of bad faith, but simply because both sides cannot reach an agreement.

Proving bad faith is extraordinarily difficult, and the Attorney General points that out in paragraph 16 of his own advice. The strongest remedy in this withdrawal agreement, even with this document, remains a temporary suspension. Indeed, we need only look at his own legal advice to see that, at paragraph 9, which speaks of

"suspension of all or parts of the Protocol, including the backstop, until there is satisfactory compliance."

Trade talks can break down for a variety of reasons. For two parties to act on the basis of their own interests is not bad faith, and the Attorney General knows it. In these circumstances, despite any assurances about the temporary nature of the backstop, the reality is that it can endure indefinitely. Ninety-two days after the Prime Minister abandoned the first meaningful vote, in this Attorney General's view

"the legal risk remains unchanged".

What the Attorney General was asked to do, and what the Prime Minister promised in this House on 29 January—to change the text of the withdrawal agreement—simply is not possible. He is a lawyer; he is not a magician. Does not this whole episode of recent weeks show that when national leadership is required, this Prime Minister, as always, puts party before country?

The Attorney General: The hon. Gentleman asks me about my opinion. He knows that my opinion is that there is no ultimate unilateral right out of this arrangement. The risk of that continues, but the question is whether it is a likelihood, politically. One thing that we did not hear from him is what the Labour party's position is on the backstop. Does they accept the backstop? Do they think it is a good thing? If they think it is a good thing, why on earth are they criticising it? Or is this just the usual political opportunism that one expects to hear from the Front Bench of the Labour party?

The hon. Gentleman says to me that there is nothing new in this agreement, but that is not so, and some of the authorities that he has quoted are saying that this morning. There are material new obligations—for example, in relation to alternative arrangements. There is now a heavy emphasis upon a swift and expedited track to negotiate them, and it would be unconscionable if, having made that emphasis and having said that time was of the essence, the European Union simply refused to consider or adopt reasonable proposals relating to alternative arrangements. That is new. What this document does is address the risk that we could be kept in the backstop by the bad faith and deliberate manipulation of the Union. This makes significant reductions in that risk.

I say to the hon. Gentleman that it would be a good thing if we could hear from the Labour party just occasionally not only political shenanigans but some sincere engagement with the real issues that this withdrawal agreement now raises. The question now is: do we assume our responsibilities as a House and allow not only this country—yearning as it is for us to move on—but the entire continent of Europe to move on? To do that, the time has come now to vote for this deal.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): I welcome my right hon. and learned Friend to his place. He has shown absolutely that he is what he should be: an independent adviser to the Government. I congratulate him on that, because that is exactly what he should be. Given the clarity of his advice, I want to ask him a particular question. As he will know, I and others have spent some time looking at and working on alternative arrangements. I would like to clarify exactly what force he thinks those would have. As he said just now, there would be an obligation for the European Union to "consider or adopt" such proposals if they were made in a reasonable way. How does that square with his paragraph 16, in which he says

"it would be highly unlikely that the United Kingdom could take advantage of the remedies available to it for such a breach under the Withdrawal Agreement"?

The Attorney General: My right hon. Friend has got paragraph 16 wrong, if I may respectfully say so. What it says was that I advised in the past that that was so. What I now consider, at paragraph 17, is:

"that the legally binding provisions of the Joint Instrument and the content of the Unilateral Declaration reduce the risk"

that we would be held involuntarily and by the bad faith. Why? Because these new provisions make it easier to facilitate an effective claim to the arbitrator that that

[The Attorney General]

conduct is being exhibited. Those are cumulative. If one looks at the agreement as a whole, one sees that the obligations on the Union are to treat with urgency the negotiation of alternative arrangements. There is a new obligation that has not existed before in any document that the Union has agreed to, which is that it must aim to do this within 12 months of our withdrawal. That is an important obligation, because it makes time of the essence. If that deadline is passed, as in any legal jurisprudence on such matters relating in a domestic context to breach of contract, for example, that means that the parties must demonstrate that they are intensifying their efforts. If they do not, they could be in breach of their best endeavours obligation.

Joanna Cherry (Edinburgh South West) (SNP): I start by saying that I have respect and sympathy for the Attorney General. The role of the law officer is not easy, particularly when he or she is a party political appointment, but he must nevertheless from time to time burst his party's political bubble in the interests of professional integrity and independence of advice. Make no mistake, that is what the Attorney General has done today.

Today, the emperor has no clothes; none at all—not even a codpiece. For all the yards of flannel in paragraphs 4 to 10 of the Attorney General's legal opinion and in today's statement, it is quite clear, as the shadow Attorney General said, from paragraph 19 of the legal opinion that the legal position previously outlined by the Attorney General remains the same. The measures therefore fall very short of what was demanded by the Brady amendment and very short of what was promised to those in the European Research Group, which I am sure will not have been lost upon them or their lawyers.

The withdrawal agreement has not been changed, and that the Attorney General should admit that that is so is not surprising given the weight of legal opinion about the measures overnight. Some Conservative Members will not take my legal opinion for it. I am unsure why, but perhaps they think that a lawyer who is a member of the SNP is not to be trusted. At all events, I am sure that they will put some weight on the opinion of my good friend Lord Anderson of Ipswich, the former Government independent reviewer of terrorism legislation. He provided a detailed opinion overnight—*[Interruption.]* I hear someone muttering from the Conservative Benches that he is being paid by the people's vote campaign, but that person ought to be aware that it is the professional duty of any senior counsel to give an objective, dispassionate opinion. Perhaps the person muttering from a sedentary position should not transfer their own motives on to someone as honourable as Lord Anderson.

I will ask the Attorney General whether he agrees with me and with a number of Lord Anderson's points. Lord Anderson says that the measures obtained by the Prime Minister

"do not allow the UK to terminate the backstop in the event that negotiations over its future relationship with the EU cannot be brought to a satisfactory conclusion".

That is correct, and I am sure that the Attorney General will agree. Lord Anderson also says that the measures

"do not provide the UK with a right to terminate the backstop at a time of its choosing, or indeed at any time, without the agreement of the EU."

Lord Anderson is right that there is no unilateral exit here. He then goes on to say:

"The furthest they go is to reiterate the possibility that the backstop might be suspended"—

not got out of, but suspended—

"in extreme circumstances of bad faith on the part of the EU which"

he says

"are highly unlikely to be demonstrated.

Lord Anderson also points out:

"This was already apparent from the Withdrawal Agreement, and had been acknowledged in the Attorney General's previous legal advice."

Does the Attorney General agree with all those points in Lord Anderson's independent, impartial, objective opinion? Does he further agree that in fact nothing has changed and that the Prime Minister has yet again failed to deliver on what she has promised?

The Attorney General: What I hope will not be lost on my hon. and right hon. Friends is why the hon. and learned Lady is insisting and pressing upon them the facts and matters that she has just been drawing to their attention. It could be, I wonder, that there is some ulterior motive in her concern about the absence of a unilateral exit mechanism in all circumstances.

Turning to the opinion of Lord Anderson, who is always worthy of the most careful attention and the greatest of respect—as anybody of his distinction should be listened to—I take issue with some of his comments. For example—my opinion sets this out and other lawyers are commenting to that effect this morning—the hon. and learned Lady does no justice to the fact that these measures and improvements do facilitate, and mean that there is a reduction of risk in, our being able to prove and demonstrate bad faith or want of best endeavours. She says that we could not terminate, but there is in fact in my opinion a clear pathway to termination.

As the hon. and learned Lady knows, I wrote in my opinion that if in the circumstance that we got a declaration from the arbitral tribunal that there had been a lack of best endeavours, having regard to the accelerated pace of negotiation which this new agreement now imposes, we could then move to suspend our obligations, if we wished to do so, under the protocol. If that suspension was prolonged, we could invoke article 20 to argue that it was no longer necessary because the inaction of the European Union demonstrated that it must think that it was no longer necessary, and that could lead to termination. It is therefore not entirely true to say that there is no way in which the provisions could be terminated. I say to the hon. and learned Lady that suspension, in these circumstances, is as effective as termination, because the only way in which the EU could restore the position would be for it to come back to the negotiating table with genuinely new proposals.

Mr Dominic Grieve (Beaconsfield) (Con): I thank my right hon. and learned Friend for his statement. I have no reason to disagree with his conclusion in paragraph 19 of his opinion, and I commend him for standing up for his office and speaking truth to power. However, I have one query about paragraph 7 of his advice, in which he describes the joint instrument as representing

"materially new legal obligations and commitments".

He will of course be familiar with article 31, paragraph 2 of the Vienna convention, which says that such an instrument can have legal force and be binding only in the sense that the parties cannot later alter or deny what they have agreed and that it is not a treaty in itself. In those circumstances, is it not the case that the breaching of the best endeavours obligation in itself makes no difference? The only difference is if there is bad faith, and that in fact was contained in the original agreement that we signed.

The Attorney General: I do not agree with my right hon. and learned Friend, although I listen most carefully to him, as ever. The best endeavours duty was in the withdrawal agreement originally, but what this does is to firm and strengthen the context in which an allegation of best endeavours or bad faith would be made, because it sets an accelerated pace and commits—I am sure that my right hon. and learned Friend has looked or will look at this—the EU to specific operational commitments about how to deliver that obligation. Those are new agreements, and they are couched in the language of agreement. He knows, as a very distinguished lawyer, that one cannot always trust the label; one has to look at the substance.

Hilary Benn (Leeds Central) (Lab): Can the Attorney General confirm that in order to get to the point at which the UK might be able to suspend the Northern Ireland protocol, it would have to, first, persuade the arbitration panel to agree with its case and, secondly, accept that any issue of EU law arising from the case that the UK had argued would have to be referred to the Court of Justice of the European Union and that any ruling of the CJEU on that matter would be binding on the panel, the EU and, most importantly for this discussion, the UK?

The Attorney General: Of course I can confirm all those things, which are self-evident in the agreement. May I just point out to the right hon. Gentleman that although I am sure it is a clever forensic point, the circumstance in which a point of European Union law would arise in connection with the best endeavours and bad faith clauses is difficult to envisage? The reality is that it is a straightforward question of fact: is the European Union moving with the urgency and pace, to the procedural timetables and according to the procedural steps that this agreement now enforces?

The right hon. Gentleman is an honest politician, and he cannot look these things in the face and say that they mean nothing. These are important amplifications and clarifications of the duty of best endeavours. I quite agree with him, as I very much doubt we would ever get to an arbitral tribunal, because what these duties, new clarifications and amplifications do is set the framework for people's conduct within the negotiation. It is about the impact on their behaviour and conduct. Very rare is the case in which one would get to an arbitral tribunal. What matters is the framework of obligations and responsibilities, and those have materially tightened on the European Union.

Sir William Cash (Stone) (Con): I thank my right hon. and learned Friend for his opinion, which is not only for the Government, I would stress, but for Parliament and for the voters. The substance of the backstop issue to which he has just referred is the legal, constitutional and, therefore, political status of Northern Ireland within the United Kingdom, which cannot be put at risk.

My right hon. and learned Friend refers to a reduced risk of the UK being "indefinitely" detained in the protocol, but he adds that, ultimately, there is

"no internationally lawful means of exiting"

unless both the EU and the UK agree. Does he therefore appreciate, on his own terms, that this fundamental legal impediment trumps political considerations and that, therefore, there would be insufficient protection for Northern Ireland to continue as part of the United Kingdom?

The Attorney General: I do not agree. My hon. Friend knows we have a difference of opinion, and I hope that he will move towards my position. I still hope that might be so, and I say that because one has to look at the mutual incentives and disincentives for both parties to stay in the arrangement. I made this point in December and, for the reasons I advanced in December and in my November opinion, the incentives or disincentives for the European Union are as profound, if not greater, to get us out of the backstop than to keep us in it. That is what I firmly believe. He may disagree, but that is what I believe.

That is why I have taken the political judgment that this withdrawal agreement needs to be supported but, in saying that, these improvements do make a difference. In the last line of my advice, I say there can be no lawful exit unless there is a fundamental change of circumstance. It is extremely important to remember that there is always a right to terminate a treaty unilaterally if circumstances fundamentally change. There is no question but that we have a right to exit if those circumstances apply.

Sir Vince Cable (Twickenham) (LD): Those of us who remember some infamously politicised legal opinions, as with the Iraq war, will want to acknowledge the Attorney General's total integrity and independence, but can he explain to a non-lawyer how respect for the international rule of law is enhanced by a unilateral declaration to break it?

The Attorney General: The right hon. Gentleman seeks to give with one hand and take with the other. With the greatest of diffidence and respect, he is not quite right. The unilateral declaration is not incompatible with international law. It reserves the United Kingdom's right to take all measures available to it in circumstances where the talks have broken down as a result of a breach of article 5, which is the good faith duty. It reinforces and further stresses the United Kingdom's right to take measures to withdraw from the arrangements if there is a breach of good faith.

Mr David Jones (Clwyd West) (Con): My right hon. and learned Friend notes in his opinion that the unilateral declaration is not an agreed document. Can he say whether efforts were made to obtain the agreement of the European Union to that declaration? If so, why was such agreement withheld?

The Attorney General: No unilateral declaration is worth the paper it is written on if it is objected to. My understanding is that it is not objected to and that it will

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be deposited alongside the withdrawal agreement and, therefore, will carry legal weight under article 31 of the Vienna convention.

Nigel Dodds (Belfast North) (DUP): I join others in commending the Attorney General, and I pay tribute to him for his dealings with us and for holding entirely to his word in delivering a totally objective and fair legal analysis and opinion on whatever came back. I pay tribute to him publicly, in addition to what I have said to him privately in that regard.

In relation to reducing the risk of being held in the backstop by the EU acting in bad faith or for want of best endeavours, does the Attorney General agree with paragraph 29 of his previous advice that all the EU

"would have to do to show good faith would be to consider the UK's proposals, even if they ultimately rejected them. This could go on repeatedly without such conduct giving rise to bad faith or failure"?

If it is not a question of bad faith, and if it is just a question of the two sides not being able to reach agreement, he says in paragraph 19 of today's legal opinion that the "legal risk remains unchanged".

We already know what the Irish Government and others see as the ultimate destination for Northern Ireland—the backstop is the bottom line. From what the Attorney General is saying today, provided there is no bad faith, the fact is that Northern Ireland and the rest of the United Kingdom could be trapped if the EU does not agree with the United Kingdom to a superseding agreement.

The Attorney General: I am extremely grateful to the right hon. Gentleman for his question, which I will deal with point by point. First, my opinion has changed in connection to this country's ability to prove bad faith if it occurred. There is now a new contextual framework for judging whether the other party is using best endeavours or good faith.

Time has been made of the essence in specific connection to negotiating alternative arrangements. A specific work track and a specific timetable are set out, and it would be unconscionable, as I say in my opinion—I forget the paragraph, but the right hon. Gentleman will have it—if having said to this country that it will set up a specific, discrete work track on alternative arrangements, which are defined in this new document as meaning facilitative techniques, technologies and customs procedures, and if having set up a timeline for negotiating those alternative arrangements by saying "12 months, or we must intensify our efforts," it never agreed to use a single one, and if it refused every proposal reasonably adjusted to its core interests. That would be extraordinary.

I say in my written opinion, and I stand by it, that it would be a potential breach of best endeavours and good faith. Best endeavours are now defined in this joint instrument as requiring the EU to consider adverse interests and matters that are adverse to its interests. Even if these facilitative technological and customs measures were adverse to the EU's interests, the duty still requires it to consider them. Therefore if there were a pattern of refusal, a systematic refusal, to consider these alternative arrangements, we would have a case before the arbitration panel, and it would be a potentially serious breach of good faith.

I say to the right hon. Gentleman with all candour that I believe that, and he knows I would not say it if I did not mean it. It is there in my written opinion, and I urge him to consider it.

Robert Neill (Bromley and Chislehurst) (Con): Does my right hon. and learned Friend agree that although any practical lawyer will know that legal risks can seldom be totally eliminated from any agreement of any kind, what the parties must look at is the practical risk of something occurring? Does he not agree that what has been achieved markedly diminishes the practical risk, which is the key consideration we need to bear in mind when looking at the broader context of what is at stake here?

The Attorney General: I entirely agree with my hon. Friend; the legal ingredient in any political question must be subordinate, and particularly in connection with this political question. The fact is that there are always legal risks of various kinds. We walk among legal risks all the time—some of us more than others, perhaps—but we do not determine our behaviour by them. We take practical judgments every minute of the day, every day of the week about whether the legal risks we are engaged in are ones that are worth taking. I say to my hon. Friends, as I say to all hon. Members, that we must come to a decision on this question today. I urge the House to consider carefully this: there is no real legal basis to be seriously troubled that the European Union will never reach agreement with us. If it occurs through bad faith, we have further improvements in the deal now. But just because we cannot reach agreement, when the alternative arrangements are now cemented into this deal in a manner they have not been before? I think not, in all candour.

Stella Creasy (Walthamstow) (Lab/Co-op): In layman's and laywoman's terms, nothing has changed but something has been added: a year to get the timescale right, and if the Government cannot do that, they are going to try really hard for the next year. It is not possible to unilaterally stop a hard border, but it is possible for the Attorney General single-handedly to admit that all he has done today is amplify, not amend, the original deal that Parliament voted down. To say anything else really is a matter of bad faith.

The Attorney General: I know that the hon. Lady knows that I have not attempted to say something—*[Interruption.]* Of course there has been no amending of the treaty, but there has been a supplementary agreement that amplifies, extends and deepens the obligations within it.

Stella Creasy *indicated dissent.*

The Attorney General: The hon. Lady can shake her head, but she has to look at the wording—at the text. If I have got something wrong, she will no doubt tell me, but the fact is that there are materially new obligations here in relation to the pace and timetable, and in relation to binding legal commitments on alternative arrangements. These set the context against which and within which the duties in respect of bad faith and best endeavours will be measured. That is a significant difference to the deal.

Mr Steve Baker (Wycombe) (Con): Paragraph 23 of the political declaration makes it clear that we would

"build and improve on the single customs territory provided for in the Withdrawal Agreement".

We know what the EU understands that to mean. In good faith and with best endeavours, it understands it to mean a customs union, as Dan Hannan MEP reminded us earlier. So is it not the case that if we negotiate under this agreement, we will either find ourselves trapped indefinitely in the backstop, because the EU is acting "in good faith", or have to agree a customs union, contrary to our manifesto?

The Attorney General: I simply say to my hon. Friend that I really do not believe so. Why not? Because the commitments now cemented on alternative arrangements, which require a separate negotiating track, with a timetable to negotiate them, are now built in so that, as I have said in my written opinion, it would be extraordinary if the EU declined to adopt any such measures. It would be extraordinary, so I do not accept that the backstop is the base for any future arrangement. Let me give another reason why it is not. Built into the political declaration is an independent free trade policy, and we cannot have an independent free trade policy and have a customs union. Also built into it is no free movement. Does the Labour party support free movement now? It speaks with all sorts of voices. But the political declaration says there is none, and we cannot belong to the single market without free movement. So I say to my hon. Friend that I understand where these fears come from, but we must be bold and courageous, and we must move forward, for the sake of our country.

Anna Soubry (Broxtowe) (Ind): I, too, commend the Attorney General for his work and his efforts. I believe he has acted in all good faith. I also pay tribute to the Prime Minister, because there is no doubt that she has done her best to try to solve this problem and come back with something, but she simply has not been able to, as many of us had predicted. I am an old criminal barrister—*[Interruption.]* Who said, "Lock her up?" In all seriousness, criminal barristers tend to speak in plain, simple language, because we address juries. Does the Attorney General agree with this simple assessment of the joint instrument, which I have read: it does not change the withdrawal agreement, and it offers no new treaty or obligations at a treaty level? Will he also confirm that this is the end of the road—there are now no more negotiations with the EU, despite all his best efforts and those of the Government?

The Attorney General: I do not agree with the right hon. Lady. This instrument will be deposited with the withdrawal agreement, and it contains material new obligations, which are couched in the language of agreement. That represents an agreement between the parties not only about the interpretation, but about specific operational commitments. This has a standing equal to the withdrawal agreement, including in its material commitments, particularly those relating to obligations of an operational character. So I do not agree with her; what she says is not right. We have to look at the substance, not the label.

The right hon. Lady asks whether negotiations are at an end. Yes, they are at an end. This is the moment of decision. We now have to take the fork in the road, and we are going to have to assume our responsibilities for it.

Mr Owen Paterson (North Shropshire) (Con): I congratulate my right hon. and learned Friend on his work, and on the splendid candour of his statement and comments this morning. I also congratulate the Secretary of State for Exiting the European Union on getting alternative arrangements and an implementation date into the text. If, however, despite the very best endeavours in negotiations and the very best of faith, agreement is not reached in time for the end of December 2020, what can an independent, sovereign UK do? If a decision is made at the political level that the game is not worth the candle, can the UK walk away?

The Attorney General: As my right hon. Friend knows, if the parties, using best endeavours, in complete sincerity with co-operation and good faith, are simply unable to agree anything, not even a few alternative arrangements or a partial agreement—the subsequent agreement referred to in the protocol can of course be a stand-alone agreement—the UK has no unilateral exit right to leave, unless there were a fundamental change of circumstance under article 62 of the Vienna convention on the law of treaties. My right hon Friend knows that, but the question is: is it likely? What this deal has now done is place the burden on the EU to negotiate those alternative arrangements, as a result of his work, in part. I say to him that he should trust in himself, trust in the British people and trust in our ability to deliver a good deal. We can use the new contexts in this agreement, and I believe we will secure a good deal for the Northern Irish border.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I thank the Attorney General for his candour and for sticking to his integrity in the advice he has provided, which very much lines up with Lord Anderson's advice that the backstop may accordingly "endure indefinitely". Lord Anderson also says that the interpretive declaration is not a

"clearly worded, legally binding, 'treaty-level' clause which unambiguously"

overrides the text. The Attorney General has said repeatedly throughout this process that this is about politics, not law, so will he tell us whether at any point over the weekend he offered the Prime Minister preliminary advice that she would not be getting the advice she wanted for the politics of today?

The Attorney General: The hon. Gentleman will forgive me for saying that I am afraid I am not permitted by the Law Officers' convention to say whether I gave advice or what advice that would be.

Mrs Helen Grant (Maidstone and The Weald) (Con): Does the Attorney General agree that in law and in life, it is very rare for any lawyer to give a 100% guarantee on how watertight a particular agreement might be, notwithstanding the fact that that lawyer may well have great confidence in that agreement?

The Attorney General: I entirely agree with my hon. Friend on that. With the law, we are not able to put something into a test tube, hold it over a Bunsen burner and, if it turns green, get the answer. The law is a question of judgment, and it is always blended with political considerations or, in a commercial context, with commercial considerations. The preponderance of the two form a single judgment. It is my judgment, as

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my hon. Friend knows, that this risk is a calculated one, but one that we can now take. I firmly believe that these new improvements make that risk more acceptable and easier for the House to take.

Caroline Lucas (Brighton, Pavilion) (Green): May I press the Attorney General on the status of the joint instrument? Last night, the Minister for the Cabinet Office claimed that

"the joint instrument has equal status in law to the withdrawal agreement itself"—[*Official Report*, 11 March 2019; Vol. 656, c. 132.]

and that they both have

"the status of treaties under international law".—[*Official Report*, 11 March 2019; Vol. 656, c. 135.]

However, legal advice that I have seen says:

"The Joint Instrument is not incorporated into the Withdrawal Agreement, it is not a Protocol to the Withdrawal Agreement and it is not a treaty in its own right."

Will the Attorney General clarify whether the Minister for the Cabinet Office inadvertently misled the House last night?

The Attorney General: I would need to see the hon. Lady's quotation in detail. The position is that if you agree and put your name to a joint instrument of this kind, you are bound by it. You are bound by it as to its interpretation and, if it expresses agreement to specific operational commitments, as this one does, you are bound by it on those, because it is an agreement that you will then carry out those specific commitments. It is an agreement, so we should not get hung up on labels. The question is: what is its substance? It is binding.

Sir Oliver Heald (North East Hertfordshire) (Con): Does my right hon. and learned Friend agree that article 31 of the Vienna convention makes it perfectly clear that this protocol does have legal force, is binding and is of equal status to the treaty? Does he also agree that substantial, legally binding changes have been delivered, and that it is wrong to read just one paragraph of his legal advice—one has to read each paragraph of it? When it comes to paragraph 17 of his advice, my right hon. and learned Friend makes it clear that this is a substantial change in the level of risk.

The Attorney General: I think I had better just say that I agree with that one.

Chris Bryant (Rhondda) (Lab): The Attorney General's argument seems to hinge on this matter of "highly unlikely". I do not know whether this is his reading of recent history, but it seems to me that everything that I thought was highly unlikely five, six or seven years ago has now come to pass. Should we not be worrying about what may be likely over the next few years? After all, many of the Governments in Europe may change and the European Commission President will certainly change, so the highly unlikely may indeed come to pass. I have a sneaking memory of a conversation that the Attorney General and I had once in the Lobby, around three years ago. I asked him, "Wouldn't it be a good idea if you should become Attorney General?", and he said, "Oh no, that's highly unlikely." *[Laughter.]*

The Attorney General: And so it was under that particular Prime Minister! I was telling the hon. Gentleman the complete truth, as I am telling him it now. I have forgotten what the other question was—that was a betrayal of robing room talk. I am so taken aback by that question that I think I had better sit down.

Mr Jacob Rees-Mogg (North East Somerset) (Con): My right hon. and learned Friend has pointed out that much of what is being said is political as well as legal. Will he therefore set out for the House what penalties might fall upon this country if a future Parliament, which obviously cannot be bound, were to decide to resile from the commitments under the backstop?

The Attorney General: Well, my hon. Friend will know that as an Attorney General I simply could not give countenance to the idea that this country would break its international legal obligations. As I have pointed out to the House, there is a right for the United Kingdom to terminate this agreement. If fundamental circumstances change, in the view of the United Kingdom, it would attempt to resolve the matter within the joint committee and it would attempt to resolve it politically, but if, ultimately, with the sovereign right of this House and of the British Government at the time, the United Kingdom took the view that those fundamental circumstances had indeed changed, it would have an undoubted legal right to withdrawal from any treaty.

Let us be clear about these kinds of absolute interpretations of black-letter text. A sovereign state has the right to withdraw if a treaty is no longer compatible with its fundamental interests or, to put it a different way, if fundamental circumstances have changed. I would say that apart from that, of course this country could resile from its commitments, but it would be unwise and it would not be in the tradition of this country to do so. In those circumstances, it is perfectly true that the only remedies the Union would have would be to take countermeasures, and no doubt it would pollute the atmosphere for fruitful relationships between us, which is precisely why this country will never do it, and neither would the European Union.

Kate Hoey (Vauxhall) (Lab): I am not a lawyer, and neither are millions of people watching today. I obviously defer to the Attorney General's advice, but will he tell people why the United Kingdom, a sovereign country, would think of signing up to anything—we signed up to the European Union and at least there was a way out of it through article 50, although it has taken a long time—that does not allow us simply to say, "This is not working, we are not going to sign up to this and we are leaving"?

The Attorney General: We have made a solemn pledge to the people of both Northern Ireland and the Republic of Ireland that the border will be guaranteed never to be a hard border. That required the United Kingdom to say that in all normal circumstances we will not depart from that pledge. I repeat the point that I made to my hon. Friend the Member for North East Somerset (Mr Rees-Mogg): in the case of a fundamental change of circumstance, which is ultimately the sovereign right of this House and the Government to determine, the United Kingdom could withdraw, pursuant to customary international law. So it is not true to say that there is not ultimately the right of this House and the Government

of the country at the time to exercise their discretion to do so in those circumstances. But in every other circumstance, we have said to the people of Northern Ireland, "We will ensure that your lives will be able to continue as they do now at the border." I say that that act was worthy of this House, worthy of the Government and worthy of the British people, and it is one that is worthy of support.

Sir Desmond Swayne (New Forest West) (Con): My right hon. and learned Friend has just said to my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) that the United Kingdom would never do that, so why did he raise the possibility of our withdrawing from a treaty under the Vienna convention in the first place?

The Attorney General: No, no, no. What I said to my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) was that we would not do it in breach of the law. We are permitted, in a case of fundamental change of circumstances, to withdraw by the law. If such a change of circumstance came about—either because of some fundamental political change in Northern Ireland or some fundamental change of circumstance going to the essential basis of the agreement—then we would have the right to withdraw. But in all normal, envisageable and predictable circumstances, particularly while we are negotiating a subsequent agreement to the pace and accelerated timetable that this instrument now requires, we would not do so and it would be wrong to do so—wrong because it would be a breach of our obligations and wrong because this is a law-abiding country.

Peter Kyle (Hove) (Lab): The Attorney General said that it is highly unlikely that through the best endeavours they cannot reach an agreement. For the past four months, the Government have been in Brussels trying to replace the backstop with alternative measures and they have come back empty-handed. The negotiations have not delivered, despite the best endeavours. Is it not the case that the very situation that he describes in two years' time as being highly unlikely is the situation we are in right now?

The Attorney General: No, no, no. We have not been attempting to secure alternative arrangements now. We have been putting forward the fact that, in the future, all those alternative arrangements are likely to exist, so the European Union has responded by saying, "We will set up a new, special negotiating track, we will negotiate with an increased urgency and to a new timetable and we will implement these"—they have defined them—"customs procedures and technologies and so on." So it is not right to say that the same situation arises now. These systems will be developed over time and that is the purpose of the working group that the Union has agreed to set up with this country.

Sir Edward Leigh (Gainsborough) (Con): I thank the Attorney General for being so patient when I have been working on this unilateral declaration for the past two months and I thank him for including it in the final agreement, but may I ask him a detailed question because the devil is in the detail? There is no doubt, having worked with academic opinion, that a unilateral declaration is absolutely binding as long as it is deposited at the time the treaty is ratified. The unilateral declaration makes it clear that there is nothing to stop the UK leaving the backstop if talks break down, but it has to be a unilateral, conditional, interpretative declaration; that is what international law states. We are signing and agreeing to this withdrawal agreement only on condition—that is why the word "conditional" is important—that, if the talks break down, we can exit. So can the Attorney General now use the word "conditional" to reassure the House?

The Attorney General: First, may I say to my right hon. Friend that I am extremely grateful for the dialogue that we have had and he was, in no small part, the author of the seeds of this idea. Much of the material that he and other distinguished lawyers have been able to contribute has led to the proposal that we have now adopted. But I say to him that the unilateral declaration in this case does not need to say "conditional" because it is not objected to by the Union and, if it is not objected to, and the withdrawal agreement is ratified by the Union, it becomes binding.

Helen Goodman (Bishop Auckland) (Lab): I hope that the Attorney General can respond to me today without any reference to either his underwear or his genitalia. Last week, he said that we seek

"legally-binding changes to the backstop which ensure that it cannot be indefinite".

Today, he says that the legal risk remains unchanged. All he is able to offer us is a new work schedule—a sort of glorified to do list. If, as he keeps saying, time is of the essence, has not the Prime Minister wasted the last two months?

The Attorney General: I will try to obey the hon. Lady's strictures about comments that I have made before. May I say to her that that is not quite right? I have said that the legal risk is reduced. The legal risk of being held in the backstop by bad faith or by want of best endeavours has reduced. It has reduced because of significant improvements which, as I have said, set the context and benchmark for the enforceability of those important duties. But it is absolutely true, as she rightly says, that the risk of remaining in the backstop absent any fundamental change of circumstance, if no bad faith or if no want of best endeavours is present, remains the same.

Dame Caroline Spelman (Meriden) (Con): I, too, am not a lawyer, but the Attorney General is doing a very good job of clarifying to me and to the House the important improvements that the negotiating team has brought. A lawyer I know characterised paragraph 19 of his letter as

"a minimal legal risk unlikely to be crystallised".

Does my right hon. and learned Friend agree with that opinion?

The Attorney General: Yes, I do. Given what is at stake for the people of Northern Ireland and the Republic of Ireland, for the credit and faith of the European Union, which will be on the line, and for our ability to measure its performance against the detailed timetables and procedures that are now in place, I simply do not believe that we will be unable to reach any agreement with them. I repeat: it is perfectly possible to approach this in stages—to agree several agreements. We will be

[The Attorney General]

able to agree something over the next two or three years and the first priority, which is set out in this instrument, is the subsequent agreement replacing the backstop.

Chuka Umunna (Streatham) (Ind): My preference would be an arrangement that does not necessitate a backstop. For all the words that the Attorney General has used, is it not the case that none of these things—the joint instrument, the unilateral declaration and the change to the declaration—facilitates an unconditional unilateral withdrawal by the UK from the backstop? More than that, for all the words that he has used, we will still end up paying a divorce bill of more than £50 billion, in part in return for a political declaration that has no legal force whatever. That is the key point.

The Attorney General: The hon. Gentleman is not right about that. Under article 184 of the withdrawal agreement, there is a legal duty on the Union and the UK to negotiate a deal that is in line, and according to, the political declaration. He asks, is there any unconditional right to withdraw? With respect, I have answered that question. The only circumstance in which there would be an unconditional right to withdraw is if there were a fundamental change of circumstances pursuant to customary international law.

Mr John Baron (Basildon and Billericay) (Con): I commend my right hon. and learned Friend for the way he is pursuing the remit of his office. He is, of course, right that there is a political dimension to the decision that we will all have to make this evening, but may I ask him this question? He has confirmed today that, if there were a fundamental change of circumstances, this country would have the right to walk away from the agreement, but can he also confirm that, if that were to happen and we did walk away, we could take Northern Ireland with us as a member of the United Kingdom, thereby extracting it from the customs union within the EU?

The Attorney General: Let me make it clear: the United Kingdom is the United Kingdom, it includes Northern Ireland and there is no circumstance in which the Government of this country, and certainly not a Conservative Government, will ever leave Northern Ireland behind, subject to the obligations under the Belfast agreement. That has been proposed, as my hon. Friend knows. It has been proposed that we should have a termination right for GB only and the Prime Minister explained why that was unacceptable.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): The Attorney General says that the joint instrument and the content of the unilateral declaration relating to the withdrawal agreement

"reduce the risk that the United Kingdom could be indefinitely and involuntarily"

held in the backstop in the event of bad faith, but surely that was only ever a very limited risk. Is it not true that the far greater risk of being held in the backstop indefinitely is not as a result of the failure of either party to act in good faith, but because of intractable differences? In such circumstances, is it not right that the people of Northern Ireland and the Republic of Ireland should have the confidence that measures that they can trust will be in place to prevent a hard border, and that the backstop would be exited upon a new agreement being reached? Does not that make perfect sense?

The Attorney General: It does make perfect sense. I have to say that I would have preferred to have seen a right of termination, mitigated and graduated, fairly balancing and apportioning risk, and only useable in a last resort, but the Union was not willing to agree to such a reasonable—and what I considered to be moderate—proposal. I agree with the hon. Lady, which is why I voted for the deal. It is sensible that that assurance can be given, and that is why the British Government have given it. I would say, though, that best endeavours is not—particularly now, with the context heightened and the benchmarks tightened—a meaningless duty, because best endeavours requires that a party should consider proposals that are contrary to its interests, and it may have to accept them. A party cannot go on refusing something that requires a reasonable adjustment in its position.

Richard Drax (South Dorset) (Con): Good faith; best endeavours; trust. May I tell my right hon. and learned Friend that they have run out? Many in this country do not trust the EU, and I am sad to say that many in this country do not trust many MPs in this place to deliver what the vote told this country to do. Surely the only option now is to get a clean break, leave on 29 March and get our country back.

The Attorney General: I understand my hon. Friend's frustrations, but I do not agree with his language. I have found those with whom we are doing business in the European Union to be perfectly reasonable and rational people, and I have no complaint about the manner in which negotiations have been conducted—they have always been conducted with cordiality and civility on both sides—so I do not believe that we cannot trust them to reach a deal, because it is in the interests of the Union itself.

Tom Brake (Carshalton and Wallington) (LD): Had the Attorney General been instructed to demonstrate that it is possible to walk away from the backstop by clients at his usual, generous commercial rates, would he have advised them to save their money?

The Attorney General: I am not convinced that I fully understood the question, perhaps because I did it too much justice and thought it might be a sensible one. The truth is that I doubt I agree with it.

Robert Courts (Witney) (Con): May I place on the record at the outset that, whatever one may think of the issues at stake, the integrity and honesty of the Attorney General are absolutely above question? I commend him for his approach. Much of this agreement requires consideration of the concept of bad faith, so will he please outline what circumstances would constitute bad faith and how the UK might prove them, bearing in mind that, as he will know, international arbitrators are loth to find that a sovereign state such as the UK or a respected body such as the EU have acted in bad faith? Is it not the case that, were the EU to continue to propose ideas that were in good faith but unacceptable to the UK, such as a customs union, these proposals would not assist us?

The Attorney General: No, I do not agree. The position is more nuanced than that. The pattern of refusing to accept reasonable proposals such as alternative arrangements that could not be said to compromise fundamental interests at the border would be raised immediately—a prima facie question. A pattern of consistent refusal would raise a prima facie question over the best endeavours and good faith clause. As my hon. Friend will have seen, some of these provisions are already in the joint instrument, including systematic conduct, declining to consider, declining to be flexible and declining to consider adverse interests. These best endeavours duties are real duties that are contained in commercial contracts all the time. They are litigated and brought to court, as he will know. We must not allow our fears to run away with us. We need to trust ourselves. We can make the leverage of the backstop as powerful an argument for them not to remain in it as it is for us.

Mr Chris Leslie (Nottingham East) (Ind): Does not all this hand-wringing over the backstop reflect the hubris of those who thought they could reconcile the irreconcilable—the alchemists who believed that they could conjure up this pretence of Brexit at the same time as a frictionless, open Irish border? Have we not finally reached the end of the road for the spinners, peddlers and blaggers in the leave campaign who stooped to lying about this being the easiest thing in the world?

The Attorney General: Of course, claims are made on both sides of the argument in any election or battle before the electorate. I remember some pretty exaggerated ones being made on the hon. Gentleman's side of the argument, to be frank. If there is a serious point lying beneath that stream of adjectives, I would have to say that I agree with the hon. Gentleman in one respect: the enemy of the interests of this country is dangerous oversimplification of the complexity of the problems that we face. If that is the point that resides beneath his question, I would agree. We cannot underestimate the complexity of separating ourselves from 45 years of organic, legal and other integration with the European Union, but this withdrawal agreement does not underestimate that; it addresses the issues at a complex level, secures rights, and fairly apportions the dues and obligations. It is a deal that we need in order to achieve the first stage of that separation.

Several hon. Members *rose—*

Mr Speaker: Order. I am sorry to disappoint remaining colleagues, and I am extremely grateful to the Attorney General and all who have participated in these exchanges, but we must now move on. Some dozens of colleagues wish to speak in the main debate and I have to make a judgment about the importance of now proceeding.

BILL PRESENTED

Immigration (Armed Forces) Bill

Presentation and First Reading (Standing Order No. 57)

Sir Edward Davey, supported by Jamie Stone, presented a Bill to remove financial requirements and fees for applications for indefinite leave to remain in the United Kingdom from foreign or Commonwealth members of the armed forces on discharge and their families; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 22 March and to be printed (Bill 356).

Election Expenses (Authorisation of Free or Discounted Support)

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

1.47 pm

Craig Mackinlay (South Thanet) (Con): I beg to move,

> That leave be given to bring in a Bill to amend the Representation of the People Act 1983 to provide that election expenses relating to property, goods, services or facilities provided free of charge or at a discount are incurred only if authorised by the candidate or the candidate's election agent; and for connected purposes.

Legislation should be like a big red bus. There should be no ambiguity about what it is, what it looks like and what it does. More importantly, there should be a full awareness of the consequences of stepping out in front of it. One such collection of legislation that currently fails the red bus test has to be election law, notably some of the provisions of the Representation of the People Act 1983.

The legislation, under decades of interpretation going back to 1868, meant that the agent and candidate were the gatekeepers of election expenditure. The potential for a criminal record, custodial sentence and bar from public office makes this an equitable settlement. This was recognised under section 90ZA in the Representation of the People Act, subsection (4) of which states:

> "For the purposes of this Part of this Act, election expenses are incurred by or on behalf of a candidate at an election if they are incurred…by the candidate or his election agent, or…by any person authorised by the candidate or his election agent to incur expenses."

All clear thus far. However, I wish to amend section 90C, which was inserted as part of the Political Parties, Elections and Referendums Act 2000.

With the continued mudslinging from all sides regarding the spending surrounding the EU referendum, I feel that red bus clarity would appear to be equally lacking in the PPERA—but that must remain a debate for another day. Section 90C introduced the wholly reasonable concept of accounting properly for goods, services and facilities provided either at a discount or free—for instance, a friendly printer, in lieu of a cash donation, providing below market rate or free printing. Section 90C ensured that the proper cost and corresponding donation for the discount were properly accounted for.

There was a long-established understanding of the section that the fundamental concept of proper agent or candidate authorisation still needed to apply under the authorising provision for election expenses under section 90ZA. I quote from the relevant subsection:

> "property, goods, services or facilities is or are provided for the use or benefit of the candidate free of charge or at a discount of more than 10 per cent. of the commercial rate for the use of the property or for the provision of the goods, services or facilities, and
>
> (b) the property, goods, services or facilities is or are made use of by or on behalf of the candidate in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the candidate in respect of that use, they would be (or are) election expenses incurred by or on behalf of the candidate."

Paragraph (b) is of most interest, as it uses the word "incurred", which mirrors entirely the word—and, one must presume, the intent—under section 90ZA.

[Craig Mackinlay]

As part of preliminary questions to be answered prior to my criminal trial, I took the question of the proper construction of section 90C to the Appeal Court after an initial interpretation of the position by the trial judge. The Lord Chief Justice at the Appeal Court agreed with the long-understood position that I have outlined—that for section 90C to apply, proper approval of such expenditure by the agent or candidate must be there under section 90ZA. So normality seemed to have returned—but the story did not end there. The Crown Prosecution Service, with the Electoral Commission attaching itself as an interested party, appealed the Appeal Court decision to the Supreme Court. That judgment was given on 25 July 2018. It overturned the Appeal Court decision and the long-held interpretation used by all agents, candidates and political parties.

In summary, the Supreme Court, whose judgment has to stand as the definitive interpretation of section 90C, directs that election-related expenses expended without the authorisation of an agent or candidate can none the less be deemed election expenses. With the Electoral Commission attaching itself as an interested party to the Supreme Court hearing, one must assume that this "no need for authorisation" interpretation was always its interpretation of election law. If that were the case, why did it not say so in its guidance for all candidates and agents for the 2015 general election?

With my prosecution looming into view by the time of the snap 2017 general election and with interpretation of section 90C at the heart of it, one might have expected the Electoral Commission, which claims that the Supreme Court interpretation was always its view, to have updated its guidance accordingly. It did not do so for 2017. Even after the Supreme Court judgment of July 2018, one might have expected the new interpretation, which the Electoral Commission claims, again, to have supported throughout, to have found its way into the new guidance for local elections for 2019, published just two months ago. It did not.

In response to my Adjournment debate of 11 February and in advance of this ten-minute rule Bill today, the commission finally published guidance with examples on the vexed question of notional spending—an undated document that accompanied a letter to me of 8 March. This new guidance suggests that unauthorised expenditure becomes an election expense for reporting if there has been active engagement in the spending activity so that the "made use of" threshold is reached. It cannot be right that somebody's liberty, reputation and livelihood can be at stake based on three words and a potential prosecutor's interpretation of a candidate's knowledge or otherwise of an activity that was not authorised.

The commission offers six examples in its new guidance, which, I am sorry to say, falls very short of helping. Example 5 suggests that a national party battle bus carrying the party leader would not be a candidate spend if the candidate refused to engage with the party leader and refused to meet them. If the party leader says nothing more than "Vote Conservative" or "Vote Labour", for instance, this would be national party spend under the PPERA, but if the party leader mentions the candidate's name while in the constituency, the leader might be committing a section 75 offence—and do not forget that that is an imprisonable offence. My right hon. Friend the Prime Minister might want to listen to that.

At example 6, if the local candidate agrees to join the party leader battle bus event and their name is mentioned, the commission suggests that an amount of notional spend must then be reported in the candidate spending return. Might that spending apportionment assessment be per word, or time-based—and, realistically, could the candidate have any control over what a party leader might say? Can anybody really imagine the implications for a candidate's—potentially a new candidate's—standing within their party of a refusal to engage with a party leader visiting their constituency? I am afraid that these examples highlight very clearly how removed from reality the commission is.

The Electoral Commission will suggest that any change to section 90C might lead to mischief if refusal to authorise would permit or encourage election-related spending to fall outside of account. There is already extensive sanction within section 75 of the RPA 1983 that would discourage such activity, as the person spending would face criminal prosecution and would be highly unlikely to play a part in such a planned deception. So the commission's fears are unfounded. This Bill would make minor changes to section 90C to take away the ambiguity of the July 2018 Supreme Court judgment. The Lord Justices' judgment has to be the right one. The Court's status as the highest court means that it must be given the wording of the law as it stands. The question this House must now consider was whether the words previously agreed during the passage of the RPA 1983 represent the intention of Parliament and its drafters. I say that they do not.

Do Members in this place ever leave a lasting legacy by their activities here? The reason I promote this Bill is to protect current colleagues across this House, colleagues yet to come and councillors yet to face election. The desire to offer oneself for public service should not come with a threat to one's liberty, reputation and career. I commend the Bill to the House.

Question put and agreed to.

Ordered,

That Craig Mackinlay, Paul Farrelly, Alex Chalk, Sir Peter Bottomley, Mr Mark Harper, Frank Field, Gareth Johnson, Mr Jonathan Lord, Jim Shannon, Anna Soubry and Bob Stewart present the Bill.

Craig Mackinlay accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 22 March and to be printed (Bill 357).

Business of the House (Today)

Motion made, and Question proposed,

That, at this day's sitting, the Speaker shall put the questions necessary to dispose of proceedings on the motion in the name of the Prime Minister tabled under section 13(1)(b) of the European Union (Withdrawal) Act 2018 not later than 7.00pm; such questions shall include the questions on any amendments selected by the Speaker which may then be moved; the questions may be put after the moment of interruption; and Standing Order No. 16 (Proceedings under an Act or on European Union documents) and Standing Order No. 41A (Deferred divisions) shall not apply.—*(Iain Stewart.)*

1.59 pm

Mr Jacob Rees-Mogg (North East Somerset) (Con): I notice that this motion is debatable until any hour, subject to a business of the House motion at 7 o'clock. I can assure the House that it is not my intention to speak at that length, but this is very important. We are discussing this afternoon a motion that could determine the nation's future for a generation or more, and we are expected to do it in just under five hours. I accept that every moment I speak reduces that time, but it is none the less relevant to do so.

This matter is of overwhelming importance to our future. It will determine the basis of our relationship with the European Union, and it may potentially have an effect on the whole basis of the United Kingdom. It seems to me that five hours is not only not enough, but it is not wise. The whole process with which today's motion has been brought forth is not wise. There is an element of bounce and of theatre. We heard yesterday that a plane was waiting in the airport, fuelled for the Prime Minister. That is very dramatic and exciting, but it is not necessarily right for good government.

What we want is the ability to discuss things judiciously and debate them thoroughly, and squeezing a quart into a pint pot is fundamentally unwise. It also does not help the Government to achieve what they wish to achieve, which is a majority in the vote at the end of today's proceedings, because if people feel that they have been bounced, hurried and harried, their natural instinct is not necessarily to cave in, but to stiffen their resolve and see how the cards fall.

The Government would be wise, even at this late stage, to allow an extra day for the debate, to ensure that Members are not limited to three-minute time limits at the end of the day but can discuss this matter as fully as it deserves and—dare I say?—as the nation expects, because the nation expects us to consider its future carefully. Although I will not seek to divide the House, I think that this allocation of time motion is misguided, and more time should be provided for debating something of such fundamental importance.

Mr Speaker: I am most grateful to the hon. Gentleman, and I note what he says about having no intention to divide the House. At least as importantly, I note, for the benefit of the House, that no amendment to the motion has been tabled, including by the hon. Gentleman.

Question put and agreed to.

European Union (Withdrawal) Act

[Relevant documents: Statement that political agreement has been reached pursuant to section 13 of the European Union (Withdrawal) Act 2018, including Instrument relating to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Authority, Declaration by Her Majesty's Government of the United Kingdom of Great Britain and Northern Ireland concerning the Northern Ireland Protocol, and Joint Statement supplementing the Political Declaration setting out the framework of the future relationship between the European Union and the United Kingdom of Great Britain and Northern Ireland; Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom pursuant to section 13 of the European Union (Withdrawal) Act 2018; and Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community pursuant to section 13 of the European Union (Withdrawal) Act 2018.]

Mr Speaker: I can inform the House that I have not selected any of the amendments.

2.3 pm

The Prime Minister (Mrs Theresa May): I beg to—*[Interruption.]* You may say that, but you should hear Jean-Claude Juncker's voice as a result of our conversation. I beg to move,

That this House approves for the purposes of section 13(1)(b) of the European Union (Withdrawal) Act 2018 the following documents laid before the House on Monday 11 March 2019:

(1) the negotiated withdrawal agreement titled 'Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community';

(2) the framework for the future relationship titled 'Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom';

(3) the legally binding joint instrument titled 'Instrument relating to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community', which reduces the risk the UK could be deliberately held in the Northern Ireland backstop indefinitely and commits the UK and the EU to work to replace the backstop with alternative arrangements by December 2020;

(4) the unilateral declaration by the UK titled 'Declaration by Her Majesty's Government of the United Kingdom of Great Britain and Northern Ireland concerning the Northern Ireland Protocol', setting out the sovereign action the UK would take to provide assurance that the backstop would only be applied temporarily; and

(5) the supplement to the framework for the future relationship titled 'Joint Statement supplementing the Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom of Great Britain and Northern Ireland', setting out commitments by the UK and the EU to expedite the negotiation and bringing into force of their future relationship.

It has been eight weeks since this House held the meaningful vote on the Brexit deal. On that day, Parliament sent a message: the deal needed to change. In response, the Government have worked hard to secure an improved deal that responds to the concerns of this House. I took the concerns of this House about the backstop to the

[The Prime Minister]

EU and sat down with President Juncker and President Tusk. I spoke to every single EU leader, some on multiple occasions, to make clear to them what needed to change. My right hon. Friend the Secretary of State for Exiting the European Union worked tirelessly with his opposite number, Michel Barnier. My right hon. and learned Friend the Attorney General engaged in detailed legal discussion with his counterparts in the European Commission. The result of this work is the improved Brexit deal that is before the House today. I will go on to explain in detail what has improved about the deal since January and why I believe it deserves the support of every Member this evening.

Frank Field (Birkenhead) (Ind): Is not one of the problems the House faced in the previous session with the Attorney General that we were seeking legal answers to what are essentially political questions, and the political question we now face is that if we do not pass this motion, we stand to lose Brexit in its entirety?

The Prime Minister: The right hon. Gentleman makes a very important point. A lot of focus has been put on legal changes, and I will come on to the fact that there are legally binding changes as a result of the discussions since the House's vote on 29 January, but he is absolutely correct—the danger for those of us who want to keep faith with the British public and deliver on their vote for Brexit is that if this deal is not passed tonight, Brexit could be lost.

James Cartlidge (South Suffolk) (Con): My right hon. Friend may have slightly lost her voice, but is it not true that were we to have a second referendum, 17.5 million people would have lost their voice?

The Prime Minister: Yes. My hon. Friend will not be surprised, given what he has heard me say from this Dispatch Box, that I entirely agree with him. I believe it is absolutely imperative that this House meets the decision taken by the British people in June 2016, that we deliver on the referendum and that we deliver Brexit for the British people. As I say, there is a danger that with a failure to agree a deal we could end up in a situation where we have no Brexit at all.

John Woodcock (Barrow and Furness) (Ind): Jean-Claude Juncker was very clear in his press conference yesterday, sitting beside the Prime Minister, that this is the end of the road for negotiation—there is no further negotiation from here. Do the Government completely accept that, and therefore what happens if the motion is defeated tonight?

The Prime Minister: The hon. Gentleman is absolutely right; that is what Jean-Claude Juncker said in his press conference. It is what he had made clear to me and to Ministers. It is what other leaders have made clear as well. Tonight, Members of this House face a very clear choice: vote for and support this deal, in which case we leave the European Union with a deal—I will go on to explain why I think it is a good deal—or risk no deal or no Brexit. These are the options.

Several hon. Members *rose*—

The Prime Minister: If Members will bear with me, I will take a further couple of interventions and then try to make some progress, as I am only two pages into my speech.

Mark Pritchard (The Wrekin) (Con): The Prime Minister will know that I did not support the withdrawal agreement at the last vote, and today I will support it unenthusiastically—forgive me, Prime Minister—because I completely agree with her that there is a danger that Brexit will be lost. There do not appear to be the votes in this House for no deal, but there certainly seem to be the votes for an extension of article 50. Neither of those options would deliver Brexit; they would frustrate and delay it and possibly stop it altogether. The main reason I am supporting the Government tonight is that there has been a definitive, material legal change on the backstop, which is that if the European Union acts in bad faith, the UK can permanently or temporarily remove itself.

The Prime Minister: My hon. Friend is absolutely right. I will come on to address that point a little later in my speech, but it is very clear. We have already had a vote in this House that said no to no deal, and those who want genuinely to deliver Brexit need to recognise that if this deal does not go through tonight, the House risks no Brexit at all.

Lady Hermon (North Down) (Ind): The Prime Minister should spell it out to the House that if we do not agree a deal tonight, all the arguments that we have heard, including the Attorney General's advice on the backstop, become academic. We will not even enter into the implementation period and begin work on the alternative arrangements to deal with the backstop if we do not get a deal. We have to get a deal to go into the implementation period and discuss alternative arrangements until Christmas next year before we even contemplate a backstop. Will she confirm that we need a deal tonight?

The Prime Minister: I thank the hon. Lady. She has set it out very clearly for the House, and I am sure every Member of this House will have heard what she has said about that.

Stewart Malcolm McDonald (Glasgow South) (SNP): Will the Prime Minister give way?

The Prime Minister: No, I said I would make further progress.

First, I want to remind the House of the core elements of the deal on which these improvements build. The full reciprocal protection of the rights of EU citizens in the United Kingdom and of UK citizens elsewhere in the EU—delivered by the deal. The implementation period, which the hon. Member for North Down (Lady Hermon) has just referred to, to give everyone, especially businesses, the time to adjust and to eliminate a cliff edge when we leave—that implementation period is delivered by the deal. The full control over taxpayers' money that comes from ending vast annual membership payments to the EU—delivered by the deal. The end of free movement and its replacement with a skills-based immigration system—delivered by the deal. The end of European Court of Justice jurisdiction in the UK, the end of the common agricultural policy for farmers, the end of the common fisheries policy for our coastal communities—all of these are delivered by the deal.

Neil Gray (Airdrie and Shotts) (SNP): Will the Prime Minister give way?

The Prime Minister: Yes, in a moment.

The closest possible economic relationship with our nearest neighbours outside the single market and the customs union, with our businesses able to trade freely and without any tariffs, quotas or rules of origin checks; protection for the just-in-time supply chains that provide the livelihoods of millions of families; the ability to strike our own free trade deals around the world—all delivered by the deal. The closest security partnership between the EU and any third country, so our police and security services can keep on keeping us safe in a world that contains many dangers—delivered by the deal.

By doing all of these things, the deal says and does something even more profound: it sends a message to the whole world about the sort of country the United Kingdom will be in the years and decades ahead. To our friends and allies who have long looked up to us as a beacon of pragmatism and decency, and to those who do not share our values and whose interests diverge from ours, it says this: the UK is a country that honours the democratic decisions taken by our people in referendums and in elections.

Stewart Malcolm McDonald: Before the Prime Minister continues with this Britannic hyperbole, can she tell me what changes to the agreement have come about that were sought by the devolved Governments in Scotland and in Wales, or were there none at all?

The Prime Minister: As the hon. Gentleman knows, the devolved Government in Scotland want to ensure that we stay in the European Union. That is not a position that was taken by the British people, and I believe, as I have just said, that we should honour democratic decisions taken by the people.

John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): As the Prime Minister will recall, I voted against the withdrawal agreement in January, but I am very pleased that she and the Attorney General have been able to achieve the concessions to the withdrawal agreement. What my constituents and my businesses want is certainty, and they want the certainty that the Prime Minister will not give in to the Scottish National party's demand for a second referendum. Does she agree that this deal gives the country the certainty that my businesses and constituents need?

The Prime Minister: I am very happy to give my hon. Friend that certainty. As I say, I believe that we should be delivering on the vote of the British people in 2016, but I also believe it is important that we give businesses, as my hon. Friend has said, certainty for their future. There is only one certainty if we do not pass this vote tonight, and that is that uncertainty will continue for our citizens and for our businesses.

Sir Edward Leigh (Gainsborough) (Con): May I ask a question of the Prime Minister about the unilateral declaration? I thank her for listening, as I have been trying to make this case for the past two months. There was a question I put to the Attorney General that I think has now been answered. Am I right in saying that the unilateral declaration states that there is nothing to stop the United Kingdom leaving the backstop if talks break down? It is a very clear unilateral statement: if talks break down, am I right in saying that the EU has to prove good faith? It is a unilateral declaration, and we do not have to use the word "conditional" because the EU has not objected, and if we lay this declaration at the time of ratification, it is binding on the EU.

The Prime Minister: One of the key elements in relation to what my hon. Friend has said is that this unilateral declaration has not been objected to by the European Union. That is what ensures its legal status and its legal basis. As he says, what we say in there is that, in the circumstances in which it is not possible to agree or arrange the future relationship with the European Union,

> "the United Kingdom records its understanding that nothing in the Withdrawal Agreement would prevent it from instigating measures that could ultimately lead to disapplication of obligations"

in relation to the protocol.

Several hon. Members *rose*—

The Prime Minister: I will make further progress before I give way again.

We are a country where passionately held views do not stop us making compromises to achieve progress. We are a country that values both our national sovereignty and the unbreakable bonds of a shared history and an interdependent future that connect us to our friends and neighbours. A bad deal would be even worse than no deal, but best of all is a good deal, and this is a good deal.

Members acknowledged many of the benefits delivered by the deal, but none the less rejected it in January, so let me now set out what we have added to the deal on the table since the last vote. On the rights of EU citizens, we have waived the application fee, so that now there is no financial barrier for any EU nationals who wish to stay. As I have said before, they are our friends, our neighbours and our colleagues. They have added much to our country, and we want them to stay.

On the rights of workers and on environmental protections, assurances about the Government's firm intentions were not enough, so we have committed to protecting those rights and standards in law. If the EU expands workers' rights, we will debate those measures here in this Parliament, and this House will vote on whether we want to follow suit. This Parliament has already set world-leading standards, and after we leave the EU, we will continue to do so.

Ms Angela Eagle (Wallasey) (Lab): I hope that the right hon. Lady's voice lasts to the end of her speech. The Democratic Unionist party has just announced that it is not supporting her deal, and her own European Research Group has announced that it is not happy with the deal. Does she not now think that she should have reached out across parties from the beginning to seek a proper consensus across this country to give us a chance of moving forwards? Will she now admit that her strategy has comprehensively failed?

The Prime Minister: There have been alternative approaches that have been proposed to the deal that is on the table. Some were proposed the other week by the Leader of the Opposition, and that was comprehensively rejected by this House. We have continued to work with Members across this House and we continue to work with Members across this Chamber to understand the issues that need to be addressed, and what we have done on workers' rights is one example of exactly that work.

Several hon. Members *rose—*

The Prime Minister: I am going to make some progress.

I know that, for many Members on this side of the House and also for the DUP, the biggest concern is about a more difficult issue that defies simple solution—the Northern Ireland backstop. It is a complex issue that reflects the complex history of these islands, and the long and difficult road that successive generations of British and Irish people have walked down to reach the peace and stability we have known for the last 20 years.

I have talked in detail about the backstop many times in speeches and statements in this House and in Northern Ireland. I have explained why an insurance policy to guarantee no hard border between Ireland and Northern Ireland is necessary. I know that there are a number of concerns about how it might operate—none greater than the fear that the EU might seek to trap us in it indefinitely.

Along with the Attorney General and the Brexit Secretary, I fought hard and explored every idea and avenue to address these concerns, including a time limit, a unilateral exit mechanism or the replacement of the backstop with alternative arrangements. However, the House knows how complex negotiations work and, ultimately, we have to practise the art of the possible, and I am certain that we have secured the very best changes that were available. As the hon. Member for North Down made clear earlier, it has been absolutely clear that this is the deal.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I thank the Prime Minister for giving way, and she knows why I will not be voting for the deal tonight—because it will make my constituents poorer and less safe. However, on the specific issue of the legal advice from the Attorney General on the complex issue of the Northern Ireland backstop, could she confirm whether she was given preliminary advice on Saturday or Sunday that he was unlikely to be able to change his advice in the way she perhaps wished him to?

The Prime Minister: Obviously, the Attorney General has been involved in the discussions that we have been having with the European Union, but at the end of the day it is up to him to make his legal opinion and to give his legal advice to this House, which is exactly what he has done.

Helen Whately (Faversham and Mid Kent) (Con): I thank my right hon. Friend for giving way. As she has just said, this is the deal. Is it not the case that if Parliament votes against this deal and then, in the forthcoming days, votes for an extension, that would not only be incredibly bad for businesses, which desperately want an end to this uncertainty, but risk putting the ball in the EU's court in determining the terms of that extension?

The Prime Minister: My hon. Friend is absolutely right. First, all that that would do is extend the uncertainty. Secondly, it is not a guarantee that any extension would be agreed by the European Union or that it would agree an extension in the terms in which the United Kingdom asked for it. An extension has to be agreed by all of the parties, and that includes the 27 members of the European Union.

Stephen Gethins (North East Fife) (SNP): I thank the Prime Minister for giving way, and I will give her a moment to get another cough sweet from the Chancellor. It is clear—we can see this from the Conservative Benches—that the Prime Minister is going to lose tonight, and to lose badly, which will drag this place, and jobs and businesses, over the edge, with the threat of a no deal. Is not the responsible thing to do now to seek an extension so that we can have some kind of way out of this calamity?

The Prime Minister: The way out of the situation we are in is to have faith with the British people and to vote for the deal this evening, which gives them what they voted for in the referendum.

Mr David Davis (Haltemprice and Howden) (Con): I thank the Prime Minister for giving way. As she knows, many of us would have preferred a circumstance where we could unilaterally have withdrawn from this agreement, and that does not apply after what the Attorney General said earlier. That means that we are going into a circumstance where there will be a deal of trust over how we resolve the backstop and, in particular, over whether the alternative arrangements prove acceptable to the European Union and the Republic of Ireland. Some of those alternative arrangements have previously been rejected by the Union and the Republic of Ireland. Has the Prime Minister detected any change in mood on the part of the Union and the Republic with respect to a constructive outcome to dealing with the Northern Ireland border?

The Prime Minister: Yes. What has been obvious is a change in willingness from the European Union to be actively working on those alternative arrangements. As my right hon. Friend has heard me say before, it was not possible to complete that work, with the timetable we currently have, pre 29 March. But the firm commitments that have been given in the documents we have negotiated now with the European Union show that willingness on its side to be actively working with us to find those alternative arrangements and to define them in a way that means that the backstop can indeed be replaced.

Several hon. Members *rose—*

The Prime Minister: No, I am going to make some progress.

There are three elements to the improved deal on the backstop, and I want to go through all of those. The first is a joint instrument—not a further exchange of letters, but something with comparable legal weight to the withdrawal agreement. It provides a new, concrete, legally binding commitment that the EU cannot act with the intent of applying the backstop indefinitely. Doing so would breach the EU's obligations under the withdrawal agreement and could be challenged through

arbitration. Were the EU to be found in breach, the UK could ultimately choose to suspend the backstop altogether, with that suspension lasting unless and until the EU came into compliance with international law. In these circumstances, we could also take proportionate measures to suspend the payments of the financial settlement.

Just as important, the joint instrument gives a legal commitment that whatever replaces the backstop does not need to replicate it, providing it meets the underlying objectives of no hard border between Northern Ireland and Ireland.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): I thank the right hon. Lady for giving way. She is talking about the EU and suspending. She talked earlier about bad faith and about the UK being a beacon across the world, and she said that it sticks to its deals. However, does she remember—they will particularly want her to remember this point in Europe—who it was who, when 28 countries went to Salzburg in November and struck a deal, later ratted on the deal, leaving the 27 high and dry? Was it her Government?

The Prime Minister: First, the hon. Gentleman's history is a little wrong. Actually, the withdrawal agreement and the political declaration on the future framework were not agreed in Salzburg; they were agreed later last year, in November, in Brussels. Secondly, he asks, who was it who went back on the deal? Was it the Government? No, the Government voted for the deal. He voted against it. So, on that point, if he wants to look for an example of bad faith—look in the mirror!

Hilary Benn (Leeds Central) (Lab): I am grateful to the Prime Minister for giving way. She referred a moment ago to the possibility of the UK suspending the operation of the Northern Ireland protocol. In his legal advice, which was published today, the Attorney General talks also about measures to disapply the provisions of the protocol. Can she tell the House whether suspension, which has to be temporary under the withdrawal agreement, and disapplication are one and the same thing, or are they different?

The Prime Minister: No, they are not one and the same thing. Also, if we look at the arrangements in the withdrawal agreement, as supported by the new instruments that we have negotiated, it is the case that if suspension takes place over a period of time, such that it is then obvious that the arrangements were no longer necessary, they would not have been in place and everything would have been operating without them, then a termination of those arrangements is possible within the arrangements here.

Some colleagues were concerned that the political declaration says that the future relationship will build and improve on these arrangements. We now have a binding commitment that whatever replaces the backstop does not have to replicate them. The instrument also contains commitments on how the UK and the EU intend to deliver the alternative arrangements. Immediately after the ratification of the withdrawal agreement, we will establish a specific negotiating track on alternative arrangements to agree them before the end of December 2020.

The instrument also entrenches in legally binding form the commitments made in January's exchange of letters between Presidents Tusk and Juncker and myself. These include the specific meaning of best endeavours, the need for negotiations to be taken forward urgently, the ability to provisionally apply any agreement, which reduces the risk of us ever going into the backstop, and a confirmation of the assurances made to the people of Northern Ireland.

Joanna Cherry (Edinburgh South West) (SNP): I am grateful to the Prime Minister for giving way. I was puzzled by her claim that the joint instrument is of comparable legal weight to the withdrawal agreement. I am sure she will be aware that, as a matter of international law, the withdrawal agreement is a treaty. The joint instrument is not a treaty; it is merely what is known as a document of reference, which can be used to interpret the withdrawal agreement. Would the Prime Minister therefore care to rephrase her assertion that the joint instrument is of comparable legal weight to the withdrawal agreement, because that is simply wrong as a matter of law?

The Prime Minister: Obviously, the withdrawal agreement is an international treaty. This is a joint instrument, which sits alongside that international treaty and which does have the same standing, in that, in any consideration that is given to any aspect of that withdrawal agreement, this will be part of that consideration, so the effect is the same, as I indicated earlier.

Anna Soubry (Broxtowe) (Ind): It does need to be said that most of us, when we are unwell, can take to our beds. It is absolutely noticed by everybody in this House that this Prime Minister simply battles on, and that is appreciated. Having said that, I fear that this agreement is too little, too late. The Prime Minister talked about compromise. Would she agree and confirm that, two years ago, I and others who sit behind her told her that there was a majority—a compromise— across this House for the single market and the customs union that would deliver on the referendum, secure the problem with the border and do the right thing for business? Would she confirm that she rejected all of that and that the difficulty has been her inability to move away from her red lines?

The Prime Minister: The point is that we have to look at what it was that the British people were voting for when they voted in the referendum in 2016. We also have to look at the general election manifesto that the right hon. Lady and I both stood on, which was very clear in relation to those matters and to the customs union and the single market. We have put forward proposals that enjoy some of the benefits of a customs union, such as no tariffs and no rules of origin checks, but in a way that delivers an independent trade policy. That is what people want to see and that is what we will be delivering.

Several hon. Members *rose—*

The Prime Minister: I will just make a little more progress before I take any more interventions. I have been quite generous already.

I want to say a word about Gibraltar. The documents confirm the understanding reached between the UK and the EU on the interpretation of article 184 of the withdrawal agreement as regards the territorial scope of the future relationship. We will always stand behind British sovereignty for Gibraltar, and the UK Government negotiate for the whole UK family, including Gibraltar.

[The Prime Minister]

The second element we have negotiated is a UK-EU joint statement in relation to the political declaration.

Mike Gapes (Ilford South) (Ind): Will the Prime Minister give way?

The Prime Minister: I will give way in a few moments. I will just make a little more progress.

The second element, the statement in relation to the political declaration, sets out a number of commitments to enhance and speed up the process of negotiating and bringing into force the future relationship. There is a new commitment that the negotiating track on alternative arrangements will consider not only existing facilitations and technologies, but also those emerging.

Kate Hoey (Vauxhall) (Lab): I thank the Prime Minister for giving way on that point. She said earlier that she thought there had been a change in attitude on looking at different ways to deal with the Northern Ireland-Irish border. Does she agree with me that if the Irish Taoiseach did what the previous Irish Taoiseach did, which was to allow the civil servants to meet with our civil servants, and there really was good will and intention, the Taoiseach would now say that their civil servants should start that process now and not wait until we have gone much further along the line?

The Prime Minister: We are happy at any stage to sit down with the Irish Government and talk to them about the arrangements that could be in place in relation to the Northern Ireland border with Ireland.

Mike Gapes: On Gibraltar, can the Prime Minister confirm that well over 90% of the people of Gibraltar voted to remain in the European Union, and that if her deal goes down tonight it will be essential that Gibraltar continues to have as close a relationship as possible with the European Union single market?

The Prime Minister: The hon. Gentleman is right about the vote. Significantly, the last time the people of Gibraltar were asked whether they wanted to continue their relationship with the United Kingdom they were very clear, overwhelmingly, that that was what they wanted. That is why we are clear that we negotiate on behalf of our whole UK family. The deal on the table tonight, the deal that Members will be voting for, delivers the close relationship for the future that the hon. Gentleman has been talking about. It delivers on the result of the referendum, but it also recognises the importance of a close relationship for us for the future with the European Union.

Several hon. Members *rose—*

The Prime Minister: I am going to make further progress.

Thirdly, alongside the joint instrument on the withdrawal agreement, the United Kingdom Government will make a unilateral declaration relating to the temporary nature of the backstop. Such declarations are commonly used by states alongside the ratification of treaties. The declaration clarifies what the UK could do if it was not possible to conclude an agreement that superseded the protocol because the EU had acted contrary to its obligations. In those circumstances, the UK's understanding is that nothing in the withdrawal agreement would prevent us from instigating measures that could ultimately lead to the disapplication of our obligations under the protocol. Were we to take such measures, the UK would remain in full compliance with its obligations under the Belfast-Good Friday agreement and to avoid a hard border on the island of Ireland.

Dr Roberta Blackman-Woods (City of Durham) (Lab): I am very grateful to the Prime Minister for giving way. I really do want to know why she has consistently sought to get a deal that satisfies hardliners on her own side, rather than reaching out across the Chamber to get an agreement that would be a softer Brexit, but which would protect the Good Friday agreement in Northern Ireland more than her current deal does.

The Prime Minister: First of all, if as the hon. Lady thought I was placating everybody on my side of the House, I do not think the deal would have been rejected in the first place, so I think she is rather wrong on that. Secondly, I did reach out to the Labour party Front Bench. I had a meeting with the Leader of the Opposition and there was one meeting between the Chancellor of the Duchy of Lancaster and the shadow Secretary of State, the right hon. and learned Member for Holborn and St Pancras (Keir Starmer). We offered other meetings and voice came there back none.

Several hon. Members *rose—*

The Prime Minister: I will make some further progress.

There are considerable improvements on the deal the House considered eight weeks ago. In particular, there were three key issues raised by my hon. Friend the Member for Altrincham and Sale West (Sir Graham Brady). On the question of giving legal status to the assurances on the backstop, the joint instrument is a legally binding text at the same level as the withdrawal agreement, namely a treaty-level instrument. On alternative arrangements, we have an agreement that they will replace the backstop. This commitment is in the legal instrument, not just the political declaration. On the question of an end date, the core concern of colleagues was that we should not be trapped indefinitely in the backstop. The Attorney General has today changed his legal analysis to note that this risk has been reduced and that if the EU were to act in bad faith, short of its best endeavours, the backstop could be suspended or even terminated, and that this is a materially new legal commitment.

Caroline Lucas (Brighton, Pavilion) (Green): The Prime Minister's whole strategy this week depends on the expectation that MPs will have changed their minds in a matter of weeks between votes. At the same time, she will not allow for the fact that the public might have changed their minds in the space of many years—three years, now. Will she accept that the best chance she has of getting her deal through Parliament would be to make it subject to a confirmatory vote of the public?

The Prime Minister: As I have said on many occasions before, and as I indicated earlier in my speech, I profoundly believe that when the Parliament of this country says to

the British people that the choice as to whether to remain or to leave the European Union is theirs, and when the Government—

Caroline Lucas: They've changed their mind.

The Prime Minister: The hon. Lady says that they have changed their mind. There is no actual evidence that the British people have changed their minds. And where would it end? We could have another referendum with a different result, then everybody would say, "Well, let's have a third one." Or we could have another referendum with the same result, and the hon. Lady would probably still stand up and say she wanted a third referendum to try to overturn the decision.

Wes Streeting (Ilford North) (Lab): The simple fact is that people in my constituency and others who voted leave did so with the promise and expectation of something better. Does she not agree that the choice we are facing this evening is to vote for a deal that she knows, I know, this House knows, and, I suspect, the majority of the people in the country know—whether on economic co-operation or security co-operation—leaves our country demonstrably worse off? Why on earth is she asking us to countenance that?

The Prime Minister: The hon. Gentleman talks about those in his constituency who voted leave. What is absolutely clear from the analysis that the Government published is that if we are going to honour the result of the referendum—I believe we should, and I am sure his leave voters want us to do that—the best deal to deliver for the British people in honouring that referendum is the deal that the Government put forward back in the summer. The deal here tonight is the deal that actually gets us to the point of negotiating that future relationship in the interests of the constituents of everybody across this House.

Several hon. Members *rose*—

The Prime Minister:I am going to make some more progress.

I know that some right hon. and hon. Members will still have concerns about the backstop, but real progress has been made. All of us should put out of our minds the idea that going round this again will get us any further forward. Responsible politics is about pragmatism, about balancing risk and reward. So Members across the House should ask themselves whether they want to make the perfect the enemy of the good.

Mr John Baron (Basildon and Billericay) (Con): Most of us in this place commend my right hon. Friend and her team for their stamina in these negotiations. We accept that there is a political dimension, but will she clarify one point for those of us who are concerned about the indefinite nature of the backstop? That is that in future, this country could unilaterally decide to walk away from the agreement if there was a fundamental change in circumstances, and we could do that as a United Kingdom, including Northern Ireland, even if that meant Northern Ireland leaving the customs union within the EU.

The Prime Minister:I think this was a point that the Attorney General responded to in his statement earlier. Of course, it is open to any sovereign Government to take a decision to disapply something it has entered into. That would have consequences, and I think I am right in saying that my right hon. and learned Friend indicated that that was not a route that he could recommend that Ministers take, but of course my hon. Friend is right that it is always open to a sovereign Government to act in that way.

Antoinette Sandbach (Eddisbury) (Con): Will the Prime Minister confirm the element of risk in going into the backstop when this country was told that this would be the easiest trade deal in history?

The Prime Minister: Of course, any negotiation of this sort between different parties does take time. Trade deals take time—often a shorter time than many people think—and we have yet to negotiate the trade deal for the future, which we will be doing when we get this withdrawal agreement deal through.

Peter Kyle (Hove) (Lab): Will the Prime Minister give way on that point?

The Prime Minister: I am going to continue, because I want to make a very specific point about Northern Ireland, given its unique position and the fact that it will be the only part of the UK to share a border with the EU. I want to set out further commitments today on protections for Northern Ireland and its integral place in the United Kingdom.

First, the Government will legislate to give a restored Northern Ireland Assembly a vote on a cross-community basis on whether the backstop should be brought into force if there are delays in the trade talks. If Stormont does not support that, Ministers will be bound to seek an approach that would achieve cross-community support. That could, for example, be an extension of the implementation period. It has previously been the case that the understanding was that the choice would be between the backstop and the implementation period. The introduction of alternative arrangements, of course, brings another element into that, but there is that key commitment in relation to the Northern Ireland Assembly. If Stormont were to support an implementation period as the alternative, Ministers would be bound to seek an extension of the implementation period, assuming that that had achieved cross-community support.

Secondly, we will maintain the same regulatory standards across the United Kingdom for as long as the backstop is in force. This is a commitment that we have already made, but I can now tell the House that we will legislate to make this legally binding.

Thirdly, the Government will legislate to prohibit any expansion of north-south co-operation through the withdrawal agreement. That will remain a matter for the Northern Ireland Executive and Assembly in line with the Belfast agreement. At every stage of these negotiations, my determination has been to deliver a deal that works for every part of the United Kingdom, and that includes Northern Ireland.

Liz Kendall (Leicester West) (Lab): The Prime Minister has talked a lot about concerns around the backstop, but for many hon. Members, the biggest concern is that her withdrawal agreement provides no legal certainty about any of the fundamental questions on our future

[Liz Kendall]

relationship with the EU. As a result, we will be back here time and time again, and far from providing certainty for the future, her blindfold Brexit is the most uncertain future of all for our country.

The Prime Minister: There is a very simple and basic point that the hon. Lady seems to have forgotten: it is not possible for the European Union to negotiate and sign the legal text of that future trade relationship with the United Kingdom while we are a member of the European Union. We cannot do that until we have left the European Union, so if she wants us to get on to negotiating the future relationship, she should vote for the deal tonight. Let us get on to that next stage.

Important though the backstop is, it was not the only concern that hon. Members had. Another was in regard to the political declaration, because, as the hon. Lady hinted at her in question, it provides for a spectrum of possible outcomes. Members asked how they could be confident about what sort of future relationship the Government would negotiate.

Peter Kyle: Will the Prime Minister give way?

The Prime Minister: Can I just continue to make my point?

I am sure we can all learn lessons from how we approached this first phase of the negotiations as we move on to the second. For my part, I have no doubt that the Government do need to build a strong consensus in the House before we go on to negotiate the future relationship, not least to ensure that the process of ratification is smoother than that for the withdrawal agreement. That is why we have committed to giving a much stronger and clearer role for this House and for the other place during the next phase. It is not just about a consensus in Parliament, either; businesses, trade unions and civil society must all play a much bigger part, contributing their expertise in a collective, national effort to secure the very best future relationship with the EU. That new approach—

Several hon. Members *rose—*

The Prime Minister: Would hon. Members just wait for a second? That new approach will start with the withdrawal agreement Bill. If the deal passes tonight, notice of presentation will be given tomorrow and the Bill will be introduced on Thursday. As we discuss that Bill, we can debate how exactly we will ensure that this Parliament has the full say that it deserves.

Sir Robert Syms (Poole) (Con): I thank the Prime Minister for giving way. Given that the clock is ticking, millions of people working in businesses up and down this country want the most certain outcome, and voting for this deal today is the best way of delivering that. Voting the deal down will lead to more uncertainty. None of us knows where we are going to end up, so I, for one, will be supporting the Government and the Prime Minister.

The Prime Minister: I thank my hon. Friend. He has made a very important point. The only certain thing about rejecting this deal tonight is that it increases uncertainty. Businesses and individuals want certainty.

Sir William Cash (Stone) (Con): I am grateful to my right hon. Friend for giving way, and I feel for her with the throat condition she has at the moment, I really do. Having said that, she referred to the fact that the backstop is very important. We all know that, and rightly so. The question, however, is also about the withdrawal agreement and implementation Bill, which is to come. First, we have not seen a draft of it, and I hope that we can get that very soon, as my European Scrutiny Committee has just said in its report. Secondly, it is quite clear in the withdrawal agreement that we will not be discharging what she said herself at Lancaster House. We will not truly leave the European Union unless we regain control of our own laws. Under article 4, it is clear that that is not the case. What is her answer to that point?

The Prime Minister: First of all, I am pleased to hear that my hon. Friend is keen to see the withdrawal agreement Bill. That Bill, of course, as I have said, will be presented to the House this week, if my hon. Friend and others vote for this deal tonight to get it through. I also say to him that yes, there are provisions in relation to the role of the European Court of Justice during the period of our winding down and winding our way out of the European Union, and that covers the implementation period. But what is absolutely clear is that once we are beyond that point, there is no jurisdiction of the European Court of Justice other than for a limited period of years in relation to citizens' rights. There is no jurisdiction of the European Court of Justice in this country.

Mr Kenneth Clarke (Rushcliffe) (Con): My right hon. Friend just said that, if she manages to get her withdrawal agreement approved by this House, she does not want the next stage of serious negotiations about our long-term future to proceed in the same way and that she will give a greater role to Parliament. I strongly endorse that. We cannot have another arrangement where she reaches a perfectly satisfactory agreement on the three points that she had and then we descend into parliamentary farce as different people argue about what changes they like. Is not the best way of proceeding, if she gets her withdrawal agreement through, to have some indicative votes in the House of Commons before the serious negotiations start, so that the Government can go into those negotiations knowing what a broad mass of Parliament is likely to support and to back if she can achieve it?

The Prime Minister: I thank my right hon. and learned Friend for that point. Actually, I think that there a number of ways in which we can ascertain what the views of the House would be prior to entering into the next stage of negotiations. Obviously, we have been looking at the details of that and will want to be consulting and talking across the House in relation to that matter, but, as he rightly indicated, the first step in order to get to that stage is to pass the deal tonight.

Several hon. Members *rose—*

The Prime Minister: I really am going to try to make a little more progress. I have been extremely generous with interventions. Not everybody in this House is as generous as I am when it comes to interventions. [Hon. Members: "Hear, hear."]

I set out to the House two weeks ago the specifics of what will happen if the deal is rejected tonight. We will first return tomorrow to consider whether the House

supports leaving the European Union on 29 March without a withdrawal agreement and a framework for a future relationship. If the House votes against no deal, it will vote on whether to seek an extension of article 50.

I sincerely hope that the House does not put itself in that invidious position. We can avoid it by supporting what I profoundly believe is a good deal, and a substantially better deal than we had eight weeks ago, but if it comes to it, the choices will be bleak. In the long term, we could ultimately make a success of no deal, but there would be significant economic shock in the short term. Be in no doubt about the impact that would have on businesses and families. We would lose the security co-operation that helps to keep us safe from crime, terrorism and other threats, and we would risk weakening support for our Union.

I note that the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) tabled an amendment seeking a second Scottish independence referendum. Polling shows that support for both Scottish independence and a united Ireland would be higher if we left without a deal, while, in the absence of institutions in Northern Ireland, a no deal would create a substantial problem of governance there.

Should the House reject leaving on 29 March without a deal and then support the Government's seeking an extension to article 50, our problems would not be solved. An extension without a plan would prolong the uncertainty, threatening jobs and investment, yet, even as it did so, it would not change the debate or the questions that need to be settled. It would merely pass control to the European Union. They would decide how long an extension to offer, meaning we may not get what we ask for. They could even impose conditions on an extension. That could mean moving to a Brexit that does not meet the expectations of those who voted to leave, or even moving to a second referendum, with all the damage that would do to trust in our democracy. Equally, there is a risk that, having voted for an extension, the House still would not be able to agree a way forward and we would end up leaving without a deal.

Peter Kyle *rose—*

The Prime Minister: Just one moment, and then I will give way to the hon. Gentleman.

If any of those things were to happen, it would be no good blaming the European Union. Responsibility would lie with this House for our failure to come together in the national interest to deliver on the vote of the British people.

Peter Kyle: I am extremely grateful to the Prime Minister for giving way. The first of her Brexit Secretaries is in his place. Time after time, he stood at that Dispatch Box and promised the House that we would get the exact same benefits after we leave as we currently enjoy with the EU. Does she not accept that raising expectations that high set them at a level that she has absolutely failed to meet? That has damaged trust in her Brexit and caused the situation we are in now. We have to find another way forward.

The Prime Minister: In the proposals the Government themselves put forward, we have set out a way of ensuring that we maintain a very close economic partnership and a close security partnership with the European Union in the future, but that we also have the benefit of acting as an independent country, of being a sovereign state and of having our own trade deals with other countries around the world.

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): I welcome the Prime Minister's commitment to potentially legislating for the political declaration, but doing so in the withdrawal agreement Bill only once we have voted to endorse the political declaration may be slightly convoluted, so may I suggest a third option? If the deal is not passed this evening, the Prime Minister could independently legislate for the political declaration now, setting out in statute what the end point will be and what role Parliament will have before we are asked to vote again on a further deal. That would give people like me the confidence to understand that, by voting for the withdrawal agreement, we would have certainty about the political declaration and where we are going.

The Prime Minister: I thank the hon. Gentleman for his proposal. One of the issues is that there are elements of the political declaration that remain to be negotiated and on which there is not the certainty that I think he is searching for with his proposal, but I certainly give him credit for inventiveness and for thinking carefully about these issues.

Several hon. Members *rose—*

The Prime Minister: I give way one final time, to the right hon. Member for Carshalton and Wallington (Tom Brake).

Tom Brake (Carshalton and Wallington) (LD): I thank the Prime Minister, who is being very generous. Does she agree, however, that whatever happens today—whether her withdrawal agreement is passed or not—we will have to have an extension to article 50, because there is not time to complete the business we will need to complete before 29 March?

The Prime Minister: I say to the right hon. Gentleman: let us get the deal agreed tonight, and then the usual channels will work to see what is necessary in relation to getting legislation through the House.

Mr Speaker, it was not this House that—

Alan Brown (Kilmarnock and Loudoun) (SNP): Will the Prime Minister give way?

The Prime Minister: No, I have said—*[Interruption.]*

Mr Speaker: Order. The hon. Member for Kilmarnock and Loudoun (Alan Brown) is a cheeky chappie, chortling and chuckling away from a sedentary position, but it has been made perfectly clear that the Prime Minister is not giving way.

The Prime Minister: Thank you, Mr Speaker, but I will take the hon. Gentleman's intervention.

Alan Brown: I thank the Prime Minister for being so generous with her time. When it comes to the backstop, is it not the case that the new arrangements come nowhere close to the Brady amendment; the Malthouse

[Alan Brown]

compromise has been consigned to history—it is a phrase we no longer hear—paragraph 19 of the legal advice says the legal risks remain the same in terms of our being stuck in the backstop; and, given that she has admitted that no technology exists to provide a solution for the Northern Ireland border, Stormont could keep the UK in the implementation period for a long time, until that technological alternative exists?

The Prime Minister: I lost count, but I say to the hon. Gentleman that I think he is wrong, wrong, wrong, wrong, wrong.

Stephen Crabb (Preseli Pembrokeshire) (Con): On the Prime Minister's point about any conditions the EU might attach to a request for extension of the article 50 process, does she agree that there is a set of obligations in the withdrawal agreement that the EU will want to talk about whether we seek an extension to the process or we are in a no-deal scenario? As much as we might want to wish them away, voting down the deal tonight would not make those obligations disappear.

The Prime Minister: I thank my right hon. Friend for pointing that out. He is absolutely right. Voting against the deal would not mean that those obligations disappear, which is another reason why I believe it is very important for Members of this House to go through the Lobby in favour of the motion tonight.

It was not this House that decided it was time for the United Kingdom to leave the European Union; it was the British people. It falls to us to implement their decision—their desire for change and their demand for a better, more open, more successful future for our country. Today is the day that we can begin to build that future. This is the moment and this is the time—time for us to come together, back this motion and get the deal done. Only then can we get on with what we came here to do—what we were sent here to do.

Each and every one of us came into politics because we have sincerely held views about how to build a better Britain. Some have spent their political careers campaigning against the European Union and in favour of restoring sovereignty to this Parliament. For others, membership of the EU is one of the foundations of their vision of the UK's place in the world. But we also came here to serve. We cannot serve our country by overturning a democratic decision of the British people, we cannot serve by prolonging a debate the British people now wish to see settled, and we cannot serve by refusing to compromise—by reinforcing instead of healing the painful divisions we see within our society and across our country.

The British people have been clear: they want us to implement the decision that they made nearly three years ago. So let us show what the House can achieve when we come together. Let us demonstrate what politics is for. Let us prove, beyond all doubt, that we believe democracy comes before party, faction, or personal ambition. The time has come to deliver on the instruction that we were given. The time has come to back this deal. I commend the motion to the House.

3 pm

Jeremy Corbyn (Islington North) (Lab): After three months of running down the clock, the Prime Minister has, despite very extensive delays, achieved not a single change to the withdrawal agreement: not one single word has changed. In terms of the substance, literally nothing has changed.

On 29 January, the Prime Minister backed an amendment tabled by the hon. Member for Altrincham and Sale West (Sir Graham Brady), which called for the backstop

"to be replaced with alternative arrangements".

On 12 February, the Prime Minister said that the Government were seeking three potential changes to the backstop:

"a legally binding time limit… a legally binding unilateral exit clause",

or

"the ideas put forward by the Alternative Arrangements Working Group".—[*Official Report*, 12 February 2019; Vol. 654, c. 731.]

There is no unilateral exit mechanism, there is no time limit, and there are no alternative arrangements.

So let us be clear: the withdrawal agreement is unchanged, the political declaration is unchanged, the joint statement is a legal interpretation of what is in the withdrawal agreement, and the unilateral statement is the UK Government trying to fool their own Back Benchers, because the European Union has not even signed up to it.

Rachel Maclean (Redditch) (Con): Does the right hon. Gentleman not recognise that millions of citizens out there are looking to his party—cross-party—to deliver the certainty that they are crying out for? Can he not compromise, as many colleagues have done, to deliver the result of the referendum?

Jeremy Corbyn: The Labour party has put forward very clear proposals. I shall come to them later in the speech, but, for the avoidance of doubt, they are about a customs union, access to the market, and the protection of rights. We have put those proposals forward, and we continue to put them forward. What the British people are not looking forward to is either the chaos of leaving with no agreement or the problems that are involved in this agreement, which will therefore be strongly opposed by Members tonight.

The Prime Minister: The right hon. Gentleman has just said that the Labour party put forward a set of proposals as an alternative to the deal that the Government have negotiated. When the deal that the Government negotiated was rejected overwhelmingly by the House, the right hon. Gentleman said that we should listen. We have listened. The other week, his proposals were rejected overwhelmingly by the House. Why is he not listening?

Jeremy Corbyn: I spend a great deal of time listening to people: people working on the shop floor in factories, people in small businesses, people who are worried about the future of their families. They want some degree of certainty. The Prime Minister's deal does not offer that degree of certainty at all, as she knows very well. Our proposals are a basis for agreement, and a basis for negotiation.

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): The right hon. Gentleman voted for an EU referendum, against his party whip at the time, and he voted for article 50. Why is he now so intent on frustrating Brexit and the will of the people?

Jeremy Corbyn: I am not quite sure what that intervention adds to the debate. There was a referendum in 1975; yes, I voted in that referendum. There was another referendum in 2016; yes, I voted in that referendum as well, and I campaigned to remain in and reform the European Union.

The Government are having real problems, because they are trying to fool the people into believing that, somehow or other, the deal offered by the Prime Minister is the only one that is available. It is not, as they well know.

Let us look closely at the Government's own motion. It is a case study in weasel words and obfuscation. It states that

"the legally binding joint instrument... reduces the risk the UK could be deliberately held in the Northern Ireland backstop indefinitely".

There are two key words there, First, the joint instrument only "reduces" the risk rather than eliminating it, so it has completely failed to achieve its goal. I have an ally in believing that to be the case—no less a person than the Attorney General, who told the press at the weekend:

"I will not change my opinion unless we have a text that shows the risk has been eliminated."

And indeed, his legal opinion today states that

"the legal risk remains unchanged".

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): My right hon. Friend is making a powerful point about the absurdity of the idea that there could be a unilateral exist from the backstop. That would destroy the very function of the backstop. Has not the Prime Minister committed a major strategic blunder for our country by pandering to the European Research Group instead of reaching across the House to build consensus?

Jeremy Corbyn: Indeed. The ERG seems to be slightly missing today, but I am overcome by the excitement and enthusiasm among all the Members sitting behind the Prime Minister.

Several hon. Members *rose—*

Mr Speaker: Order. The right hon. Gentleman is not currently giving way. *[Interruption.]* I do not require any affirmation or contradiction from the hon. Member for North Dorset (Simon Hoare). He has got to learn the ways of Parliament.

Jeremy Corbyn: Secondly, the motion uses the word "deliberately". The risk of our being held in the backstop indefinitely has not been reduced; all that has been reduced is the risk that we could be deliberately held in the backstop indefinitely.

The Prime Minister has herself said on numerous occasions that the backstop is painful for both the UK and the European Union, and is something that neither side wishes to see applied. There has been no indication from the Prime Minister that there was ever a risk of our being deliberately held in the backstop in the first place.

Mrs Helen Grant (Maidstone and The Weald) (Con) *rose—*

Mark Pritchard *rose—*

Jeremy Corbyn: I am going to make some progress, if I may.

Yet in her statement last night, the Prime Minister said that the joint instrument guaranteed that the EU could not act with the intent of applying the backstop indefinitely. The EU has never expressed that intent, and the Prime Minister has never accused them of having it. The Prime Minister has constructed one enormous great big gigantic attractive paper tiger, and then slain it. However, the substance already existed through article 178(5) of the withdrawal agreement, agreed in November. Truly, nothing has changed.

The Prime Minister also claims that the joint instrument entrenches the January exchange of letters in legally binding form. On 14 January, from the Dispatch Box, the Prime Minister told the House that those letters had "legal standing", and would have

"legal force in international law".—[*Official Report*, 14 January 2019; Vol. 652, c. 833.]

We are back with smoke and mirrors—the illusion of change, when the reality is that nothing has changed. It is all is spin and no substance from the Prime Minister.

Stewart Malcolm McDonald: The right hon. Gentleman adumbrates perfectly the miasma of chaos that is eating away at this place, but does he not agree that, given the chaos that is about to hit the people of Scotland—who voted overwhelmingly to stay in the European Union—should they request an order under section 30 of the Scotland Act 1998 to hold a referendum on Scotland's independence, it would be undemocratic in the extreme for the Government to refuse it?

Jeremy Corbyn: That intervention has no relevance to the debate that we are having today. This debate is about the Government's proposals in relation to leaving the European Union.

The statement in the Attorney General's legal advice still holds. He said that the backstop would endure indefinitely until a superseding agreement took its place. That was the case in January, and it is the case today. I reiterate the view of the Attorney General: despite the theatre of the Prime Minister's late-night declaration in Strasbourg, nothing has changed.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): Does my right hon. Friend agree that the critical issue here is that the Conservative party cannot countenance a trading arrangement that puts both Northern Ireland and Ireland and the European Union in the same trading arrangements, so whether it is today or next week or the end of this month or May or at any time, that party opposite cannot bring forward a Brexit that people can agree on?

Jeremy Corbyn: It is clear that this Government delayed the vote from 11 December, then were found in contempt of Parliament for refusing to release legal information, then broke the record for losing a vote in Parliament, and now have come back to the scene of previous disasters with exactly the same proposal, and I earnestly hope the House tonight rejects the agreement that the Prime Minister has brought to us.

The Prime Minister has also attempted to convince Labour Members of this House about an equally empty promise on workers' rights. She said last week in her

[Jeremy Corbyn]

speech in Grimsby that being aligned with the European Union on workers' rights would mean that if it lowered its standards, we would have to lower ours. It is simply not true. European Union standards are a floor, not a ceiling: if the EU chose—I hope it never would—to reduce those minimum standards, that would not compel the UK to lower its standards. It is important to clarify that point because I am sure the Prime Minister had no intention of misleading anyone when she made it. However, being aligned to those standards means that if the minimum improved the UK would be compelled to improve, and indeed I would want us to go much further than the EU on many workers' rights.

Caroline Flint (Don Valley) (Lab): My right hon. Friend and I share concerns about how we protect workers' rights as we move forward and leave the EU, which I know he respects because he respects the outcome of the referendum of 2017— *[Interruption.]* The general election of 2017, but also the referendum of 2016: two public votes that came to the same outcome. Does my right hon. Friend agree with me that when we voted on the deal in January we did not have an assurance that, in moving forward, we would have the opportunity in this House in the future, by law, to ensure that if the EU raised standards in health and safety and employment rights, an amendable motion would be brought to this House under which we could vote to support that increase, and not only that but go further than the EU? That is different from what we had in January, isn't it?

Jeremy Corbyn: Having a vote in Parliament on a potential improvement of rights is obviously a chance we would have to improve those rights, but it is not legally binding so as to defend those rights or to ensure there is dynamic alignment, not only on rights at work but also, very importantly, on environmental protections and consumer standards. So we are very clear that there must be dynamic alignment, and the EU basis is a floor from which I personally would want us to go much higher. A Labour Government would obviously go much further in all those areas.

This was a bad deal in December when Labour decided to vote against it, it was a bad deal in January when it was rejected by the largest margin in parliamentary history, and it is the same bad deal now. We will be voting against this deal tonight for the reasons we set out when replying to the debate in December. It is a bad deal that will damage our economy, undermine our industries, irreparably harm our manufacturing sector, risk our national health service, damage our public services and harm our living standards, because it opens up the possibility of a race to the bottom—a bonfire of rights and protections. It provides no certainty on trade and customs arrangements in the future and risks people's living standards.

Mark Pritchard: The Leader of the Opposition and I get on personally—we have a Shropshire bond, as he knows—but may I just say to him that I think he is making a very unconvincing case, perhaps because for most of his political life, which I respect, he was a Brexiteer, and in his heart of hearts he is still a Brexiteer, but he has mostly a remain party behind him? Is this not the worst example today of pure politics—the pursuit of power and putting his party's interests and, dare I say it, possibly his self-interests ahead of the national interest?

Jeremy Corbyn: Oh dear, this will be so disappointing to the people of Shropshire, it really will; I can't believe he just said that.

What we put forward in the referendum campaign was a principle of remain in the European Union and reform. The result did not go that way; it went the other way. We have spoken up for the people of this country, who are frightened of job losses and frightened of the future for their industries and their communities. That is why we put forward what I believe to be a credible, sensible series of alternatives.

For the very reasons we set out in our letter to the Prime Minister of 6 February we believe there should be a permanent and comprehensive UK-EU customs union, close alignment with the single market, and, as I explained to my right hon. Friend the Member for Don Valley (Caroline Flint), dynamic alignment on rights and protections, as well as clear commitments on participation in EU agencies and funding programmes and, finally, unambiguous agreements on the detail of future security arrangements. That is because we want a Brexit that protects jobs, the economy and our industries, and those industries are suffering—no doubt about it. Growth is slowing, manufacturing is now mired in recession, investment is drying up, jobs are going, and thousands of workers fear for their future. The stress facing workers—EU nationals in the UK and indeed British nationals in Europe—is real; I met a group in Spain a couple of weeks ago who told me of their concerns, and they were pleased that we supported what is known as the Costa amendment.

We are deciding the future of our country. Each Member has to answer whether they believe this deal is good for their constituents. If this deal narrowly scrapes through tonight—I don't think it will—we believe the option should be to go back to the people for a confirmatory vote on it. But we do not believe it should go through.

While there have been no calculations of the economic impact of the actual deal in front of us—something that should shame this Government—there is an estimate of the Chequers deal, which included a promise of "frictionless trade", which the Prime Minister failed to deliver. But still, even with that more favourable outcome, the Government estimate that their own deal would make our economy and the people of this country worse off.

The documents in front of us offer no clarity.

Geraint Davies (Swansea West) (Lab/Co-op): Does my right hon. Friend agree that people who voted leave in Swansea and elsewhere voted for more money, for more jobs, for more trade and for more control, and they are getting none of them, and they will not even get any guarantees on environmental protections? So how can we vote in good faith on behalf of leavers for this shoddy deal?

Jeremy Corbyn: However people voted in the referendum, they want some certainty of their future: they want some certainty of their jobs, they want some certainty surrounding their trade.

Mr Kenneth Clarke: As the right hon. Gentleman knows, I rather agree with him on the broad principles he sets out for our final aspirations and long-term goals, and indeed I voted with him in this House the last time he put the principles forward, but earlier he was giving his reasons for voting against the withdrawal agreement tonight, yet actually none of the things he mentioned had anything to do with the withdrawal agreement. Can he explain what his objection is to the deal we have on citizens' rights, what his objection is to the agreement on the money we owe, and what on earth is his objection to the Irish backstop that leads him to put the whole thing in peril if he actually does carry out his threat to vote against it tonight?

Jeremy Corbyn: I was grateful for the support of the right hon. and learned Gentleman in the last Division that we had on this subject. Indeed, we had a very pleasant chat during that vote. I was pointing out that the Prime Minister had set herself a series of objectives and that she had not met any of them. She has brought back exactly the same deal and expects us to vote on it again. I hope that the House rejects it.

Mrs Helen Grant: Will the right hon. Gentleman explain why he has refused to accept repeated offers of meetings with the Prime Minister at such a vital time?

Jeremy Corbyn: I met the Prime Minister in December to discuss the arrangements by which we would have debates on this whole process, and we absolutely agreed that the vote would take place on 11 December. It did not take place, because the Government decided to delay it, which made the situation worse. So we did have a meeting, and I presented the Prime Minister with a copy of my letter along with our proposals. Members of my team have also had meetings with their opposite numbers, so there have been meetings. The reality is that the Prime Minister is stuck in a groove and believes that only her deal is the thing that should be voted on. She was not listening to what we were saying or to what was included in our letter. That is really the problem.

The documents in front of us offer no clarity and no certainty. The political declaration says clearly that this could lead to a spectrum of possible outcomes. The 26 pages of waffle in the political declaration are a direct result of two things: the Prime Minister's self-imposed, utterly inflexible and contradictory red lines, and the Government's utter failure to negotiate properly, to engage with Members of this House or to listen to unions and businesses.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): Further to the contribution from the Father of the House, may I ask my right hon. Friend to clarify the view expressed in the joint statement that there is an important link between the withdrawal agreement and the political declaration, because although they are of a different nature, they are part of the same negotiated package? Does he agree that there are significant objections, particularly on this side of the House, to the political declaration as well?

Jeremy Corbyn: Indeed, and of course the political declaration is not a legally binding document. It is a declaration, and no more than that. I share my hon. Friend's concerns about much of it, and about the changes that need to be made to it. This is another reason why we should be rejecting the Prime Minister's motion this evening. It is simply not good enough to vote for a blindfold Brexit, so we will vote against this deal tonight and I urge all Members to do so.

We only have this vote tonight—just as we only had the same vote on the same deal in January—because Labour Members demanded from the very beginning that Parliament should have a meaningful vote. I want to pay tribute to our shadow Brexit team, our shadow International Trade team, our shadow Attorney General and our shadow Solicitor General, who have done so much to ensure that Parliament has proper scrutiny over this process. The European Union (Withdrawal) Bill started out with Henry VIII powers that would have ridden roughshod over Parliament and over our ability to hold the Executive to account. It was the actions of our Front Bench, our teams and our Back Benchers that forced the situation so that we could have a meaningful vote in Parliament; otherwise, this would not have happened. The right to that scrutiny, to hold the Government to account and to ensure the interests of our constituents is absolutely vital. It is something that I have exercised to the full in my time in this House.

I believe that there is a majority in this House for the sort of sensible, credible and negotiable deal that Labour has set out, and I look forward to Parliament taking back control so that we can succeed where this Government have so blatantly failed. There are people all around this country at the moment who are very concerned about their future, their communities and their jobs. EU nationals are concerned about their very right to remain in this country, as is the case for British nationals living across the European Union. Parliament owes it to all of them to get some degree of certainty by rejecting the Prime Minister's proposal and bringing forward what we believe to be a credible set of alternatives. Parliament should do its job today and say no to the Prime Minister.

3.24 pm

Sir William Cash (Stone) (Con): I referred just now, when I was talking to the Prime Minister, to the issue of control over laws. We have been through the backstop in detail today with the Attorney General, and the legal issues group that I have been convening has come up with some clear answers to that question. The backstop is unacceptable in its present form, and we are profoundly determined to vote against this withdrawal agreement for that reason alone.

I want to say one simple thing. People need to take into account exactly what uncertainty and real problems will come for workers as well as for businesses in the course of the next few years if this transitional period goes through. I speak as the Chairman of the European Scrutiny Committee when I say that there are 200-plus uncleared documents that are deemed not to be in the national interest, and that there will be more in the pipeline, including proposals relating to turning unanimity on tax policy into majority voting, as well as the financial transaction tax.

I strongly urge Members to bear in mind what the Prime Minister so rightly said about this issue at Lancaster House. She knows well enough how much effort I put into ensuring that the European Union (Withdrawal) Bill was drafted as it was, and that, in addition, it was enacted and got Royal Assent on 26 June. At that point,

[Sir William Cash]

we were completely and totally at one. After that, in the run-up to Chequers and the withdrawal agreement, the first question I put to her was on 9 July, when I asked her how she could reconcile the Chequers proposals with the repeal of the 1972 Act under section 1 of the legislation that had been passed only 10 days before. I am absolutely convinced that that was an accurate assessment of the position.

A further point relates to the manner in which legislation comes through our Committee. Under the 1971 White Paper we were told that we would have a veto, yet it has been whittled away to extinction. The net result is that everything is now more or less done by consensus and/or by qualified majority vote. The European Scrutiny Committee analysis produced a few days ago suggests that the transition period could last until after the next general election—that is, to 1 January 2023—with an extension of the period under article 132 of the withdrawal agreement being highly probable. The worst possible situation is that we would end up being at the mercy of our competitors during that time. They would have no interest in giving us any of the benefits that might come out of the legislative pipeline when they themselves were making the laws and we were receiving them in the most humiliating circumstances in the history of our Parliament.

Never before in our entire history have we been legislated for by other member states. Indeed, it would be worse than that, because it would be done by a number of countries that would have no interest other than to put us at the mercy of our competitors. That would be absolutely catastrophic, and it is a fundamental reason why I am voting against this withdrawal agreement tonight.

When we had a similar situation with the ports regulation, the workers made their views plain by voting against it. The 47 ports employers and all the trade unions were against it, but it went through anyway. That will be the pattern, believe me. I have been on the European Scrutiny Committee for 34 years, and I have seen it. We have never turned down a proposal from the European Union over the entirety of those 34 years. It just does not happen.

Under article 4 of the withdrawal agreement, we are tying ourselves into the assumption that that is what is going to happen. Furthermore, the withdrawal and implementation Bill, which my right hon. Friend the Prime Minister has said will be introduced in a couple of days if the withdrawal agreement tragically goes through tonight, will mean that that primary obligation will be in primary legislation. That is what the Bill will say. It will also undermine the repeal of the 1972 Act and enable the Court of Justice of the European Union to disapply Acts of Parliament under article 4. I trust that people understand that when the Court has the right, by Act of Parliament, to disapply inconsistent Acts of Parliament, that will put even the repeal of the 1972 Act under section 1 of the European Union (Withdrawal) Act 2018 in grave jeopardy, as the European Scrutiny Committee's report showed just the other day.

I have other concerns about state aid, whereby we will be unable under the backstop arrangements and the withdrawal agreement to incentivise our industries, enterprise zones, freeports and so on. That will lead to a severe denial of this country's right to determine its own tax policy. Furthermore, the European Commission will be enabled under the withdrawal agreement and the backstop to continue to supervise the Competition and Markets Authority and, as I said, to affect the manner in which we can legislate.

For all those reasons, it is imperative that we do not allow the withdrawal agreement to go through. It undermines the referendum, and it is in denial of the Conservative party's manifesto commitments and of this House's right to legislate in line with the wishes of our constituents in general elections. The pragmatism to which my right hon. Friend refers is washed away by the question of principle that I have just mentioned. The truth is that we must vote against the withdrawal agreement, because it will affect defence, agriculture, fisheries and every single area relating to the entire range of EU treaties and laws. That is what will happen if we push the withdrawal agreement through tonight. We will be at the mercy of our competitors for several years—*[Interruption.]* I see my right hon. Friend shaking her head, but she knows perfectly well that what I am saying is true. It is clear that we will not be in control of our laws for a period of time.

On that note, I am prepared to say that I will vote against the withdrawal agreement, and I hope that many other Members will do likewise.

3.32 pm

Ian Blackford (Ross, Skye and Lochaber) (SNP): I wish the Prime Minister well, and I hope she recovers her voice in a speedy manner.

When standing for election for the Highlands and Islands in the European elections, Winifred Ewing said the following:

> "This vast area—the largest seat in Europe—really must have a Scottish voice to speak up for it, with no priorities like the London parties and no diktats from London, just simply to speak up for the vast area and all the industries, all of which are under threat".

Madame Ecosse—our trailblazer for Scotland's voice being heard in Europe—strengthened our cultural ties and our communities' opportunities by fighting for a strong voice for Scotland in the European Union. Winnie Ewing used her voice in Europe to attract funding to the highlands and islands that benefited local transport hubs and infrastructure. Winnie also chaired the European Parliament Committee on Culture and Education when the Erasmus programme was established in the late 1980s, which is why Scotland cherishes the opportunities that it brings to our students and to our country. To stand here today, with only 17 days to go until we exit the EU, and know that Scotland's historical place in Europe is under threat is devastating.

"United in diversity" is the motto of the European Union, and it first came into use in 2000. It signifies how independent states came together in common endeavour to work for peace and prosperity. The beauty of the European project is that it has allowed us to work together while being enriched by the continent's many different cultures, traditions and languages. We have been enriched by cultural diversity while the single market has granted economic opportunities to our citizens. We have only gained, not lost. In Europe, we learn from each other. Just last month, the Irish Seanad debated following in Scotland's footsteps by introducing the

baby box, which is a progressive policy that is benefiting the lives of citizens in Scotland. That is what the European Union has always been about: partnership to improve the lives of our nations and advance the opportunities for our citizens and our communities. Standing together, we have worked to protect our values of human dignity, freedom, democracy, equality, the rule of law and human rights. Our shared endeavour has been to build a society in which inclusion, tolerance, justice, solidarity and non-discrimination prevail.

Lady Hermon: I am sorry to interrupt the right hon. Gentleman's wonderfully poetic prose, but will he look at the wider country of the United Kingdom and explain to this House, before we vote tonight, the consequences of leaving the EU without a deal, particularly for Northern Ireland? The Leader of the Opposition could not take an intervention from me, and we need to spell out the consequences for the people of Northern Ireland, the majority of whom are not represented by the DUP.

The DUP has 10 duly elected Members, but it does not speak for the majority of people in Northern Ireland. Many businesses, many farmers, many fishermen, many people and many community leaders support the Prime Minister's Brexit deal. What does the right hon. Gentleman think of the consequences not just for Scotland but for Northern Ireland? I respect his views on Scotland, but I need him to spell out the SNP's thinking on the consequences for Northern Ireland of remaining within the United Kingdom, which I want it to do. I do not want dissident republican violence back on the border.

Ian Blackford: I thank the hon. Lady for her intervention. I must say that the UK is not a country but a state—some would say it is some state. Scotland is a country, and we wish to have our rights as EU citizens protected.

I hope this House overwhelmingly rejects the Prime Minister's deal tonight, but tomorrow we must take our responsibilities and vote down no deal, which would be catastrophic. The Prime Minister could have done that months ago, and it is regrettable that we have had to wait until just over two weeks before we are supposed to leave before we can vote down no deal.

Lady Hermon: Will the right hon. Gentleman give way?

Ian Blackford: No, I must make some progress.

Once again, we listen to Conservative voices argue that we must leave our European destiny behind. I cannot countenance why we would leave behind those shared values and common endeavours. Our countries have come out of conflict and war and have come together. Our communities have thrived in times of peace. Collaboration and co-operation with our neighbours is delivering a new world of opportunity for all our citizens.

Despite the theatre of this place, where we poke and jar at each other, in truth today is painful, and I am deeply sad that we have reached this point of complete crisis. In homes across the United Kingdom our families, friends and communities are watching. In Amsterdam, Brussels, Berlin, Madrid, Dublin and Paris—I could go on—our friends and neighbours are watching. What must they be thinking? The historic achievement of the European project is unravelling, and for what? To replace partnership and stability with isolation and chaos.

Let us not beat about the bush: this battle began in the Tory party, and there it should have stayed. Euroscepticism festered and consumed Tory Members and their party for decades until David Cameron rolled the dice, and where is he now? After he opened the box and spilled the Tory war on to the streets across the country, he abdicated all responsibility. The historical internal Conservative divisions have now divided the United Kingdom, and today Members must decide whether they will also abdicate responsibility and roll the dice, or whether they will act in the interests of their constituents by stopping the greatest act of self-harm to our economy.

We on the SNP Benches know our responsibilities, and we will not follow those who started the fire into the flames.

Stewart Malcolm McDonald *rose—*

Tim Loughton (East Worthing and Shoreham) (Con) *rose—*

Stephen Kerr (Stirling) (Con) *rose—*

Ian Blackford: I give way to my hon. Friend.

Tim Loughton Oh!

Stewart Malcolm McDonald: The hon. Gentleman shouldn't be like that—I haven't even said anything yet!

Will my right hon. Friend go back slightly and reflect, as I have, on the fact that it is five years this year—last month, in fact—since 100 people were gunned down by the then Yanukovych Government of Ukraine because they wished to join the European Union? He reflects on what people must think across the continent, and I can tell him that they are aghast at the way in which the previous speaker talks down the European Union, as the truth is that many aspire to join it because of the very advantages of economic prosperity and peace that my right hon. Friend outlines.

Ian Blackford: My hon. Friend is correct about that. I have some difficulty in reconciling myself with what we are doing. I had the opportunity to work in the continent of Europe, as did my son, and we are taking that automatic right away from my grandchildren. If the Prime Minister gets her way, in just over a couple of weeks that right that we all have to live, work and get an education in 28 EU states will be reduced to applying in only one. Why are we doing that? Simply because of the Eurosceptics in the Tory party, who have driven us to that position. What a disgrace that the opportunities that many people have benefited from are being taken away.

People may not see it on a camera, but while I am saying this the Prime Minister is sitting there laughing. She is laughing while those opportunities are being stolen—that is what is happening—from our future generations. It is an absolute disgrace that the Prime Minister would behave in the way she is. I will give her the opportunity to stand up and perhaps argue why it is right that our young people should be denied those opportunities and that we should act in a way that is taking away—*[Interruption.]*

Mr Speaker: Order. I invite the right hon. Gentleman to resume his seat. The Prime Minister is perfectly capable of defending herself, but I must say that there

[Mr Speaker]

has not been anything remotely unseemly or untoward, still less unparliamentary, about the Prime Minister's behaviour, today or indeed on any other day. She is sitting, listening, with a smile on her face, which seems a perfectly reasonable thing to do. The right hon. Gentleman is an old hand and he is whipping it up. I do not knock him, but I say to others: calm. No excessive gesticulation. A man as cerebral as you, Mr Kwarteng, does not need to point in an aggressive manner. You are a cerebral denizen of the House, remember that.

Ian Blackford: Thank you, Mr Speaker. These are serious matters and they deserve to be taken seriously. I am not arguing for one moment that the Prime Minister is behaving in a way that is unparliamentary—I would not seek to do so—but I do say that it is undignified to see the Prime Minister laughing when I am talking about the rights that will be taken away from our young people. That, Mr Speaker, is unforgivable.

Stephen Kerr: Will the right hon. Gentleman give way?

Ian Blackford: No.

After a late night in Strasbourg and with some careful packaging today, the Prime Minister thinks she can fool us the way she has fooled those on her own Benches. We will not be fooled—nothing has changed. The Attorney General's legal advice is crystal clear: the Prime Minister has failed to secure a time limit or unilateral exit mechanism from the backstop. The changes secured by the Prime Minister will apply in the highly unlikely situation where the EU has acted in bad faith. That confirms that the Prime Minister's strategy has been recklessly to run down the clock, attempting to blackmail Parliament to choose either her non-starter deal or a no-deal. This deal is not a new deal; it is the same deal, and it is the same bad deal for Scotland.

The events of the past 24 hours change nothing for Scotland. This is the same deal, the same Prime Minister and the same Tory party treating Scotland with contempt. It is the same disastrous deal that ignores the people of Scotland's overwhelming vote for remain, and it will cost jobs and hit living standards. Does the Prime Minister have no respect for the Scottish Government, for the Scottish Parliament, for the people of Scotland? That fact is that today, for the Prime Minister, this is about her future and her party's future—nothing more. This UK Government do not care about Scotland's future, as they press forward with this Brexit bombshell, inflicting unprecedented socioeconomic and political harm. The supposed concessions are merely a fig leaf for a problem that the UK has created for itself. That fig leaf cannot disguise the fact that it was a bad deal in December and a bad deal in January, and it is still a bad deal today. This chaotic attempt to placate the extreme Tory Brexiteers serves only to prolong the chaos and uncertainty.

Stephen Kerr: I am grateful to the right hon. Gentleman for giving way. Why does he choose to ignore the votes of 1 million Scots who voted to leave? Why does he choose to ignore the voices of the National Farmers Union of Scotland, the Scottish Chambers of Commerce, the Scotch Whisky Association, Diageo and a number of other business and trade groups that are saying to all Scottish Members of Parliament that they should support the Prime Minister's deal to deliver an orderly Brexit?

Ian Blackford: I knew that, if I gave way to the hon. Gentleman, he would embarrass himself, and that is exactly what he has done. The reality is that Scotland voted by 62% to 38% to remain. So-called Scottish Conservative Members of Parliament should be standing up for their constituents in Scotland—

Stephen Kerr: I am!

Ian Blackford: They have no desire—

Mr Speaker: Order. Mr Kerr, I thought you would have satisfied yourself with your contribution, of considerable eloquence and passion, made on your feet. You mustn't now holler from your seat. I advise you to imitate the parliamentary Buddha, the Father of the House, the right hon. and learned Member for Rushcliffe (Mr Clarke), who is repose personified.

Ian Blackford: Thank you, Mr Speaker. We are used to Scottish Conservatives shouting from the sidelines.

This is a blindfold Brexit that will take Scotland out of the single market, which is eight times the size of the UK, and leave people at the mercy of the Tories as they continue to tear themselves apart. This is a rotten deal that will lead our economy down the path of destruction without adequate protections. We know that the Brexit uncertainty is already damaging our economy to the tune of £600 per household per year. The economists have been crystal clear that the Prime Minister's deal—this deal—is set to hit GDP, the public finances and living standards, and the Government have simply done nothing about it. Well, except for the Chancellor. He did at least have a moment of weakness and tell the truth on BBC Radio 4, when he admitted that this deal would make our economy smaller and that "in pure economic terms" there would be a loss. Like the SNP, even the Chancellor accepted the benefits of remaining in the European Union when he said that

"clearly remaining in the European Union would be a better outcome for the economy".

Martin Docherty-Hughes (West Dunbartonshire) (SNP): Would my right hon. Friend, like me, reflect on history? It was not the European Union, or what came before it, that destroyed the great shipyards on the Clyde. It was not the European Union, or what came before it, that destroyed the coalmining industry in Scotland. As a matter of fact, we clung to the lifeboat of what was then the European Union throughout what we call the Westminster bypass. Tearing us out of the European Union replays history, to the impoverishment of our country, led by the Tory party.

Ian Blackford: My hon. Friend is correct. We can all remember that, pre-2014, when we held our referendum in Scotland, we were promised that a bonanza of orders would come to the shipyards on the Clyde, and we know exactly what happened to that.

Let me come back to the Chancellor. Here he is, ready to trot in behind the Prime Minister to deliver a blindfold Brexit that will send our economy into an

unmitigated disaster. It is a shameful act of cowardice from the Chancellor, putting his party before people.

Instead of coming clean with Parliament and with the public, the Prime Minister asks us to vote blindly for this deal today. Despite numerous attempts to ascertain whether the Government have even conducted an economic analysis of the Prime Minister's deal, they have still not published any analysis. What is the Prime Minister hiding? It is the height of irresponsibility for the Prime Minister to bring her deal to Parliament without providing the analysis of its impact. We know that her deal will cost jobs.

It is ludicrous for MPs to be asked to vote on a deal while completely blind to its economic consequences. Will the Prime Minister not end the shroud of secrecy and come clean with MPs and the whole of the United Kingdom? Analysis published on the London School of Economics website estimates that

"the Brexit deal could reduce UK GDP per capita by between 1.9% and 5.5% in ten years' time, compared to remaining in the EU."

The National Institute of Economic and Social Research has warned:

"If the Government's proposed Brexit deal is implemented, then GDP in the longer term will be around 4% lower than it would have been had the UK stayed in the EU."

That is the reality. Will Members on opposite Benches vote for a deal without knowing the consequences? Will they sleepwalk into disaster? I appeal to Members: do not do this as the consequences are too grave. What is coming down the line after today is unknown, but what is known points to chaos.

Even in the political declaration, the UK Government confirmed their intention to end free movement of people, which is vital to meet Scotland's needs for workers in sectors such as health and social care. I met a young trainee vet in Portree in the Isle of Skye a week past Saturday. She is a young woman from Spain who wants to remain in Scotland, but when she qualifies as a vet, she will not meet the earnings threshold that would guarantee her the right to live in Scotland. Prime Minister, that is what leaving the EU is doing. It is denying opportunities to young people who want to make a contribution to our economy. It is shameful to see the hon. Member for Stirling (Stephen Kerr) shaking his head, because we will lose those opportunities to benefit our economy, and we will lose the social benefits that come from that in Scotland.

Stewart Malcolm McDonald: We often talk, and rightly so, about the impact of the salary threshold, but will my right hon. Friend acknowledge that there is a significant community of people across the UK who have retired to this country from the European Union? As a constituent from Italy said to me at the weekend, if the place gets too expensive, she will just go back to the beach.

Ian Blackford: That is absolutely right. I simply say to the Government that they need to reflect on this. There are an estimated 235,000 EU citizens living in Scotland alongside an estimated 142,000 other international migrants. Together they represent 7% of our population and they are welcome. Scottish Government analysis suggests that, without migration, Scotland's population will decrease by 10,800 by 2040.

This deal will cause untold damage not just for the current generation, but for the next. This deal will make our people poorer, our businesses weaker and our economy smaller. We cannot let that happen. What is democracy if citizens cannot be allowed to change their minds? Members can sneer and jeer from the sidelines, as they have, but beneath their outward aggression, there is, I am sure, their conscience. If Members look to that they will know that no one can act in good conscience against the facts.

Members across the House know that Brexit is bad for Britain. It is bad for families, bad for business, bad for the economy, bad for co-operation and trade and bad for growth. I am in no doubt that the Scottish Tories are well aware of the consequences as they have been well outlined by academics, economists and many others. Brexit is bad for Scotland. Last week, I visited Edinburgh University. Some 26% of its academic community are from the EU. The vice-principal told me that mobility is the key and that the academic community is already expressing concern. The university has still been able to recruit, but the pool of candidates is becoming shallower because, quite simply, people do not want to come to Brexit Britain. That is the reality, Prime Minister, and it is this Government who are responsible for that.

The Prime Minister is playing a game of smoke and mirrors to save her own skin— not the future interests of people across the United Kingdom. She has renegotiated nothing. She promised legal changes to the withdrawal agreement. Nothing even close to that has been achieved. Let me remind the House. On 29 January, the Prime Minister was unequivocal:

"What I am talking about is not a further exchange of letters but a significant and legally binding change to the withdrawal agreement. Negotiating such a change will not be easy. It will involve reopening the withdrawal agreement—a move for which I know there is limited appetite among our European partners."—[*Official Report*, 29 January 2019; Vol. 653, c. 678.]

But the EU27 have refused to reopen the withdrawal agreement. The fact remains that the EU27 have not reached any agreement with the UK in negotiations on changes to the backstop or the withdrawal agreement. The window dressing on the backstop is simply to allow members of the ERG to slide their support behind the Prime Minister and save the blushes of their extreme Brexiteers, but we now know from what has been in the media that even that has not worked.

The Irish Times journalist, Fintan O'Toole, noted last night the ridiculousness of the Government's actions, when he tweeted:

"Very hard to see what's really new in all of this. It's the Withdrawal Agreement served with a side order of 'this doesn't mean what it doesn't mean anyway'."

Jo Maugham QC also commented in reference to the Prime Minister:

"Not only did she fail to get any changes to the Withdrawal Agreement. But she was also made publicly to agree that there are no changes to the Withdrawal Agreement."

And a key player in the negotiations, the Irish Taoiseach Leo Varadkar, has noted that the extra layers are complementary to the deal, not a rewrite. Nothing has been changed except the fact that the DUP has been bought a new comfort blanket. Well, the SNP—unlike the DUP—cannot be bought.

[Ian Blackford]

The Prime Minister is so desperate that it is clear that she will go to any lengths to undermine the will of the House, which has already voted against this deal. Last week, we saw the Conservative Government offer bribe after bribe to Labour MPs. On Monday 4 March, the Government announced a £1.6 billion Brexit cities fund. The Government have still not confirmed whether any of this will come to Scotland, and I do not hear Scottish Conservative MPs standing up for Scotland on that. On Wednesday 6 March, the Government announced plans to give MPs the right to decide whether to enforce future EU changes on workplace rights and standards after the UK has left the EU. But Frances O'Grady of the TUC dismissed this, saying that the proposals

"come nowhere close to ensuring existing rights are protected. And they won't stop workers' rights in the UK from falling behind those in the rest of Europe.

Since January, we have seen the UK Government buying fridges in bulk to stockpile drugs, practising traffic jams on airfields and awarding ferry contracts to companies with no ferries. Let me remind the House that the Prime Minister lost the first meaningful vote by 432 to 202. This is the same deal. Nothing has changed. But this is not a binary choice before us; it is not a deal or no deal. There is still a way to protect our citizens.

I appeal to Members, particularly Scottish MPs, to stand with the SNP; reject the Government's negotiated withdrawal agreement for the future relationship with the EU; recognise the resolutions of the Scottish Parliament and the Welsh Assembly of 5 March to oppose the UK Government's exit deal; say that a no-deal outcome to the current negotiations on EU withdrawal would be completely unacceptable on 29 March or at any other time; acknowledge the endorsement of this House of the claim of right for Scotland on 4 July 2018, recognising the sovereign right of the Scottish people to determine the form of government best suited to our needs; recognise that Scotland should not be forced to leave the EU against its will; and ensure that this place, this Prime Minister and this shoddy Tory Government understand that the best future for Scotland lies in becoming, like so many of our neighbours, a full, equal, sovereign, independent member state of the European Union.

The Prime Minister has no mandate from Scotland for her deal. On 15 January, 83% of Scottish MPs voted against it. The Scottish Parliament and Welsh Assembly have voted on a historic joint motion, rejecting the Prime Minister's deal and rejecting no deal. I remind the House and the Scottish Tories nestling on the Government Benches that 62% of the Scottish voters and every local authority in Scotland voted to remain in June 2016. Scotland's decision must be respected. I appeal to Members to stand up for the interests of their constituents, and I appeal to Scottish MPs to do the right thing by standing up and fighting for Scotland. Scotland did not vote to leave and we will not be dragged out of the European Union against our will. We will not remain strapped to the sinking ship.

The First Minister has sought compromise at every opportunity. We in the SNP, in government in Edinburgh and here in the Commons, have sought every opportunity to compromise, but we have been dismissed by this Tory Government. Scotland has been treated with contempt—ignored, sidelined and often silenced. The Tories think they can do whatever they want to Scotland, but we will have the chance to vote on independence—to make Scotland a destination in Europe. Our First Minister has been clear. So I say to Members: stand with us. I say to the Prime Minister: give it up; extend article 50 and bring forward a second EU referendum. Her Government have utterly failed to negotiate a deal fit for the country. I say to the Leader of the Opposition: he almost got off the fence; is it not time he got off it properly? We have reached this critical point and still the Labour party is unwilling to act, rather than blow hot smoke. May I remind him that there is still a live motion of no confidence in this Government that has not yet been signed by the Labour Front Bench? We have the opportunity to end this madness and go back to the people. It is long past time that the Leader of the Opposition had some courage. What is he waiting for, or what is he running scared off?

Heidi Allen (South Cambridgeshire) (Ind): This House needs to find a way of compromising to get out of the fix that we are in. I understand that this is a difficult question, but I am going to ask it anyway because I appreciate that the SNP does not like the Prime Minister's deal, and many of us, for various reasons, do not either. If we were to make it subject to a people's vote, I suspect that that would get this Parliament, this House and this Prime Minister out of the hole. Would the SNP consider it as a way out of this impasse for the benefit of our country?

Ian Blackford: I thank the hon. Lady for that question. Let me say enthusiastically that the Scottish National party supports a people's vote, on the basis of the facts that we now know. As we know that there is no such thing as a good Brexit, and that it is going to cost jobs, the right thing to do is to present the facts to the people of the United Kingdom. I implore the House to get behind the people's vote.

We have an opportunity here today to do the right thing. The people we represent have given us their trust to do what is right for them, for their families and for their communities. Vote Leave was a farce. It pumped lies into the campaign. It sold the public a pup. People must have the right to change their minds, and we must have the courage, as political leaders, to give people the right to change their minds. While the world looks on in wonder at what on earth the UK is about to do, I ask that every Member recalls how much we stand to lose.

Let me say that we on these Benches will not allow our nation to be dragged out of Europe into the abyss. Scotland has a bright future, and that future is as an independent European nation. The right hon. Member for Haltemprice and Howden (Mr Davis), the ex-Brexit Secretary, noted at the weekend:

"There is no…treaty in the world…where a sovereign nation…can only leave when the other side says so. So that's the key point, the ability to get out when we need to."

The people of Scotland are sovereign under the terms of our constitutional framework, and they too should have the ability to get out of this mess—and, my goodness, we need to. So I ask Members to support the SNP. When we decide to call for action to have a referendum in Scotland, this House should respect that. We will not go down with the sinking ship. As Winnie Ewing famously said:

"Stop the world, Scotland wants to get on."

I say to the people of Scotland: if we cannot save the United Kingdom from itself, now is the time to save Scotland—an independent Scotland at the heart of Europe.

Several hon. Members *rose—*

Mr Speaker: Order. An eight-minute limit on Back-Bench speeches now applies, though I fear that it will soon have to be reduced—but we shall see.

4.3 pm

Nicky Morgan (Loughborough) (Con): It is customary to say that it is a pleasure to follow the previous speaker. However, there is an enormous sense of déjà vu about today's debate. Many of the same faces who have been debating Brexit and our withdrawal from the EU are here in the Chamber today as they have been for the past three years, and, in some cases, before then. What we have just heard from the leader of the SNP is a speech on why Brexit is a bad idea. That is a perfectly honourable position to hold, except for the fact that we had that debate three years ago, and it was lost in terms of wanting to remain. That is the problem with this whole debate and what has become of UK politics since 2016.

My hon. Friend the Member for Stirling (Stephen Kerr) was quite right: 1 million people in Scotland voted to leave the European Union. Yes, more people voted to remain, but that is the whole problem with this debate—rather than anybody trying to solve this for the 100%, it has been about the percentage that people in this House identify with. That is why we have ended up in this situation.

Tommy Sheppard (Edinburgh East) (SNP): Will the right hon. Lady give way?

Nicky Morgan: I am not going to give way.

There are five stages of grief: denial, anger, bargaining, depression and acceptance. I firmly believe that the country has, by and large, reached acceptance. Many Members of this House have reached acceptance of the referendum result, but some clearly have not, as we hear time and again. It is time to move on. It is time to draw the withdrawal phase of this EU exit to a conclusion. There are many other political issues that the country desperately needs us to be talking about and focusing on, and yet here we are, time and again debating the same issues. As the Brady amendment showed at the end of January, the issue is around the backstop, but we are all debating and falling out over a backstop that is an insurance policy that everybody hopes is never needed, to solve a problem—a hard border on the island of Ireland—that nobody wants to see.

For me, there are a number of tests of whether this withdrawal agreement should be approved tonight. I have set those tests out in a letter that I will send to my constituents shortly. Does the withdrawal agreement, if passed, lead to greater certainty? I believe the answer is yes. It will at least enable businesses and individuals in our constituencies to plan ahead, certainly with regard to the transition period. Does it deliver on the exit from the EU that the majority of the United Kingdom voted for in 2016? The answer is yes. It gets us closer to leaving the European Union. There are Members on both sides of the House who have campaigned for that for years, and yet they say they will not vote for the deal this evening.

Does the withdrawal agreement enable the governing party to carry on governing after 29 March and pass legislation? Yes, it does. If a stable majority were to pass the withdrawal agreement, would that mean we could pass the withdrawal implementation Bill and all the other legislation? And that is my problem with the challenge laid down by Opposition Members about why the Government do not make an appeal to them. Although I think a compromise and a consensus could be found in the House on a so-called softer Brexit, it will not lead to anything like a stable majority for future legislation. I have heard nothing that promises that from those on the Opposition Benches.

Alex Sobel (Leeds North West) (Lab/Co-op): If alternative arrangements for the backstop have not been found by December 2020, we will have a Hotel California Brexit where we will have checked out but not be leaving. There is a real danger that passing the withdrawal agreement tonight is just for short-term gain, with pain down the road. Does the right hon. Lady agree?

Nicky Morgan: I do not agree. I think there will be a gain. The Treasury Committee has been quite clear that we do not think there is a deal dividend, as the Chancellor has described it, but I think there would be a benefit in terms of stability for businesses and individuals in this country.

Changes have been secured to the withdrawal agreement that was considered in this House in the middle of January. I have been very happy to be part of the alternative arrangements working group, and I thank the Secretary of State for Exiting the European Union for his engagement. I started this process as something of a sceptic, but believing that compromise had to be found to make this work. There are alternative arrangements, on the basis of existing customs checks and processes, that can be put in place to ensure that there is no hard border on the island of Ireland.

Alex Sobel *indicated dissent.*

Nicky Morgan: The hon. Gentleman shakes his head. If he has explored the detail, perhaps he will cover that in his remarks, but it is perfectly possible.

Luke Graham (Ochil and South Perthshire) (Con): As Chair of the Treasury Committee, has my right hon. Friend seen any alternative proposals from Opposition parties that show a better economic result for the UK outside the European Union, whether in a customs union or the EEA, than the Prime Minister's deal?

Nicky Morgan: One of the difficulties has been actually modelling any of the scenarios and having anything like proper confidence in the figures. What the impact would be on our economy depends on exactly what arrangements are arrived at, including whether we end up in the EEA or in a customs union. As I say, I do not think we need to be in a customs union because there are alternative ways of solving the issue with the border. That is why I would ask hon. Members on this side of the House to vote for the agreement tonight—to give those arrangements a chance to be negotiated and to take root.

There is no doubt that there is a danger in all of this—I say this as Chair of the Treasury Committee and as a former Treasury Minister—of thinking only about

[Nicky Morgan]

the numbers. The economy is of course incredibly important in securing the livelihoods and successful prospects of our constituents, but there are other issues, and the issue of sovereignty, independence and confidence in our democracy should not be underestimated.

I really fear that if this House does not approve the agreement tonight—Members who say, "Oh, I can't support it for this reason or that reason", are being very clever with the words and the way they are interpreting the legal advice—the damage done to trust in our democracy and in the power of an individual's vote will be immense. As somebody who has been subject to abuse and threats because people feel threatened, I say to those who have not yet experienced it that I suspect it will be unleashed on all of us, and I do not see why we would want to put the country through that.

Tim Loughton (East Worthing and Shoreham) (Con): I pay great tribute to my right hon. Friend who, as somebody who voted remain, now wants to go forward constructively with a deal. As somebody who voted for leave and voted against the deal before, I am minded to weigh in behind this, because we have got to stop the uncertainty and the conspiracy of chaos that is, I am afraid, promulgated by those on the Opposition Benches below the Gangway who have just rerun and rerun the referendum Bill debate from four years ago and have only offered alternatives that are basically, "Computer says no". The country is fed up with it, and we need at long last to weigh in behind something with which we can move forward.

Nicky Morgan: I entirely agree with my hon. Friend.

Mr Sam Gyimah (East Surrey) (Con): My right hon. Friend is being incredibly generous in giving way. She makes a very powerful point about accountability to the democratic will of the people. If, in delivering on the democratic will of the people, we end up as rule-takers of rules over which we have no say, can she explain to the House in what way we are actually delivering on that will?

Nicky Morgan: I think my hon. Friend is anticipating the phase 2 negotiations about the form of the future relationship. The difficulty with that is that, unless we pass this withdrawal agreement today or in the next couple of weeks, we are not going to get on to debating phase 2. If my hon. Friend wants to have that debate, he needs to vote for the agreement tonight and then make sure that we are going to move on to phase 2.

I will be brief because I know that many other right hon. and hon. Members want to speak in this debate. I have said before that it is very easy to remain in our entrenched positions and to keep saying the same things over and over again. However, I challenge hon. Members on both sides of the House to think about whether now is the time—and we have heard that my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) could vote for the agreement tonight—to say that we will change our positions.

Actions and votes have consequences, and if this withdrawal agreement is not passed this evening, we may move on tomorrow to a debate about no deal and we may then move on to a debate about the extension of article 50. There will be those in this House who want to have those debates, either because they think no deal is a good thing, or because they think they can take it off the table and potentially put the option of remaining on the table.

A short extension of article 50 would be worse than useless, creating more uncertainty and instability in this country, so I urge right hon. and hon. Members, particularly on these Benches, who have said so far today that they have made up their mind or that they might vote against the agreement, "Please think again", because the beneficial consequences of passing this withdrawal agreement tonight will be enormous, and I think the public will thank us for it.

4.14 pm

Hilary Benn (Leeds Central) (Lab): It is a pleasure to follow the right hon. Member for Loughborough (Nicky Morgan), although I have drawn a different conclusion about the choice we have to make this evening.

I am tempted to say, "Here we go again." After the flurry of activity and effort—I pay tribute to Ministers who have been working hard over the past couple of months—some people may have had their minds changed by the documents produced last night, but it seems that many others have not.

The one thing I want to say on the documents is this: the withdrawal agreement remains in place, the backstop remains in place, there is no unilateral exit mechanism for the United Kingdom and there is no time limit. While it may be possible to suspend the backstop, in order to do that the United Kingdom has to persuade the arbitration panel that we have a case. If the arbitration panel is then to turn suspension into disapplication, we have to persuade it that the reason for the problem is that there is a lack of good faith on the part of the European Union.

It is pretty safe to say that the EU would say, "No, it's not a lack of good faith; we just don't think your alternative arrangements work. We think they would undermine the integrity of the single market and the customs union." The moment it says that, that engages questions of the application of EU law, at which point the panel has to refer the matter to the Court of Justice of the European Union, whose judgment on these questions will be binding on everyone, including the United Kingdom.

Frankly, proving bad faith, in my view as a non-lawyer, is going to be pretty darn difficult, so we are left with paragraph 19 of the Attorney General's letter to the Prime Minister today, which says that if we cannot reach agreement because of intractable differences,

> "no internationally lawful means of exiting the Protocol's arrangements"

will exist.

If the deal is defeated tonight, tomorrow will be another day. I have little doubt that the House of Commons will vote against leaving the European Union with no deal—we can debate all those matters tomorrow. I still do not know how the Prime Minister is going to vote. Can I just offer her some advice? She used to say that no deal is better than a bad deal, but she now argues that her deal is in fact a good deal. Well, if it is in fact a good deal, it cannot be a bad deal, so, by definition, no deal is now worse than her deal. Therefore, if logic means anything, the Prime Minister ought to

come through the Lobby with me and many others tomorrow to vote against no deal. No deal would be the worst possible outcome for the country.

If leaving with no deal is defeated, we will come on to the question of an extension, which will be the subject of Thursday's debate. However, we have to use an extension for a purpose—that is very clear. For me, the purpose must be, first, to see whether it is possible for the House of Commons to reach agreement on an alternative way of leaving the European Union. Is there support for a customs union? Is there support for a Norway-style arrangement?

Lady Hermon: I am grateful to the right hon. Gentleman for giving way. I have enormous regard for him, so I just ask him to confirm whether the Labour party actually supports the backstop. He will know why the Government have argued, and been consistent on the need, for the backstop: to protect the peace process and to protect Northern Ireland and, indeed, the United Kingdom from the consequences of a hard border. Will he therefore confirm that progress has been made? The Prime Minister has been able to get agreement that alternative arrangements will be fast-tracked—my words, not hers—before the end of the transition period.

Hilary Benn: I am happy to confirm that I have heard my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) say that he does not have a problem with the backstop. I do not have a problem with the backstop, because it is an essential insurance policy to protect the integrity of the Good Friday agreement and trade across that border. All that I would say about the alternative arrangements is that all those provisions are already in the withdrawal agreement that the Prime Minister signed up to in November. All that we have had added today is interpretation of what already existed—

The Secretary of State for Exiting the European Union (Stephen Barclay) *indicated dissent.*

Hilary Benn: The Secretary of State is shaking his head, but I take a different view from him as to whether this is in fact a significant or substantial change.

If we are able to reach agreement on an alternative way forward, the second choice the House of Commons will have to make is whether we should go back to the British people to ask them, "Is that what you wanted?"—especially if we did end up approving something like Norway and the customs union. We could argue that that is rather different from what was argued for by the leave campaign during the original referendum. I suppose the central question on that choice, a point which has been made by others today, is whether the electorate have the right to change their mind and, in the same breath, the right not to change their mind. It would be the people's choice.

The final point I want to make, because time is short, is to say this about sovereignty, which is really at the heart of the referendum, of the decision we have to make as a House of Commons, and of the choice that we as Members wrestle with in trying to decide how to cast our vote. Last week, I met a group of parliamentarians from North Macedonia. We talked about our troubles to do with EU membership. They said to me, "75% of the people of North Macedonia are really keen to join the European Union and NATO." I asked them why. They replied with three words: stability, opportunity, progress. Whatever else can be said in this debate, Mr Speaker, you cannot apply those words to our country in its current condition.

The Prime Minister, in opening her speech today, said that the deal says something about our country and what it has delivered. I would say to her that it certainly does say something, because her deal has delivered instability, it will entrench a loss of opportunity and it is not progress. It is going backwards. There is further proof of that today. What has Nissan announced? That production of the Infiniti car in Sunderland will end. The long, slow decline of British car manufacturing, which was once the jewel in our manufacturing industry, has, I am very sorry to say, well and truly begun.

This goes to the heart of the mess that we are in, which is not the backstop—we have spent hours on the backstop—but the fact that, after two-and-a-half years of internal argument during which the Government have refused to make choices, the political declaration is so vague that we have no idea where we are going. The Prime Minister also said on the political declaration that we should look at all the things her deal has delivered. I simply say to her: no, it has not. It is not legally binding and there is no certainty. A new Prime Minister could come along in a month, a year or two years and say, "Forget all that. I am now taking the country in a different direction." That is the reason I will not vote for this deal tonight.

The Prime Minister ended her speech by saying let us demonstrate what politics is for. I would simply say to her that whatever it is for, it is not this agreement.

Several hon. Members *rose—*

Mr Speaker: Order. A six-minute limit now applies with immediate effect.

4.22 pm

Mr Dominic Grieve (Beaconsfield) (Con): It is painful for me to find myself in a position where I cannot agree with my own Front Bench and with my right hon. Friend the Prime Minister on approving this agreement and supporting the Government tonight, but I cannot. I just want to briefly explain why.

We find ourselves in a very unusual circumstance. Unless a country is defeated in war and the Parliament has to meet so that MPs have to surrender provinces that are being annexed by a neighbouring power, it is very unusual for Members of Parliament to be asked, on a fundamental issue, to vote against their own opinion. Yet the evidence has been overwhelming, in the past two and a half years since the Brexit referendum took place, that there is a very substantial majority in this House who consider that there is no form of Brexit that is better than remaining in the European Union. That includes many colleagues on this side of the House who have, for reasons of judgment or loyalty—it does not really matter which—decided that they will support the Government this evening. I talk to them and they tell me that they accept that that is the case.

My right hon. Friend the Prime Minister makes a powerful case when she says that this is necessary because of the decision in the referendum in 2016. She tells us that if we were not to do it, it would diminish faith in

[Mr Dominic Grieve]

the democratic process. I am certainly mindful, as I am the recipient of many emails from angry people, that there are many people who voted in that referendum who did not otherwise normally participate in the electoral processes of this country at all—probably about 10% of the electorate. So one has to recognise their strength of feeling.

If I felt that, by voting for and supporting a deal and a future that I think is going to be completely third rate compared with remaining in the European Union, we could bring closure to this debate because there was some unanimity of purpose—either across the House or even within my party, of which I have been a member now for about 43 years—I would have to seriously consider doing it, despite my own strong judgment that we are about to make a serious and historic mistake.

The problem, however, is that that is simply not the case. There is no unanimity. Take one example from today. In my view, the backstop is a red herring. The point is: what are we going to do with Brexit when we have it? Do we intend to stay aligned roughly within the sort of European regulatory and tariff framework, or do we intend, as some of my right hon. and hon. Friends wish, to strike out for broad horizons? If we do, it does not matter if we do not have the backstop, because actually, the Good Friday agreement precludes us from doing that for Northern Ireland, unless we intend to carve it out and leave it effectively in a European economic area. Such is the price of folly in having allowed a referendum to take place where those advocating leave dealt with it in purely abstract terms. No one—I plead guilty to this as well—was willing to think through, even when we prepared and passed the European Union Referendum Bill, the consequences of what a vote to leave would actually mean and how we could possibly implement it.

Far from bringing closure, we will simply initiate yet another round of very sterile debate against a background where our economy will be damaged, our national security will be impaired and we will find ourselves consistently at a disadvantage. I realise that some of my hon. Friends do not agree with that. They see a bright future ahead if they can just carry out their plans, but I do not see those plans coming to fruition. Indeed, I do not even see at the moment how the withdrawal agreement Bill that will have to follow this approval is likely to get through the House when some of my colleagues, such as my hon. Friend the Member for Stone (Sir William Cash), start to look at the details. So, with reluctance and sadness, I cannot allow this further ratchet in the destruction of our country to take place.

We are also failing to assess the realities of devolution and the fact that with four nations making up the United Kingdom, there are now four identities that we have essentially disrespected. Even if we were entitled to—*[Interruption.]* Yes, we have. We have essentially disrespected them in terms of working out the consequences of what the referendum was likely to do. As a Unionist, I worry about the future of my country, because I see the Union as fundamental to our prosperity and collective existence.

I am afraid that I cannot vote for the deal, and we will have to take the consequences of the further difficulties that will follow. I do not look on those with any sense of cheerfulness at all, but I would be utterly, utterly going against my instincts and my judgments if I were to facilitate a process of further self-mutilation for our country, which is what I believe we are currently embarked upon. We should pause, reflect, and above all, I repeat it again—

Conor Burns (Bournemouth West) (Con): Will my right hon. and learned Friend give way?

Mr Grieve: Yes, I will.

Conor Burns: My right hon. and learned Friend speaks of consequences. He also speaks of those who had hitherto not participated in our democratic process but who participated in the referendum. What does he think the consequences will be outside this House if it tells those people that their voice did not matter and that we will not deliver what they voted for?

Mr Grieve: I think that we have a duty to say to them that it is perfectly apparent that what we are going to get bears no relation to what was being debated in 2016. I further think that the proper thing to do is to go back to them, point that out honestly, and say that if they wish to leave on these terms, we will, of course, implement it—but that means consulting them. I worry that we appear to be obsessed with avoiding the electorate at every conceivable turn now, because we are fearful that they might come up with an answer that we do not like. Of course it might be to leave. If that is the case, I will keep quiet about the matter forever more, but there is a compelling—*[Interruption.]* Oh yes I would. If I may say so, I have better things to do. But they may say that they have changed their mind. In a democracy, people are entitled to change their mind. To deny them that choice when we are faced with the current crisis is, in my view, an unacceptable way to proceed. Until we start seeing sense on this, I cannot support the Government.

4.30 pm

Sir Vince Cable (Twickenham) (LD): It is a privilege to follow the right hon. and learned Member for Beaconsfield (Mr Grieve). I very much agree with what he had to say. Like him, we have no objections to the Irish backstop. It is one of the redeeming features of the Government's agreement—their having foolishly and unnecessarily drawn red lines around the customs union and the single market, it was an inevitable and necessary measure to protect Ireland from a new, disruptive frontier. Our concern is much more fundamental—the fact that Brexit, as currently devised, will make this country poorer, weaker and less secure.

We have all heard a lot of general rhetoric about this issue, so I want to home in one particular aspect of the economics of it—the nature of the single market and how it originated. Thirty-five years ago, there was an insight in this country around the Prime Minister of the time, Mrs Thatcher. I do not know whether it was her or her advisers who saw that the future of business and trade rested on two s's—standards and services—and that the traditional preoccupation with tariffs and quotas was of course very relevant, particularly for agriculture and manufacturing, but the future lay in another area.

For three decades, successive Governments—Conservative, coalition and Labour—have beavered away trying to create this structure of a single market, recognising the importance of those key drivers. That has been done

on two levels. It was attempted at a global level through the World Trade Organisation, which is often called in aid by Government Members. That achieved virtually nothing, because the World Trade Organisation is essentially a weak organisation that brings together countries with massively divergent standards. It was also pursued through the European Union, with very great success.

One of the central problems of Brexit is that it potentially unravels much of the regulatory framework that has been put in place over those three decades. I have a very simple example, which gives us an indication of what is coming down the track. It actually relates to one of the Government's success stories. The Government have been trying to roll over the 30 or 40 association agreements we have with the European Union. It would be disastrous if they were not rolled over. Quite a few important countries, including Japan and Korea, are making it very clear that they are not willing to get a move on, as the Foreign Secretary instructed them to, but one of the countries that did is Switzerland.

Switzerland is an interesting case. It is a British success story, with rapid growth in exports of 40% over five years. Britain has a big trade surplus with Switzerland. That is all under the existing arrangements. The Secretary of State for International Trade presented the roll-over agreement as a great success, and indeed it was. It is one of the few things that has actually worked for the Government in this area. But when some of the trade federations affected by the agreement started unpicking it, they noticed that it is not the same agreement that the European Union had.

Central to the European Union agreement was that it brought together about 19 key technical standards across the European Union and Switzerland, which enabled European countries to trade on a common basis. In the revised agreement, there are only five such standards. The companies in the UK that will have to deal with Switzerland in the future will do so at a competitive disadvantage. I have no way of knowing how important that is or how many jobs are at stake, but that small experience will be reproduced on a massive scale as Brexit proceeds, and we should take note of it.

James Cartlidge: The right hon. Gentleman raises a very good point about Switzerland, but surely the most important point about the Swiss is that they are one of the only examples of a country that has maintained very strong links with the European economy but has been able to go out and get very good trade deals, which have significantly boosted its export penetration around the world. We could achieve that, too.

Sir Vince Cable: I do not think that Switzerland is a very encouraging example when it comes to external trade deals. Its trade deal with China consisted of opening up the Swiss market to everything and getting virtually nothing in return. Actually, that illustrates a much wider point: one of the things that we sacrifice with Brexit is bargaining. The hon. Member for Camborne and Redruth (George Eustice) has now disappeared from the Chamber, but he pointed out a week or so ago—and he is a hardline Brexiteer—that our bargaining power with the United States over food standards is massively weaker than it would be if we continued to be a member of the European Union, and very poor standards will be inflicted on us. That is the kind of debate that we ought to be having, but we are not.

All the costs associated with the unravelling of the single market will be compounded by the loss of the customs union—I know that the Labour party has given that priority, and it is important, but it is not as important as the single market—and also by uncertainty. Had the Government done what they promised to do, which was to have a clear picture of the endgame before they completed Brexit, all that uncertainty would have gone. British firms with a time horizon of more than two years will now be afflicted by massive uncertainty about whether to invest in this country, and many of them will not do so. The future is wholly uncertain.

The combination of those factors has major economic consequences. I have taught economics for many years and worked in it for many years, and I know that it is not a precise science. However, one of the most fundamental principles of economics, going back to Adam Smith—and, indeed, before—is that if you put up barriers to trade, you make yourself poorer. That will now be compounded many times over.

In addition to all the economic costs, there is the unravelling of the collaborative arrangements. One of the best institutions in my constituency is an organisation called the National Physical Laboratory, which is a centre for key metrology standards. Alan Turing did much of his professional work for it, and I attended and spoke at its annual dinner a few days ago. The people who work there are absolutely horrified at the breaking up of their scientific network, and their inability now to attract European staff. That is being replicated in campuses, universities and scientific institutes across the country.

The European Investment Bank has hardly been discussed here. Crossrail, which has been one of the big innovations in London in recent years, was substantially financed by it, but it is now being dismantled. Those are some examples of the damage that has been done, and that is why the Government must go back to the public and put the deal to them. If they cannot get their deal through Parliament, they must give the people the final say.

4.37 pm

Andrea Jenkyns (Morley and Outwood) (Con): I shall keep my speech short to allow other Members to speak.

Here we go again. It is groundhog day. We are faced with the same bad deal for our country's future. In February, we provided the Prime Minister with guidance on what was needed to gain the support of the House. The Malthouse compromise was just that—a compromise to find the middle ground and secure a deal. I respect the Prime Minister's attempts to improve the deal, but it has been a failure, and since the EU is refusing to improve it, we need to just leave. We need to leave the European Union on 29 March and deliver on the referendum promise.

After weeks of negotiations, all that we have is an agreement that has not changed the working of the backstop, but simply supplements it. These changes only limit the risks posed by the backstop; they do not remove those risks entirely. As a sovereign country, we need the ability to leave the backstop unilaterally. We should not have to ask the EU for permission to forge our own future. The agreement is not about taking back control of our own destiny; it is about surrendering control. As the Attorney General has said,

"the legal risk remains unchanged",

and if the legal risk remains unchanged, the bad deal remains unchanged.

[Andrea Jenkyns]

So what next? Where do we go from here? It may seem strange to some, but I propose that we keep our promises and leave the European Union without a bad deal. According to *Hansard*, the Prime Minister has said more than 120 times that the UK should leave the EU on 29 March. When today's vote is defeated, the best option left for the UK is to go to WTO rules, just as the Prime Minister has indicated previously.

This deal remains a bad deal for the reasons that I have mentioned, but let us not forget the other issues. If this deal were to pass in its current form, we would still be subject to decisions from the ECJ—decisions that would directly impact on our laws and subsequently our sovereignty. Additionally, we must still pay the European Union the £39 billion just for the right to leave; no, that is not good enough. The Prime Minister has been right all along that no deal is better than a bad deal, and if this place considers her deal to be a bad deal today then we need to leave without a deal.

We need to invest the £39 billion in our own country.

Lady Hermon: Will the hon. Lady give way?

Andrea Jenkyns: I will carry on, thank you.

We need to invest in skills and the new cutting-edge industries of tomorrow. We need to reinvigorate our fishing industries and allow our hard-working fishermen to keep their catch. We need to invest in education and the next generation, invest in policing so that we have safer communities, and invest in our businesses to help them during the transition. It is time we had confidence in our people and in our country and invested in its future, and it is time to deliver what the British people voted for.

Trust takes years to build, seconds to break, and forever to repair. Let us stick to our word: let us keep our promises and deliver on the referendum result. Let us build faith, not tear it down. Let us look beyond the borders of the EU and trade globally. And let us finally take back control.

This withdrawal agreement sets the blueprint for our country's final deal with the EU. We have given far too many concessions, and it is time to stand up and say "No more." We must deliver what we promised, and this evening I will be voting against this withdrawal agreement. We need to send a strong message to the EU that Britain deserves better.

4.41 pm

Anna Soubry (Broxtowe) (Ind): It is a pleasure to follow the hon. Member for Morley and Outwood (Andrea Jenkyns). We do not agree on Brexit, but tonight we will certainly be in the same Lobby voting against this deal—although of course for different reasons, but on this we are absolutely agreed. It is not a deal; it is a withdrawal agreement. It does not provide the certainty and does not deliver the deal that the hon. Lady and unfortunately many others in the leave campaign promised to the Great British people back in 2016 when we had the European referendum.

But the reason why I will not be voting for this deal is not just because of a blindfold Brexit, which is effectively what this is about—the fact that we do not have the certainty that British business is absolutely demanding. What we do know, however, is that the deal as it stands in the political declaration would make my constituents, and indeed all the constituents of every right hon. and hon. Member, less well off, and I did not come into this place to vote for something in the full knowledge that it would make people less well off. *[Interruption.]* I would be very grateful if the heckling from a Bench near me turned into an intervention, which I would happily take.

Gareth Snell: As the right hon. Lady is talking about voting to make constituents poorer, she may want to remember her time on the Government Benches as a Tory MP, when my constituents suffered at the hands of decisions she supported.

Anna Soubry: Well, that was a really helpful and relevant intervention, wasn't it? Of course, it is absolute tosh. The most important—*[Interruption.]* The hon. Gentleman's heckling is very tedious and could end up with me thwacking him with my Order Paper.

Let us address the real issues that face this House tonight. Let us look at the failings of the withdrawal agreement, and let us look now at a way out of it, as it seems likely that yet again this agreement will fail to pass in this House.

The Independent Group tabled an amendment; I am sorry it was not selected, Mr Speaker, but of course I understand why. However, at least it set out a timetable and provided a coherent alternative, and I believe that is what the people of this country are now crying out for. They want clarity, they want certainty, and they want a way forward.

I also believe that the only way out of this mess is to take the matter back to the British people, as my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) as ever beautifully and eloquently explained in the arguments he advanced. Now we know what Brexit is like, it is perfectly right and acceptable that it should be able to go back to the British people. People are entitled to change their mind, and of course the young people who would bear the heaviest burden of Brexit are entitled, I would argue, to have a say.

What I say to former colleagues on the Government Benches is this: they will be voting—those of them who are doing so—for a withdrawal agreement in absolute knowledge and certainty of the following. As outlined by this Brexit Government—because that is what they are, a Brexit Government—who have done the assessments into all the various ways of delivering Brexit, whatever way we do it will leave this country less prosperous and our constituents less well off. Being a Brexit Government, and the party of Brexit, will not be a badge of honour to be worn next to the blue rosette; it will end up being a badge of shame.

At some stage, people are going to have to make good the huge deficit that will exist. I shall give the House an example. Almost every Saturday, I am proud to go out with the Nottingham people's vote campaigners, mainly in Nottingham but also in other parts of the county. I recently met a woman who explained why she had voted for Brexit. I understood her complaint about a system that she thought was not working for her when it came to housing. She thought it was the fault of immigrants. I explained that her complaint was nothing to do with immigration, and that immigrants had benefited our country in many ways over many centuries. Nevertheless,

in her mind she somehow thought that Brexit was going to make good the problems in her life. If we do leave the European Union—God forbid that we should leave without a deal, the most irresponsible of all the options; the Business Secretary was right to say that it would be "ruinous"—how is that woman going to see her life transformed? She will not be better off economically. How is she going to benefit from the sovereignty that is suddenly going to be recaptured by our country? How is her life going to be improved? And who is going to make good the deficit and disappointment that she will undoubtedly face?

I think that is why so many right hon. and hon. Members on the Labour Benches, especially on the Back Benches, have come round to the view that the only way through this mess is to take it back with honesty and conviction to the people. I pay tribute to Labour Members such as those in Sunderland and the hon. Member for Redcar (Anna Turley) who represent leave constituencies but who have had the courage go out and speak to the people they represent, in all weathers, to make their case and to lead them, and to convince them that the best way through this mess is now to go back to the people.

People understand that they were lied to. They were tricked and conned by the leaders of leave, some of whom sit in this place. Those leaders will not lose their jobs. They will not find themselves worse off. They will not bear the burden. The people who will bear the burden are the people in this country who voted leave, and especially those who work in the manufacturing sector. They will see their jobs put at risk. They will see the future of their children and grandchildren blighted. It is the leaders of leave who should take responsibility, yet almost every one of them has walked away from their ministerial position while still scooping up all the benefits that they get outside this House through the articles they write, through their inherited wealth and through their gold-plated pensions. They will never be held responsible, but it should be to their eternal shame that they have caused such damage and deep divisions in this country. They should speak to people, just as I speak to my own constituents whose skin is brown and who find themselves being told to go home and being spat at and abused. That did not happen before this appalling referendum.

When we talk about Brexit, the one thing we now need to do is find a way to heal these terrible divisions. Somebody needs to address that, but it will not be done through more dishonesty. We will do it with honesty and with courage. We must say to the British people, "We have made a mistake. Let us bring this back to you so that you can make good the harm that we have done."

4.48 pm

Mr Owen Paterson (North Shropshire) (Con): It is always a great pleasure to follow the right hon. Member for Broxtowe (Anna Soubry). We do not agree.

The element that has not been mentioned at any time so far in this debate is the 17.4 million people who followed a very clear direction. The right hon. Lady and I were part of a party that made this promise in 2015: "If you vote for a Conservative Government, we will give you an in/out referendum. It will be a one-off, with no holds barred. You will decide." The subsequent European Union Referendum Bill was passed by a very large majority in this House, making it absolutely clear that we the MPs were going to give the people the right to decide. We said, "You will decide, and we will implement whatever you decide." The 17.4 million people ignored the ludicrous "Project Fear" and the £9 million leaflet dumped in every household that bombarded them with propaganda. They ignored all that. They wanted to "take back control".

I was in Whitchurch, the town where I was born, and clearly remember people coming off a building site late in the evening saying, "It's about them. It's about them, isn't it?" I said, "What are you talking about?" and they said, "We can get rid of you, Mr Paterson. We can vote you out, but we cannot get rid of them." They knew exactly what they were voting for. They were voting for the right to remove their rulers. Those who pass bad laws, levy taxes and spend their money badly here can be removed at a general election. That is what this is about.

We see time and again that we are up against a constitutional conundrum. We have had referendums on the European Community, Scotland, Northern Ireland, Wales and the alternative vote and, conveniently, the people obediently and politely delivered the result that the establishment wanted each time. This time, however, to the horror of the political establishment represented across all the Benches here, the commercial establishment, including the Confederation of British Industry, and the media establishment, the people have gone against their will. We have a real constitutional conundrum. Everyone in this House must recognise that they have to deliver what the people voted for. I look at the shadow Secretary of State for Exiting the European Union. If he wants to get into power, he must recognise that, of the first 100 marginal seats that Labour has to win, 78 of them are for leave—73 of them strongly for leave. Labour Members had better recognise that they are in this as much as those on the Government Benches.

I am in the ERG. We are called extremists. I have been called a member of Momentum by the Father of the House, who is sadly not in his seat. We were called ultras, I think, on the "Today" programme. However, we are actually loyal Conservatives, because our Prime Minister interpreted the leave vote to mean that we should leave the single market, the customs union and the remit of the European Court of Justice. Sadly, this evening's proposal does not deliver that.

Mr Richard Bacon (South Norfolk) (Con): I am enjoying my right hon. Friend's speech. Does he agree that it is odd to be called an extremist or a traitor—sometimes by Ministers—for wanting to do no more than implement the manifesto upon which we were all elected?

Mr Paterson: It is utterly bizarre that Cabinet Ministers have written articles in the popular prints attacking Government policy and the manifesto on which they were elected. There is an issue of reputation and integrity here, and those of us who will regretfully be voting against the Government tonight will be representing the 17.4 million. This argument is not going away. It cannot be put back in the bottle and stuck in the fridge if this agreement goes through.

[Mr Paterson]

This is a bad agreement. Laws will be cooked up by 27 nations, and we will not be present. When I was Secretary of State for Environment, Food and Rural Affairs, I worked closely with the EU on common agricultural policy reform. We worked closely with allies, whether Germany, Hungary, Italy or whatever, but this time laws will be imposed on us, and if we do not impose those laws to the satisfaction of the European Commission, we can get taken to the ECJ and fined. If the deal goes through and if I come to this House in a year's time to discuss an issue of great concern to my constituency, such as agriculture or food, and to complain about a law, the Minister will have every right to say, "The right hon. Gentleman voted for that. What is he complaining about?"

Lady Hermon: The right hon. Gentleman is a former Secretary of State for Northern Ireland, so will he explain to the many businesses, the farmers, the fishermen, the community leaders and the people of Northern Ireland who support the Prime Minister's deal why their views do not count?

Mr Paterson: Their views do count. I remember going to an Ulster Farmers Union debate at Balmoral Park during the referendum campaign and leave won that debate. There are varied views in Northern Ireland, as we know from the DUP. The hon. Lady does not have an exclusive right on this. There is a clear role for Members to represent the leave view because this argument will not go away. It would be highly unsatisfactory for this deal to go through. Laws would be imposed on us by 27 nations, and we would not be involved. We would be paying £39 billion for the privilege of having the right to talk about the next phase, which is £64 million per constituency. There is not a single Member listening to this debate who could not spend that money well. It is purely an entry ticket to allow us the right to talk about a trade deal.

The hon. Lady comes from Northern Ireland, and it is extraordinary that we have allowed a section of the UK to be hived off into a new entity called "UK(NI)." The most fundamental principle of the Belfast agreement, as she well knows, is the principle of consent. We have huge admiration for the noble Lord Trimble, one of the co-architects who received the Nobel prize for the extraordinary achievement of getting Unionists to vote for the Belfast agreement, which was very much based on trust that the principle of consent would be respected and that the status of Northern Ireland could never be changed without the consent of the people. At the stroke of a pen, something called "UK(NI)" will be created, which is a clear breach of the Belfast agreement and of the Acts of Union of 1801.

We are promised the right to do trade deals. I was at the Office of the United States Trade Representative in Washington twice in the autumn, and the USTR is clear that we will not be allowed to do trade deals so long as we do not control our tariff regime or our regulatory regime. Under this proposal, we will not have control of either.

There are huge advantages to trading with the outside world. I do not agree with the right hon. Member for Twickenham (Sir Vince Cable), because the European Union itself says that 90% of world growth will be outside the European Union. We have drawn down from 61% of our trade being with the EU to about 45%, and we are heading to 35%. The future is phenomenal, and it is about trading with the growing economies outside the European Union—we also have the best possible relations with countries inside the European Union—and we can do it by triggering article 24 of the general agreement on tariffs and trade and showing a serious intent to do a free trade deal down the road. If there is a proper exchange of documentation, paragraph 5(c) of article 24 would give us a "reasonable length of time"—that could be up to 10 years—to negotiate.

All the "Project Fear" spookery about tariffs is for the birds. We can go ahead on the basis of article 24. Outside this place, people come up to me time and again to say, "We want to see the vote delivered. Why don't you just get on with it?" It is now for the Government to deliver rapidly and make sure that we leave on 29 March by using article 24.

4.57 pm

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): For the sake of courtesy, I will say it is a pleasure to follow the right hon. Member for North Shropshire (Mr Paterson), although much of what he said sounded aspirational rather than substantial.

Here we are, another fortnight later and another grand finale vote on the Government's withdrawal agreement, this time with the addition of last-minute semantically creative but significance-light legal documents. We are just 17 days away from the toxic shock of no deal, an outcome that would unconscionably harm the Welsh economy, yet the British Government continue to gamble with the livelihoods of the people of Wales. No one in Wales voted for food and medicine shortages, no one voted to destroy Welsh agriculture and, of course, no one voted to make themselves poorer.

Angus Brendan MacNeil: The UK is currently deciding whether it wants to damage its own economy by 6% or by 8%—by 6% under the Prime Minister's deal, or by 8% under no deal. What the UK really needs to do is get its head around revoking article 50, which is the only sovereign decision it has left to take, otherwise there will be trouble in 17 days' time.

Liz Saville Roberts: We have heard so much aspiration from Conservative Members, who preach to us that a no deal would be beneficial, and now we are coming down to the pragmatics, which all involve article 50, whoever actually brings it about—we will argue for our own approach. If the people of Wales ever needed proof that Westminster fails us, is deaf to our needs and is broken, it is this: while businesses and workers are anxious about their future, there are people here who talk blithely about unleashing the chaos of a no deal on their constituents.

As my Plaid Cymru colleagues and I have said time and again, this withdrawal agreement will be damaging. Plaid Cymru will never support a withdrawal agreement that takes Wales out of the single market and customs union, harming Welsh businesses and workers, as it would do. We will not support any attempt to remove the right of Welsh people to live, work and study in other European countries, as my daughter has done

in Paris. In our heart of hearts we know this. Conservative Members and Labour Members all know that we are denying people and we are tying ourselves in knots as to how we justify that. As harmful as the Prime Minister's deal would be for Wales, leaving without a deal is a worst-case scenario. We cannot countenance it as an option. Indeed, let us remind ourselves that it has already been overwhelmingly rejected by this House, as well as by the National Assembly for Wales.

Alex Chalk (Cheltenham) (Con): I do not doubt for a moment the hon. Lady's sincerity in wanting to avoid no deal, but does she not, like me, see the irony in the fact that she will be joined in the Lobby by people who want to achieve precisely that? If she genuinely wants to avoid that, is not the safe, moderate and proportionate step to vote for this deal?

Liz Saville Roberts: I thank the hon. Gentleman for that intervention, but I ask him: does he not see the deceit of presenting the Prime Minister's withdrawal agreement as a better result than no deal, given that it will come with the uncertainty of being out of the single market and customs union, damaging the Welsh economy? The no-deal scenario is worse. Many of us can now talk about Brexit almost on auto-pilot, but it is deceitful to tell people who no longer want to discuss this that the Prime Minister's deal will take Brexit off the table. It is deceitful, it is harmful and it is not the best for Wales's economy or for many of our economies.

The substance of this debate has never made sense to me. It has centred on a fabricated theoretical concern about a hypothetical backstop never intended to be used. For the extreme right-wing of the Conservative party to be peddling myths about fantastical problems the backstop might, in some blue moon, cause is one thing, but for the official Opposition to be embroiled in the minutiae of that same debate and to be using the same arguments as the Democratic Unionist party is another; it is an unnecessary distraction and a confusion.

What farmers, factory workers and families in Wales need is clarity. For all the withdrawal agreement's misgivings, what the backstop does offer is, for once, some degree of clarity—it is an insurance policy, after all. But everything else about the withdrawal agreement is a mirage of clarity. Adopt it and the clarity of the political declaration disappears over the horizon as a mirage. The best way to achieve clarity is, of course, to extend article 50, but an extension of three, six or even nine months will do nothing to dissipate the fog of uncertainty. Article 50 must be extended until the end of the transition period, negating the need for this deceitful withdrawal agreement and for any British backstop. A 21-month extension would keep the UK in the EU until the end of the EU's multi-annual financial framework, give this Government time properly to agree the final relationship with the EU and, crucially, allow time to put this to the people through a referendum.

I have been struck by the irony of people talking about concerns for democracy and about it being an affront to democracy that we would ask for another referendum. The Government took the country to a general election only 25 months after the 2015 general election. It is now 32 months and more since the referendum. Democracy is a resort it suited the Government to use in that short period, so I ask: why is it not suitable to use it now? The people's vote must of course include an option to remain an EU member state, a position that polls show is supported by more than half the people of Wales—if only it were honest-heartedly supported by the Labour party, too. If we take the scales from our eyes, we will see that the concentration of wealth in London and south-east England got us into this Brexit mess and the concentration of power is trapping us in it. As far as I can see, giving people a final say on our future is the only remaining answer. Democracy is not a one-off event. Nor is it the privilege of only one generation. Democracy, through a people's vote referendum, will be our salvation.

5.4 pm

Mr Sam Gyimah (East Surrey) (Con): In the brief time I have available, I do not wish to re-litigate the 2016 referendum. I take the view that whatever their reasons, people knew why they voted the way they did and that those reasons should be accepted. But there is a difference between where we all were during the referendum campaign and where we are now: today, we all now know what is negotiable. I certainly did not know what was negotiable in 2016, and none of our manifestos talked about the issue of Northern Ireland, which has dominated the negotiations so much. Given that we now know what is negotiable, what is the way forward?

Sammy Wilson (East Antrim) (DUP): The hon. Gentleman is quite right that during the referendum campaign the issue of the Northern Ireland border was raised only in so far as the movement of people was concerned, and that issue was dealt with by the common travel area. Is that not an indication that the problems along the Northern Ireland border and the terms of the withdrawal agreement have been manufactured for an unnecessary reason, which is that the EU is using the Northern Ireland border as a way to keep the United Kingdom in both the customs union and the single market?

Mr Gyimah: I shall come to my comments on the backstop in a moment, but it is definitely clear that although our manifestos committed us to a certain course of action, as all manifestos do, we did not fully appreciate the details of the negotiation in which we were going to be involved.

Luke Graham: Will my hon. Friend give way?

Mr Gyimah: Let me just develop this point.

Ordinarily, a manifesto promise is taken through this House, with a Green Paper, a White Paper, First Reading and so on. The manifesto commitment is calibrated and then eventually delivered. The negotiation has been the process through which we have been going with our manifesto commitment.

I could vote for this deal if there was a vision for the future of this country at the heart of it. I could vote for this deal if there was a sense of where we were going at the heart of it. I could vote for this deal if, as many expected, it would improve on the current deal. Reading the newspapers at the moment, I find it depressing how many commentators are saying to us, "The grim reality is that MPs must hold their nose and vote for this." Someone said today that this is a "grotesquely flawed" deal, but MPs should still vote for it. We are being

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encouraged to recommend for our constituents something that we blatantly know is not really in the country's interest. One thing that leavers and remainers all agree on is that had the deal before us been put to us and there had not been a referendum, none of us would recommend it to our constituents as the right path for the future of our country.

Dr Sarah Wollaston (Totnes) (Ind): Does the hon. Gentleman agree that had our constituents seen the reality of the actual Brexit deal, they too would have rejected it, and that they should have the opportunity to have the final say and a right to vote, not just MPs?

Mr Gyimah: The hon. Lady makes a powerful point, to which I shall return in a second.

We have this misleading cliché today that we just have to get on with it, as though the result is somehow immaterial so long as we do. That gives me cause for extreme concern about supporting the deal. Let me make two principal points. First, as far as I can understand it, the backstop is there to try to solve an impossible problem: we want to take control of our borders but we want the other side to have an open border. The backstop exists now because after months and years of negotiation, we have not found a solution to that problem. If those who, like my right hon. Friend the Member for Loughborough (Nicky Morgan), say that alternative arrangements could solve the problem genuinely believe that such arrangements could, they need not fear the backstop.

The truth is that dealing with these alternative arrangements on their own will not address the need for the backstop. The side deal that the Prime Minister has come back with improves things to some extent, but the EU has no need to act in bad faith because it knows that, between now and 2020, we will keep going round the same loop, trying to find alternative arrangements. If we are not careful, we may still end up in that backstop, which is why there is such serious concern.

My second point is on the political declaration.

Richard Graham (Gloucester) (Con) *rose—*

Mr Gyimah: I would like to develop this point.

My right hon. Friend the Member for Loughborough said that there is no point in discussing the political declaration. She said that all we need to do is vote for the withdrawal agreement, and discussions on the political declaration will come later. We in this House must get real about what the meaningful vote and the withdrawal agreement mean two to three steps down the line.

Justine Greening (Putney) (Con): My hon. Friend is making a very powerful point. It is easy to forget that when the Prime Minister set out in her Lancaster House speech the many tests and criteria that she felt we needed for a successful Brexit, one of them was to have a future partnership agreed over the course of the two-year article 50 period. As he will know, that was the first time that she mentioned the phrase "No deal is better than a bad deal", but no deal in that context reflected the future partnership agreement, not just the withdrawal agreement.

Mr Gyimah: I thank my right hon. Friend for that point. I am running out of time, so I will have to move on very quickly.

The issue with the political declaration is that, after 29 March, we have no idea what happens. We have no strategy and no plan. What the Prime Minister has said is that she will consult this House on a mandate for negotiation, but if her red lines still exist, how will this House agree on a mandate for negotiation as far as the political declaration and our future are concerned? I cannot see how that is possible given that, today, we know that there is no majority for any of those options in this House.

We know that there are some in this House who would rather that we diverge as far from the EU as we can and go cap in hand to an America First President for that free trade deal. Is there a majority for that in this House? We are setting sail, or we are being encouraged to set sail, with no idea about the future. By August, we will have to decide what our negotiating position is for the 21-month period, because another clock starts ticking after 29 March. The longer that we take to work out our negotiating position, the more we eat into our own negotiating time. Very quickly, this House will have to decide whether it wants to get closer to the EU, whether it wants to diverge a bit more, or whether it wants to be somewhere in the middle. Whenever anyone asks this question, they are told, "You are trying to frustrate Brexit." The truth is that leaving somewhere and going somewhere are not the same thing. We can all leave this Chamber, and two of us could go in completely different directions. We need to understand where we are going, which is why, for me, extending article 50, pausing and reflecting and working that out, is important.

The scene that we have seen over the past few months of Brexit Ministers having to buy a frequent pass on the Eurostar to go to Brussels to secure a concession will be played out time and time again, because we will have left with our hands tied behind our back and everything we want will come at a price. How would we have taken control on behalf of our constituents if that is what happens?

5.13 pm

Mr George Howarth (Knowsley) (Lab): It is a pleasure to follow the hon. Member for East Surrey (Mr Gyimah). He made a thoughtful, fluent and principled speech and I commend him for doing so.

Back in January when we were debating this matter, I said that the Government had no majority, no authority, and no longer served any useful purpose. If that was debatable in January, it is now an absolute certainty. I am afraid that the debate we are having only reflects the mess that the Government have got themselves into on this issue.

I want to be brief so I will not repeat a lot of the things that have already been said. I just want to make a couple of remarks about where the public are at and where they were at the beginning of this process, which leads on to the debate about whether a consensus is possible. I do not mean this in any critical way, but the right hon. Member for Loughborough (Nicky Morgan) called for consensus, the hon. Member for Morley and Outwood (Andrea Jenkyns) called for consensus, and—in a slightly different way—the hon. Member for East Surrey

just made a plea for a kind of consensus. The difficulty is that they all mean something entirely different. The right hon. Member for Loughborough means a consensus around the Prime Minister's deal, the hon. Member for East Surrey wants a pause so that we can think about whether other options could be considered, and the hon. Member for Morley and Outwood basically wants us to come out without a deal. In each case, there is no possible basis for consensus.

When we started this process, I noticed that there were three different strands of opinion in my constituency, and Knowsley is not unique in that. The first strand was made up of people who voted to leave and wanted to leave on any basis it was possible to achieve, including without any kind of a deal. Secondly, there were those who agreed more with me than with anybody else, who felt that we had made a historic mistake in voting to leave in the referendum and were looking for a way to reverse that process. Finally, there was a group of people in the middle who simply wanted to get on with it, although they were not specific about what it was they wanted to get on with, other than the fact that they wanted to leave the European Union—and the Prime Minister has built her entire negotiating strategy around that one group.

The difficulty is that that one group, which is also reflected in this House, cannot definitely be said to be on one side or the other when it comes to any specific deal. Yes, these people want to leave, but they do not necessarily want to leave on any terms put in front of them, and they certainly do not want to be part of a deal that makes them, their families and their communities worse off. The problem is that any solution has to involve a strategy that brings at least two of those three groups along with it, but I am afraid to say that what the Prime Minister is offering at the moment does not bring any one of those groups along fully, as we will see reflected in the Division Lobby tonight.

It would be reasonable to challenge me on what I think should happen. All I can say is that at the beginning of this process, after we triggered article 50, I would have voted for a deal that I thought would not do too much damage to my constituents; that is where I started from. Frankly, I am now at the point where I will vote, if I get the opportunity over the coming days, for no deal because I think that it would be disastrous for my constituency and our country. [Hon. Members: "Against no deal."] Sorry, I will vote against no deal; that was a Freudian slip. I will also vote for a second referendum if the opportunity arises, and I will certainly vote for the extension of article 50. We have to get somewhere with this. If we do not, the only option left will be to say to the people, "Is this what you really want?" And we are rapidly reaching a point where that is probably the only option left.

5.18 pm

Boris Johnson (Uxbridge and South Ruislip) (Con): It is a great pleasure to follow the right hon. Member for Knowsley (Mr Howarth). I have known him for many years and I do not doubt his sincerity in this matter at all. I myself had sincerely hoped that the Government would be able to make the wholly modest changes that this House urged them to make, and that there would be no risk that this country would find itself trapped in the backstop or that we would lose our democratic right to make laws for this country and pass them to a foreign entity for all time, as we are in danger of doing.

But whatever the Government tried to do, they have not, I am afraid, succeeded. Though I congratulate the Prime Minister and the Attorney General on their efforts, the result is that, like Adam and Eve in the Garden of Eden, they have sewed an apron of fig leaves that does nothing to conceal the embarrassment and indignity of the UK. As the Attorney General confirmed in his admirably honest advice, the backstop does not just divide our country in fundamental ways—it ties our hands for the future and sets us on a path to a subordinate relationship with the EU that is still, despite what we were told yesterday, clearly based on the customs union and on large parts of the single market.

Lady Hermon *rose*—

Boris Johnson: I give way with pleasure to the hon. Lady.

Lady Hermon: I am very grateful indeed to the right hon. Gentleman for allowing me to intervene, because it gives me an opportunity to remind him of the many opportunities that he took during the EU referendum campaign to assert that this country was going to take back control of its borders. May I just ask him whether he has ever visited South Armagh or Crossmaglen? How, with the greatest respect, does he think he is going to take back control of the border without the backstop arrangement?

Boris Johnson: I am most grateful to the hon. Lady for her intervention. I have certainly visited the places that she mentions—indeed, at the times of the troubles—and I can say that nobody wants those types of border controls to come back, least of all the Governments in Dublin or in London, or indeed those in Brussels; and, by the way, nobody thinks it necessary, under any circumstances, for hard border controls to return in Northern Ireland. But what I think her constituents will want is for this country to have the unilateral right of exit from the backstop, and that is not what the British people are getting out of this deal.

Lady Hermon *rose*—

Boris Johnson: If the hon. Lady will allow me, I will make some progress.

I want to stress this point. I really cannot accept the repeated assertion by the Attorney General in his very powerful speech this afternoon that there is a minimal legal risk of us being trapped in the prison of the backstop, because it is now more than a year since I stood in Downing Street—in No. 10—and was told that there was a minimal legal risk that we would even have to enter the backstop. That is not a view that I believe could now be plausibly defended by the Government.

Alex Chalk: Of course there is a risk with the backstop—it would be infantile to suggest that there is not—but does my right hon. Friend not agree that there is also a very great, if not much larger, risk in respect of a no-deal outcome? Would he at least recognise that point?

Boris Johnson: I will come to that, but I am grateful to my hon. Friend for conceding that it was always infantile to pretend that there was no risk of getting

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into the backstop, because that was, for a long time, the contention of those who proposed that the backstop should be instituted.

I am afraid that this deal has now reached the end of the road. If it is rejected tonight, I hope that it will be put to bed and we can all face up to the reality of the position and the opportunity that we have. What we need to do then—now—is to behave not timorously but as a great country does. We have broadly two options. We can either decide, if the EU is unwilling to accept the minor changes that we propose, that we will leave without a deal—yes, I accept that that is, in the short term, the more difficult road, but in the end it is the only safe route out of this and the only safe path to self-respect—or we can decide to take a route that will end in humiliation by accepting arrangements with the EU that seem to limit disruption in the short term but will leave us as an EU protectorate with many important rules set elsewhere.

Members have asked, "What's the worst that could happen?" I will give two examples, but there is any number of rules and regulations. The financial services industry would be subject to laws set by its leading competitors, which is emphatically not what the City wants. The Commission has already made it clear that it wants to use the passerelle clause of the existing treaty to bring in qualified majority voting on taxation. We would be subject to that, under a qualified majority vote in which this country would not participate. I urge Members to think hard and to see that that predicament would be democratically intolerable. We would have to tell our constituents that they had no power or influence in setting some of the rules that govern our country.

James Cartlidge: I have huge respect for my right hon. Friend, but he said that there were two choices. In terms of WTO rules, which he has advocated, there are two choices; that is correct. We can either have tariffs that hit our consumers, or we have no tariffs on imports, which would leave our exporters and industry at a terrible disadvantage. Which of those two options would he go for?

Boris Johnson: In any circumstances, we would have the freedom to decide what our tariffs were going to be, and under this—*[Interruption.]* Under this deal, we would lose the power to decide what tariffs we levied on the perimeter of the UK.

The most powerful argument that has been made this afternoon is the threat that some Members are apparently ready to hijack the long-standing rules of the House in order to take our constitution hostage, with Parliament to direct the Executive in international relations. That upends hundreds of years of constitutional practice and makes a nonsense of relations between Parliament and the Government. I believe it would lead to an even greater gap between people and this place. Let us abandon that project of dismantling our constitution in the name of making this country an effective colony of the EU.

Instead, we should take what now seems to be the more difficult route but is, in the end, the only one that preserves our self-respect, which is to leave as we are required by law on 29 March and to become once again an independent country able to make our own choices. I am not in favour of crashing out, as many call it. The Malthouse compromise indicates the way forward—the UK observes single market rules and customs duties and restrains our right to compete for a period of three years while we negotiate a free trade deal. I believe the EU would be open to that.

As we come to the final stages, it is vital that we retain our freedom of manoeuvre and do not rule out no deal. A delay will achieve nothing except to compound the uncertainty for business. Now is the time to behave as what we are—the fifth biggest economy in the world, the second biggest military power in NATO and, by many counts, the most influential cultural and intellectual force in Europe—and not to accept what I believe would be a humiliation and the subordination of our democracy.

5.28 pm

Joanna Cherry (Edinburgh South West) (SNP): It is a pleasure to follow the right hon. Member for Uxbridge and South Ruislip (Boris Johnson), although I am puzzled as to why all the wonderful ideas he has about Britain's glorious future outwith the European Union were not put into play in the two years he spent as one of the most senior people in the Cabinet. One thing that he and I agree on is that this is a rotten deal, although the reasons we will vote against it are very different.

I make no apology for voting against this deal—62% of people living in Scotland voted against leaving the European Union, and 72% of my constituents in Edinburgh South West voted against leaving the European Union. Quite frankly, if I were to vote for this deal, I would probably be strung up from the nearest lamppost as soon as I got home, because my constituents feel extremely strongly about this. They do not want to be taken out of the European Union, and they are very angry about being taken out of the European Union against their will.

Many of my constituents work in the second biggest financial sector in the United Kingdom. Many of my constituents work in two of the best universities in Scotland—Edinburgh Napier University and Heriot-Watt University—and many work in businesses that are already opening offices abroad. I am aware of at least one significant business in my constituency that is moving out of Edinburgh and the UK completely as a result of Brexit.

I make no apology for voting against the deal because I know—not because it is my opinion, but because the evidence I have heard over the last two years in the Exiting the European Union Committee tells me so—that this deal will make Scotland poorer and that it will make Scotland a less safe place to live. I know that this deal will remove Scotland from a single market of 500 million people and attempt to keep us, in some sort of hostage-like situation, in an internal market of only 60 million, in which we really do not have a proper say in the rules and regulations.

Luke Graham: Will the hon. and learned Lady give way?

Joanna Cherry: No, I will not, thank you.

I know that this deal will place Scotland at a potentially serious competitive disadvantage compared with Northern Ireland. I know that this deal and the ending of free

movement, combined with this Government's hostile environment, will mean a fall in the working and tax-paying population of my country, which will adversely affect my country's future and my country's economy.

Carol Monaghan (Glasgow North West) (SNP): Does my hon. and learned Friend share my surprise, frankly, that the right hon. Member for Uxbridge and South Ruislip (Boris Johnson) has been to Crossmaglen, and does she share my concerns, as someone whose mother-in-law is from the fair town of Crossmaglen, that any threat to the backstop is indeed a threat to peace?

Joanna Cherry: Yes. I have been to Crossmaglen. My mother went to school in Carrickmacross, and when I was a wee girl, she taught me the poem:

"From Carrickmacross to Crossmaglen,
There are more rogues than honest men."

I am not suggesting that that is the case any longer, and I am not suggesting that that is because the right hon. Member for Uxbridge and South Ruislip visited. Joking aside, however, as somebody with an Irish mother and a family who still live in the Republic, albeit very close to the border, and who run businesses close to the border, I am acutely aware of the threat that this deal—this Brexit—poses to the peace process and the threat it poses to the economy on the island of Ireland, so I do not say that I do not understand why the backstop is there.

I said earlier today what I feel about the measly assurances the Prime Minister spent two months getting from Brussels. I know there are many people in this Chamber who have very good reason to be concerned that there should be a backstop if the deal goes ahead. However, I still make no apology for voting against this deal, because voting against this deal does not mean no deal; it gives us the opportunity to do what we should have done all along when we realised what a disaster this was, which was to hold a second referendum given that the people across the United Kingdom know the reality of Brexit—not the promises made by the right hon. Member for Uxbridge and South Ruislip, which are unable to be fulfilled, but the reality of Brexit. I believe that if people see the reality of Brexit and the reality of remain, they will choose remain.

I am also voting against this deal because I know that, if this deal goes through, what will happen is that we will simply move into another lengthy period of even more difficult negotiations, with no guarantee whatsoever that any trade deal will be reached at the end of the negotiations. Even if there is, I know from the evidence that any trade deal reached will not be advantageous to my country.

The Prime Minister has said:

"I have been clear throughout the process that my aim is to bring the country back together."—[*Official Report*, 26 February 2019; Vol. 655, c. 167.]

I simply do not accept that. This process has not been about the national interest; it has been about keeping the Conservative and Unionist party together and keeping the Prime Minister in power for as long as possible.

Toby Perkins (Chesterfield) (Lab): There is much that the hon. and learned Lady is saying about this deal that I agree with, but I think she slightly over-eggs the point when it comes to the issue of Scotland and what Scotland wanted. She said that 62% of Scottish people voted against, but that is not in fact true. The turnout in Scotland was lower than that of any English region, and in actual fact only 41% of people voting in Scotland voted to remain, which was largely because the SNP made so little effort to get people to go and vote.

Joanna Cherry: Well, really! You know, Mr Speaker—*[Interruption.]*

Mr Speaker: Order. This is a most extraordinary state of affairs. The hon. and learned Lady is seeking to rebut an intervention, but, Ms Gibson, you are literally yelling from beyond the Bar in a most eccentric fashion. Calm yourself and recover your composure.

Joanna Cherry: I am not going to waste what little time I have dignifying that intervention with a reply, other than simply to say that it shows the great ignorance of many members of the Labour party about the situation in Scotland, and why Labour is nose-diving into third position in Scotland, having once been in the lead.

To return to my point: when the Prime Minister says her aim is to bring the country back together, I do wonder which country she is talking about. The United Kingdom is a union of three nations—Scotland, England and Wales—and the Province of Northern Ireland. It is not one nation; it is a union of three nations and one province. Yet, the Prime Minister has taken no steps whatever—

Lady Hermon: Will the hon. and learned Lady give way?

Joanna Cherry: I am not going to take any more interventions, because I do not have much time left, and I will not get any more time for them.

The Prime Minister has taken no steps whatever to try to bring Scotland into the tent in her discussions on Brexit. Instead, she has repeatedly disrespected the will of the Scottish people, as expressed through their Parliament—most recently last week when, together with the Welsh Senedd, it overwhelmingly rejected this deal.

The Prime Minister likes to sit laughing, rolling her eyes, pulling faces and encouraging others to do so when my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford) speaks, but she needs to remember that he speaks as the leader of the biggest party in Scotland—the party in this House that has more seats there than all the other parties put together. However, most importantly, when he speaks, he is articulating the majority view in Scotland, which is clear opposition to this deal and a desire to remain. *[Interruption.]* People can chunter away from a sedentary position as much as they like, but that is the reality.

The other reality is that, two years ago, in March 2017, by a majority of 69 to 59, the Scottish Parliament voted to hold another independence referendum in the event that Scotland was taken out of the EU against her will. I have no doubt that that will happen, and I have no doubt that this time we will win, because now people know the truth: they know that Scotland is not an equal partner in the UK, they know that Scotland is not treated with respect in the UK and they know that this deal is rotten.

5.37 pm

Stephen Crabb (Preseli Pembrokeshire) (Con): It is a pleasure to follow the hon. and learned Member for Edinburgh South West (Joanna Cherry), my colleague on the Brexit Committee. She and I agree on some things; we disagree profoundly on others.

I will be brief. I rise to say that I will be supporting the deal this evening. I supported the deal the last time we voted on it, and I supported it for a number of reasons. Parts of it represented compromises for me and did not reflect fully what I would have wanted at this stage of the Brexit process. However, overall, it represented a reasonable, pragmatic approach to the article 50 process.

The other reason I supported the deal last time was that I supported the original backstop. I did not support the subsequent vote on the so-called Brady amendment—I did not support the strategy of trying to knock the backstop out of the withdrawal agreement. I actually think that the backstop is there for good and right reasons, which reflect noble purposes. I am sorry, but colleagues on whichever side of the House who say that Brexit has nothing whatever to do with the Good Friday agreement and the peace process in Northern Ireland display an ignorance about what has been achieved in Northern Ireland in the last 20 years. Peace in Northern Ireland is simply the biggest achievement of our politics in the United Kingdom in the last 50 years, and it should be incumbent on all of us to defend it. I am afraid that, back in 2016, the way in which Brexit would affect Northern Ireland and the difficult, complicated border issue there was an afterthought; we did not invest enough time in thinking that through and coming up with a solution. The backstop is there for a very good reason.

I never accepted the narrative that has grown in recent months on the Government side of the House and among some on the Opposition Benches that the backstop is some kind of entrapment mechanism. I regard that as a conspiracy theory. I tested this view with Ministers in Europe when I visited with the Exiting the European Union Committee, as well as on individual visits. I talked to independent trade and legal experts here in the UK who also reject the conspiracy theory that the backstop has been cooked up as an entrapment mechanism between a tricky Irish Government and a malevolent EU Commission to somehow lock the UK long term into an arrangement that we do not want.

Lady Hermon: I am most grateful to the right hon. Gentleman for taking an intervention. Will he take a moment to reflect on the advice given by the Chief Constable of the Police Service of Northern Ireland, who has asked for over 300 additional police officers? Quite rightly, the Government have acceded to his request. He has also taken off the market three unused border police stations that were up for sale, because he knows the dangers of a hard border in the event that we leave without a deal. Will the right hon. Gentleman reflect on that warning?

Stephen Crabb: I agree 100% with the hon. Lady. The Select Committee took evidence from the PSNI and visited the communities affected. Anyone who tries to belittle or downplay these issues has, I am afraid, a completely wrong reading of the very serious and sensitive issues we are discussing.

The proper way of seeing the backstop is as a concession. The backstop in the withdrawal agreement reflected an ask that we made. It did not reflect the original form of the backstop. We wanted it to be a UK-wide backstop, rather than Northern Ireland-specific. We were granted that, and that is how people view it on the other side of the channel: they see it as a concession that they made to us. In effect, it was an achievement of our diplomacy and our negotiating that the final version of the backstop reflected something that we asked for. Rather than being defended as the fruit of our efforts, however, it has been trashed with the conspiracy theory that it was some kind of entrapment mechanism. There are two golden rules when one is a Minister: do not trash your civil servants, and do not trash your own achievements and homework. It does feel that we have rather done that to the withdrawal agreement we negotiated.

I say to my colleagues who have still not been convinced to support the deal that all of us on the Government Benches shared in the joint responsibility of triggering article 50 to begin the process that would lead to a negotiated outcome. What did we think was going to emerge from that process? An agreement that looks very much like the one that is in front of us. It would not have mattered who else was in Downing Street. With the greatest respect, whether it was my right hon. Friend the Member for Uxbridge and South Ruislip (Boris Johnson) or any Opposition Member, it would not have changed the fundamental shape and form of the withdrawal agreement that emerged at the other end of the article 50 process. It is not the personality in Downing Street—whether they are a true believer or not—that has shaped this withdrawal agreement. The withdrawal agreement has been shaped by our red lines, but also by a number of fixed variables that we cannot escape from when discussing Brexit.

The Northern Irish border is one of those fixed variables. Another is the hard choices and compromises that need to be made on trade: the level of market access and whether we have pure frictionless trade, balanced against the extent of the obligations we are willing to take on. One of the failings on our side, collectively, since the referendum is that we have not properly explained to the British public some of those choices and compromises, so there is still fantasy swirling around that Brexit can deliver all the benefits and none of the obligations. But the fantasy is not on offer. What is on offer is just a set of very difficult and unattractive choices. I genuinely believe that the deal in front of us represents the very best of those choices. There are strengths and merit to the deal in front of us. I encourage and implore my colleagues, on the Government Benches and on the Opposition Benches, who genuinely believe in delivering a responsible Brexit to support the deal.

Richard Graham: My right hon. Friend is making a series of very good points. The former head of the Legal Services Commission said that the new arrangements give us a legal way of ensuring that we are not locked into a customs union indefinitely if we do not want to be, because the unilateral declaration allows us to suspend obligations. Does he not agree that it cannot be right that both my right hon. Friend the Member for Uxbridge and South Ruislip and the right hon. Member for Broxtowe (Anna Soubry) believe that turning down the

deal is a good idea—one because they want no deal and the other because they do not want any Brexit? Surely both of them cannot be right.

Stephen Crabb: My hon. Friend makes an important point. The fact is that being in the backstop is not a happy or comfortable arrangement either for the EU side or for our side. It is not the long-term objective of the negotiators on the EU side—I genuinely believe that. Again, I return to what I described as the conspiracy theory of entrapment—that somehow we are being lured into an arrangement that we will never be able to get out of. This is just one more stage in a very long process to come.

I recall one particular leaflet that was delivered to every household during the referendum campaign. One of the warnings in it, among some of what many of my colleagues would regard as scaremongering, was a prescient one of the potential of 10 years or more of negotiation and wrangling over what Britain's future relationship would be with the EU. It feels very much as though here we are in year three, and we are still in the baby steps of quite a long process. If colleagues of mine want to see quicker, more purposeful progress, they will support the deal this evening.

Finally, I do a lot of mountain climbing in Scotland and in Wales. Every year, people set off on a sunny day up mountains wearing a pair of trainers, armed with a slice of Kendal mint cake, thinking that they are going to get to the summit. They get up there, the weather is not as good as they wanted, they do not have a map and they are not equipped properly. They might argue among themselves about what the right direction is, and eventually they need rescuing off the mountain. It feels a bit like that is perhaps where we are heading, but mountain rescue is not going to come for us. The solution to get off the mountain is in our hands, and that solution is to pass the deal tonight.

5.46 pm

Imran Hussain (Bradford East) (Lab): I declare straight away that I have never climbed mountains—there is time for me yet to get into it—but it is a pleasure to follow the right hon. Member for Preseli Pembrokeshire (Stephen Crabb). Time is short, so I will try to be brief and will not take any interventions, because many hon. Members are yet to speak and it would be unfair, in such an important debate, for Members to be reduced to a time limit of two to three minutes—so, my apologies.

I echo many of the serious concerns that Opposition Members have raised about the Prime Minister's deal or no deal, and the hugely negative impact that those scenarios will have on our communities, where a Tory Brexit will be devastating. The Prime Minister's legal guarantee changes nothing. While we have heard lots of debate and emphasis on that today, quite rightly, I wish to concentrate my contribution on the human impact that is at play.

I will start by looking at my home town and constituency of Bradford, and the destruction that ideological Tory policies and the Government's austerity cuts have brought upon our communities in Bradford in the last decade. We see rampant poverty gripping the city, with more than half the children living in my constituency in poverty according to the End Child Poverty campaign, and with not a week going by that I do not have a worried parent in my constituency advice surgery telling me how they are struggling even to clothe or feed their children because of the desperate poverty that they live in. We see poor educational attainment, with far too many children leaving school without enough GCSEs and far too many unable to go university. We see abysmally low wages, with people in Bradford paid less than the national average, or even the regional average.

We see insecure jobs and more and more people forced to take on zero-hours contract roles that do not pay the bills and do not offer the protection that they need. We see cuts to local government funding that have crushed advice centres, libraries, community halls and other services that people rely on and that are vital to the fabric of community life. We see an underfunded NHS, with our hospitals creaking as they are forced to do more with less, and staff underappreciated and underpaid. We see uncertain futures, with no hope of tomorrow being better than today and no bright future for our children.

Do I think that the Prime Minister's deal or no deal is the right choice and that it will offer people in Bradford a better future? Not at all, because let me be clear: it is the Prime Minister and this Tory Government who have left us in such a state, because it is their austerity that is driving Bradford into the ground, not the EU. We were promised by the leave campaign that everything would be fantastic—that there would be millions more for the NHS, that the economy would be fine and that wages would be higher—but the stark reality is that those promises have failed to materialise and that a Tory Brexit will only devastate our communities further.

A Tory Brexit will help the Government to strip away workers' rights—rights we have fought hard for and depend upon—and allow them to continue their relentless pursuit of deregulation to make it easier for people to lose their jobs, their holidays and their representation. It will grind down our economy in Bradford and Yorkshire, which exported £9.7 billion of goods—goods that create thousands of jobs but depend on free and unhindered access to the continent—to the EU in 2017. It will hit wages and the pockets of working people as the economy shrinks, jobs are lost and even food prices rise. It will allow the Government to continue their ideological austerity drive, with money set aside for the regions by the EU not coming back to the north but being spent in the south and the Tory shires. Ultimately, it will worsen poverty, as rights are watered down, jobs are lost, wages shrink and austerity continues.

People in Bradford have suffered for years under this Tory Government, who have enacted ideologically driven policies and forced poverty on our communities, so why should they trust a Tory Brexit? A Tory Brexit is not the answer for people in Bradford, and nor is a Tory Government, full stop. I cannot support an outcome that would leave people in Bradford worse off. I cannot allow our communities to be dragged further into the spiral of deprivation, social injustice and poverty.

5.51 pm

Nick Herbert (Arundel and South Downs) (Con): I will support the deal tonight, as I did before. I welcome the further agreement that was struck in Strasbourg in relation to the backstop. We now have far greater legal certainty about our ability to exit it.

[Nick Herbert]

The focus of this debate, and of most of the debate in the past 24 hours and previously, has been the legalities of the backstop and of our exiting it. Ultimately, we should care about the real-world risk of being trapped in the backstop, but that has been discussed very little. What are the actual chances that we will be trapped in the backstop, not from a legal point of view but from a political point of view? Is it likely that we will find ourselves in that position? I think it is perfectly possible to argue that it is highly unlikely.

First, I agree with my right hon. Friend the Member for Preseli Pembrokeshire (Stephen Crabb) that our being in the backstop would not benefit the EU at all. The EU would not want us to remain in the backstop because, for instance, while we were in it, we would have many of the benefits of the single market without paying into the EU. The idea that the EU wishes to trap us in the backstop is simply a wrong analysis.

Secondly, we would have several hurdles to jump before we ever got into the backstop. We would only start to consider it as a possibility if a trade deal were not ready. We now have further legal certainty about the efforts to ensure that the trade deal will be ready. It would only start to become a possibility if the implementation period were not extended. That is an alternative. It would only start to become a possibility if alternative arrangements were not completed. Again, we now have more certainty about the preparations for those alternative arrangements. We should stop talking about the backstop as though we are certain to get into it and certain to be trapped.

Rebecca Pow (Taunton Deane) (Con): My right hon. Friend is making such a powerful case. Is this not about degrees of risk? We should weigh the minuscule risk, as I see it, of being trapped in the backstop against the far greater risk of not agreeing this deal, which would throw into jeopardy all the good things it should bring this country.

Nick Herbert: My hon. Friend quite brilliantly anticipates my very next sentence. Ultimately, we have a political judgment to make, not a legal judgment. Is the theoretical, highly unlikely possibility that we will be trapped in the backstop really enough to risk Brexit altogether?

Let me say first of all that anyone who is clinging to the hope that no deal could still happen, and is intending to vote against this deal to achieve it—it appeared to me that my right hon. Friend the Member for Uxbridge and South Ruislip (Boris Johnson) was thinking of doing that—should forget it, because it is clear that the House will not allow no deal. Whether one supports that move or not, it is about to be taken off the table as an option. We therefore face the clear and present danger that, if this deal does not go through, Brexit will be diluted, seriously delayed, or ditched altogether. That may be what Labour Members want—there is a whole cadre of them who want a second referendum, and others who want to cause difficulty for the Government—but one thing is clear: on these Benches, you cannot talk about gaining control and taking back control, only immediately to cede control to the House of Commons and lose any further control we have to shape the kind of Brexit that we would like. If Conservative Members do not like the deal as it is currently constituted, let them spend the next few months discussing, and then voting on, and then being outvoted on, whether they want a Norway arrangement in which we would become a rule taker, or whether they want a permanent customs union rather than the temporary one for which the backstop provides. That is what Labour Members want, and that is what the House of Commons will give us, whether my hon. Friends like it or not. That is the downside. That is the risk that they are now running: Brexit diluted, seriously delayed, or ditched altogether.

The choice is clear. We can have damaging uncertainty as a result of further delay, anger in the country that we have not implemented the decision that the country took, and the risk—of which my hon. Friends should be perfectly well aware—that the impasse will lead to a general election. Conversely, there is a huge upside to getting this deal through. We avert the risk of no deal, although I think that that is about to be averted altogether. We leave, as promised, on 29 March or shortly after. Business confidence and investment return—and we know that businesses are sitting on cash at present—because we have an implementation period and certainty for those businesses. Resources are released for public services. If the deal does not go through tonight, the Chancellor will have to make it clear tomorrow that he must hold on to cash in the event of uncertainty and of no deal becoming a possibility. If the deal goes through, that cash could be released for public services, which every Member in the House would like to happen.

There are Members who voted to trigger article 50 and who voted for the referendum. Although they did that within the last two years, they are determined to oppose this deal because, in reality, they have reached a position in which they want to oppose or dilute Brexit.

Let me say to my hon. Friends that this not a moment to choose ideological purity above pragmatism. This is a pragmatic deal, which recognises that while 17.4 million people—the majority—did vote to leave the European Union, 16.1 million voted to remain, and we have to compromise. It will be a compromise not with the European Union, but with the country: a sensible compromise which recognises that in leaving we must carry the public with us, and carry business confidence with us.

I say to Members that they have a second chance now to support this deal, and if they really want to deliver Brexit, they should do so.

5.58 pm

Mr Ivan Lewis (Bury South) (Ind): Public dissatisfaction with this place has never been greater. It is true that, when the country is so divided on Brexit, it was always going to be the toughest of challenges to earn public confidence and respect, but the failure of leadership in both the major political parties, coupled with the rigid ideological dogma of some Members, has made the situation far worse than it needed to be. Party and dogma have sadly been put ahead of country.

I have been consistent throughout. I believe that the result of the referendum has to be respected. A belief in the central importance of democracy and the dire consequences for progressive politics if we were to ignore or attempt to subvert the result mean that we must leave. Holding a second referendum would, irrespective of its result, fuel a dangerous right-wing populism in our politics that would be likely to lead to long-term

right-wing Governments in this country. However, the basis on which we leave and engage with the EU in future is all-important. It will shape our destiny for a generation. It must protect our economy, the standard of living of our constituents and our security. We also have a solemn duty to preserve the United Kingdom, which should only ever change through explicit public consent, and to protect the peace in Northern Ireland, which remains fragile—we should never forget that.

The deal we are being asked to support tonight was overwhelmingly rejected back in January largely, but not exclusively, because of the Northern Ireland backstop. The Brady amendment passed by this House gave the Government a clear instruction that the backstop must be replaced in the withdrawal agreement by alternative arrangements; this has not happened. Some propose a time limit; this has not happened. Others wanted us to be able to unilaterally leave the backstop if negotiations fail; again, this has not happened. So none of the conditions laid down by the vast majority of the original deal's opponents has been met, and this has been starkly underlined by the Attorney General's legal advice of this morning.

As I have said, I believe we do have a duty to implement the referendum result and leave the EU, and I will only support a minimum extension to article 50 which would ensure that we were not obliged to participate in European elections. Therefore, I will be willing to consider supporting this agreement, for all its perfections, if only the Government were willing to be clear about their aspirations for our future relationship. For the sake of trade, jobs and living standards, that has to include a customs arrangement of some kind with the EU. That could, but need not, be membership of the customs union itself. Not only is that the best way of securing economic stability, but it would guarantee that the backstop is consigned to the dustbin of history. The best means of achieving this is Common Market 2.0, with the UK moving into the EFTA pillar of the EEA and joining a comprehensive arrangement with the EU, maintaining a common external tariff with frictionless trade and no hard border in Ireland. We would seek to maintain the closest possible economic relationship with the EU without the political integration which the majority in this country opposed very clearly in the referendum.

The time has come to put this, along with other potential solutions, to the House so we can indicate where a majority can be secured. We know what the majority are against; the time has come for the majority in this place, free from the constraints of party Whips, to make it clear what they are for. That would truly be acting in the national interest.

6.3 pm

Mary Robinson (Cheadle) (Con): It is a pleasure to follow the hon. Member for Bury South (Mr Lewis).

Throughout the negotiation process I have always believed that the result of the referendum must be delivered. It is simply not enough to say that we respect the result of the people's vote on 23 June 2016 and then ignore it. In that referendum the British people instructed the Government to leave the European Union, and the agreement that the Prime Minister has negotiated implements that vote effectively, ending the free movement of people, stopping the vast annual payments from the UK to the EU, and freeing the UK from the common agricultural policy and the common fisheries policy.

I personally voted to remain, and have always been conscious of the fact that a majority of my constituents—57.3%—voted to remain, while recognising and remembering that over 40%, a significant minority, voted to leave. One of the problems with the entire withdrawal process is that without compromising no side—whether leave or remain, for no deal or for a second referendum—would have been entirely and perfectly happy with terms of the deal whatever agreement the Prime Minister had brought back from Brussels. However, the referendum presented voters with an unambiguous choice to remain in the EU or to leave, and the consequences of either decision were conveyed to the electorate extensively.

We rightly place our focus on a strong economy, but the vote was not just about economics. The referendum result brought to the surface of political debate people's sense of identity as well as their concerns about immigration, free trade and the EU's democratic deficit. However, events over the past few months have shown that the political discourse is frozen, and that is what we need to deal with. Many of us have been waiting for that decisive moment when we can have clarity on the future direction of travel. In my view, this withdrawal agreement provides the clarity that we need to move to the next stage of the negotiations—the implementation period—and to lay the foundations for a comprehensive free trade agreement with our European partners. The implementation period will provide Governments, businesses and people on both sides of the channel with the time to put in place the new infrastructure that will be integral to the arrangements that the Prime Minister has recently secured.

I am one of the 27. No, not the EU27, but the 27 Members of Parliament representing Greater Manchester constituencies. I am therefore particularly interested in gaining the certainty that we need and in continuing the growth of our northern economy. There is nothing that businesses fear more than uncertainty. They need to know the direction of economic travel so that they can plan for future investments. That is hugely important for my constituency, for Greater Manchester and for the economy of the north of England.

The Government's commitment to the northern powerhouse is translating into record levels of investment across the region and, most importantly, into jobs. Greater Manchester's local industrial strategy reinforces the region's ambition to establish the country's first Tech Nation hub, and a report from Ernst & Young reveals that Manchester has been ranked as the best performing city outside London for attracting foreign direct investment projects, with a 17% increase in projects since 2017. The digital sector is the leading sector influencing those figures. Many companies are now comparing Manchester to California's silicon valley, because of the huge expansion of Manchester's tech hub. Further evidence of the city's confidence in this sector is Amazon's decision to open a new office in the centre of Manchester, creating 600 digital jobs.

However, we can continue this success only by laying the foundations for an orderly, smooth Brexit. This agreement provides the basis on which we can leave while giving people and businesses the certainty that they need. I understand that some people in Cheadle and elsewhere in the north, as well as some colleagues here in the House, want to reject this deal in the hope that that will force either a no-deal Brexit or a second referendum leading to the UK remaining in the EU.

[Mary Robinson]

Both cannot be winners, however; both cannot be right at the same time. For any hon. Member who genuinely does not wish to stop Brexit, this is the best and only deal. The EU has made it clear that it will not change the terms of the agreement. Whatever our views on the nature of the future relationship, that relationship can be negotiated only when a withdrawal agreement has been passed. This is the only withdrawal agreement. If we do not agree to this motion today, we risk having no Brexit at all. I am backing this agreement to take us out of the European Union into a more global future, and I am anticipating a positive, optimistic future for our country.

6.8 pm

Emma Reynolds (Wolverhampton North East) (Lab): It is a pleasure to follow the hon. Member for Cheadle (Mary Robinson). We might go through different Division Lobbies tonight, but I share her priority for safeguarding our constituents' jobs and livelihoods. That is what is driving my decision to vote against the motion tonight, and I want to set out three reasons why I will be doing that. First, for many of us on the Opposition Benches, the package that the Prime Minister has brought back from Strasbourg at the eleventh hour totally misses the point. Our concerns about her deal have nothing to do with the Northern Irish backstop. In these debates about exiting the European Union, right hon. and hon. Members have expressed concerns about the economy and trade three times more often than concerns about the backstop.

This last-minute deal, which really has not changed much, is just the latest chapter in the Tory party's Brexit divisions and melodrama. When the Prime Minister says that she is listening to Parliament, she is actually listening to hard-line Tory Brexiteers and her confidence and supply partners, the DUP. When she says that she is acting in the national interest, she is actually putting her party's interests above the prosperity of our constituents. She encourages us to come together, but she has done little to reach out across the House to appeal to Labour Members and other Opposition MPs. When it comes to the deal tonight, this is the first time that I can remember in British history that a PM and Chancellor have recommended a course of action that, according to their own economic analysis, will make people worse off and our economy smaller. The people did not vote in the 2016 referendum to be poorer, and I cannot in all conscience vote for a deal that makes my constituents poorer and the country less safe.

Secondly, as the right hon. Member for Preseli Pembrokeshire (Stephen Crabb) said in his eloquent contribution, the Government have not levelled with people about the trade-offs and hard choices that should be made on Brexit. For example, Brexiteers claimed that trade deals with the US, India, Japan, Australia and New Zealand will boost our prosperity, but there is not a shred of evidence that those trade deals—even if agreed quickly and in our favour, on which the International Trade Secretary is not exactly doing a great job—would result in more jobs and investment than we would lose if we loosen our ties with the EU, which is our most important market and the destination of most of our exports. That is why it was so foolish of the Prime Minister to make leaving the customs union and the single market her red lines from the word go. If only she had dropped those red lines, she may have managed to build true cross-party consensus for an alternative deal.

The irony of today's debate is that it is all about reassuring hard-line Brexiteers that the UK will be able to pull out of the backstop, which is in essence about the UK leaving the customs union. However, just-in-time manufacturers in the food, automotive and aerospace industries, which employ tens of thousands of people across the country and thousands in my constituency, have stressed time and again the importance of frictionless trade and the customs union with the EU and of avoiding no deal. Supermarkets have warned that a no-deal scenario and any delays at the border would put food prices up, and the car and aerospace industries have warned that delays at the border will destroy just-in time manufacturing. Indeed, because of the threat of no deal we have seen companies big and small already taking decisions to put investments on hold. We have had bad news from Nissan in Sunderland and terrible news about Honda, and BMW has said that no deal would lead it to shift production elsewhere. As my right hon. Friend the Member for Leeds Central (Hilary Benn) said, the car industry should be the jewel in the crown of our economy, but the Government's irresponsible actions are putting that at risk.

Thirdly, I am not prepared to vote for a blindfold Brexit. The political declaration is vague and non-binding. We were told by Tory Brexiteers a couple of years ago that the trade agreement with the EU would be the "easiest in human history" but as Ivan Rogers, the UK's former permanent representative to the EU, so eloquently put it only the other day:

> "We cannot live in glorious isolation. Talk to the Swiss and to the Norwegians—they live in a permanent state of negotiation with the EU."

To those who say that we should vote for the deal tonight so that we can get things over and done with and move on because people are fed up, I say that boredom is not a good reason for taking an important decision about the future of our country. The negotiations will go for years and years and years.

I hope that the deal is defeated tonight, and I hope that we then vote against no deal tomorrow. It would be the height of irresponsibility. We have heard the right hon. Member for Uxbridge and South Ruislip (Boris Johnson) and the hon. Member for Morley and Outwood (Andrea Jenkyns) actually recommending a no-deal Brexit, which would be catastrophic for jobs, livelihoods and the wider economy, but do not take that from me; take it from Jaguar Land Rover and from businesses up and down the country.

Several hon. Members *rose—*

Mr Speaker: Order. On account of the demand and the time constraints, a five-minute limit will now apply, but I say to the hon. Member for South Suffolk (James Cartlidge) that it is not obligatory to take the full five minutes.

6.14 pm

James Cartlidge (South Suffolk) (Con): It is a great privilege to be called to speak in this debate. If I had my speech written on a piece of paper, I would now metaphorically tear it up.

I will simply respond to the quite extraordinary comment of my right hon. Friend the Member for Uxbridge and South Ruislip (Boris Johnson), of whom I am a great admirer. He was a very good Mayor of London. However, we have to appreciate that he is the primary spokesman and advocate for the idea that basically we should now leave on WTO terms, and many thousands of people in my party look to him and admire him for that and think he is right, yet I asked him the most basic question about the WTO today and he got it wrong. In my view, he did not understand it.

My point is that when it comes to WTO tariffs, if we go to a WTO no deal, which many Conservative Members who vote against this deal tonight will want, we have to understand there are only two choices. We are not taking back control of other countries, only this one, so we cannot affect the tariffs levied on our exports; we can only control the tariffs on our imports. It is the devil and the deep blue sea. We can either have a policy of WTO most favoured nation tariffs on imports, which could mean inflation of up to 20% on many foodstuffs and other consumer goods, or we can take the approach I understand we will be announcing tomorrow if this deal is defeated, which is to have nil tariffs on most imports. That is described as unilateral free trade but, in my view, it is not unilateral free trade but the unconditional surrender of British industry and British farming.

I want to talk about British farming, because I understand that, within the schedule we are poised to announce tomorrow if we lose this vote, arable farming—wheat—will be set with a nil import tariff. That is not a minor detail in South Suffolk, because there are currently no shipments of wheat booked out of the port of Ipswich after 29 March. That is not "Project Fear" but absolute reality, because the WTO tariff on wheat is €95, or £80, a tonne. The max to be had for milling wheat is £180 a tonne. Nobody is going to buy that. Even if we get quota, it is €12 a tonne, but we will not get it because under the WTO—guess what?—although we may come to deal with the EU on quota, New Zealand, our other friends in the Commonwealth, Australia and the United States are protesting against it in the WTO. People have to understand that the WTO ain't no panacea.

But there is a way we can influence the tariffs on our exports, which will otherwise be very high, and it is old-fashioned: we make a deal with other countries, because we cannot directly control them. We do not have sovereignty over their tariffs, so we make a deal. Under the deal before the House, the good news is that we will continue tariff-free and quota-free trade with our largest market. Let us be honest, some of my colleagues will vote against the deal because they are getting the same emails I do, which say, "Go for WTO. Go for no deal." They have to understand that that means that we, as Conservatives, would be saying that within a matter days the desirable outcome is the return of tariffs—and all the red tape that comes with tariffs—and non-tariff barriers across the whole of British industry. Do we think that is a good idea, as the party of enterprise? It is madness, and it will be damaging and destructive.

Here is the good news. People talk about why we voted for Brexit and all the issues around sovereignty, and I profoundly believe, because I am by nature an optimist, that if we get a sensible deal—if this vote passes—we will be successful, and I will briefly explain why. We may be the fifth largest economy, but we are 22nd or 24th in GDP per head according to the World Bank and the International Monetary Fund. We are low ranking because we do not have the sort of sustainable growth in exports that gives the higher GDP per head that our competitors enjoy.

If we take a sensible deal that secures our industrial base so that we have some industry to make those trade deals, then and only then, once we have sorted out the border, can we start making those trade deals. We will become more export-oriented and, if we control immigration sensibly, including from outside the EU, we will eventually see higher GDP per head. To really get that, we need the investment to come with it. That needs certainty, which means voting for this deal, being confident and being optimistic about the negotiations that follow on the FTA. It means backing Britain and saying, "Do you know what? We can do this. We are confident. We don't fear the backstop. It is a risk, but we don't fear it. We are confident."

I believe that if we pass the vote tonight, we will be a very successful country.

6.19 pm

Mr Chris Leslie (Nottingham East) (Ind): I salute the hon. Member for South Suffolk (James Cartlidge) for having the guts to speak truth to those in his own party who have got wrapped up in this idea that the WTO and no deal is somehow a great future. He is absolutely right to point out what he did, although I would opt for a different outcome, which is to give the people the chance to stay in the EU. The whole Brexit process has shown the worst of our politics, right from the beginning, with the Vote Leave campaign and its hubristic claims on the side of the red bus, and then tumbling into a series of errors of judgment by the Prime Minister, when she decided to trigger article 50, and accepted the frame that she would do the divorce terms only and kick into the long grass the future relationship between the EU and the UK. It has been a catastrophic negotiating failure right from the beginning. Then of course we had the Prime Minister's stubborn resistance to move at all on the single market or customs union; there was no sense of reading the room and trying to gauge a solution as we go forward.

So we find ourselves with this deal today, but I have to say that it is not all about the backstop; some of us believe passionately that the Good Friday agreement should be defended and it should not just be left to other leaders across the EU27 to make that case. There are problems with this deal: parting with £50 billion of taxpayers' money in exchange for no certainty on the future of what will come next; and the £40 billion a year in lost public service revenues that we are going to see for our schools, hospitals and other public services because of the austerity that will be created by that Brexit deal. We have the spring statement from the Chancellor tomorrow, when this will be the elephant in the room. The Chancellor will not talk about the Brexit effect on the public finances and the shadow Chancellor probably will not either—it will all be ignored.

There is a better plan, which is simply for Parliament to grow up, get a grip and decide on what terms of Brexit should be offered to the public in a public vote. We should of course extend article 50 at the European summit on 21 March to facilitate the time and allow us

[Mr Chris Leslie]

to go back to the public. That was precisely the amendment that the independent group tabled for today, and I hope that at some point this week we will be able to vote on this question of a public vote. After all, a people's vote was the policy of the Labour party at its conference.

Has there ever been a time in our politics when we have been worse served by the leaderships of our main political parties? I commend those Back Benchers, some with very different views from mine, who have tried their best to navigate towards a solution. Many hon. and learned Members have put their backs into finding a solution, but they have found that the intransigence and tribalism of party politics has stubbornly stood in their way. We know that the Prime Minister is a prisoner of the ERG right wing on her side, but my patience with what was and has been going on in the Labour party has ended. I could no longer stay in the Labour party, standing by with its leadership enabling a Brexit that I know will hurt the livelihoods and jobs of our constituents. I say to my friends—

Kevin Brennan (Cardiff West) (Lab): You voted for article 50—

Mr Leslie: I did not vote for article 50.

Kevin Brennan: No, but your spokesman did.

Mr Leslie: I did not vote to trigger article 50, but the point about hon. Members who are heckling me is that they do not like to hear that a massive betrayal is going on in the Labour party right now. The conference policy that was passed was to support a public vote, and nobody can explain to me why the Labour party has not got to the stage of supporting a public vote by now. All my hon. Friends in the Labour party know that by now we should have reached the stage of a public vote. So I appeal to Members across the House: now is the time to make a decision, to stand up for our constituents and do the right thing, for their livelihoods and jobs. We must support, this week, a public vote to put this issue back to the public, so that they can decide.

Several hon. Members *rose—*

Mr Speaker: Order. The time limit will now be reduced to four minutes, but I say to the right hon. Member for Gainsborough (Sir Edward Leigh), to whose eloquence we are accustomed, that it is not obligatory for him to absorb his full time.

6.25 pm

Sir Edward Leigh (Gainsborough) (Con): I voted Brexit, and so did my constituency, by 62% to 38%. It always seemed to many of us that our job was to try to deliver the decision of the people, but we were aware that unfortunately we were in a minority in Parliament and might have to compromise. It became clear to many of us months ago that the EU was unwilling to unpick the agreement. It also become abundantly clear that we could not get the deal through Parliament. So, what was the way forward? It seemed to me that there was some sort of logical way forward, because the two parties themselves had agreed that the backstop should only be temporary. If the backstop proved not to be temporary, could we not, under the Vienna convention or international law, unilaterally escape from it?

I took legal advice—I am grateful to Professor Peter Willetts, the emeritus professor of global politics at City, University of London—and eventually suggested to the Government that they use the device of a conditional unilateral declaration. It was met with some scepticism at first, but the campaign continued, and I am delighted that the Government have now issued a unilateral declaration.

The shadow Brexit Secretary and the Leader of the Opposition made it clear today that they believe the unilateral declaration is not watertight because the EU has not signed up to it. That is simply not true under international law. We are perfectly entitled under international law to interpret the treaty in the way that the parties appear to want to interpret it, which is that the backstop should be temporary. Once one of these conditional interpretative declarations—that is the term of art used—is issued, it can cease to have effect only if the other party to the treaty refuses to ratify that treaty. Not only has the EU not refused to ratify the treaty, but it has not objected to our declaration.

Our declaration makes it absolutely abundantly clear that there is nothing to stop us exiting the backstop if discussions break down. We do not have to prove a lack of good faith by the EU; we have simply stated in our unilateral declaration that there is nothing to stop us exiting the backstop if discussions break down. In paragraph 14 of the Attorney General's report, he says that this is

"a substantive and binding reinforcement"

of our rights.

Now, of course there is a risk, but life is full of risks, and against the minimal risk of our being trapped in the backstop, which I believe to be minimal because we have issued the unilateral declaration and because of the stated desire of the parties, there is a much greater risk for us Brexiteers that tomorrow Parliament will block no deal, and that the next day Parliament will vote to extend article 50. For those of us who believe in Brexit and in delivering the will of the people, that is a far greater risk than the fairly small risk of our being trapped in the backstop forever. I appeal to my fellow Brexiteers: you may not like the deal, and it is not perfect, but it delivers Brexit. Let's go for it.

6.28 pm

Mr Pat McFadden (Wolverhampton South East) (Lab): I wish to address my remarks to what should perhaps happen after tonight's vote, because it looks as though all the drama of recent days has not persuaded a majority in this House to support the Government tonight. That has happened because they were on too flimsy a ground. The attempt to dress up some bad faith provisions as almost a whole new treaty was never going to work for two reasons. In part, it was because the vast majority of it was already in the withdrawal agreement. There is already an arbitration process and already provisions to suspend temporarily things that that arbitration process judged, so none of that is new. The grounds are so narrow. This happens only if there is a proven accusation of bad faith, as distinct from a political disagreement, and only then if one party—the European Union—acts in defiance of a ruling of the arbitration process. That is highly unlikely to say the least. Otherwise, if there is no agreement on the future relationship reached by the end of the transition period, the backstop kicks in.

For us, it has never been about the backstop, because we understand that this is a necessary consequence of a commitment that the UK Government have made to having no hard border, and we should value that commitment and we should value the Good Friday agreement. For all the energy in the discussions with the European Union since November, those discussions have been about the wrong question. The question should have been about not the backstop, but the future of our relationship with the European Union.

Our main objections to this agreement are that it leaves this country less empowered than we are at the moment, that it leaves us poorer than we would be otherwise, and, most of all, that there is no clarity on the future. The Prime Minister said so today. What is the answer to the car industry or the aerospace industry that says, "What does the future hold for us?" What is the answer to a young person who says, "What will happen to my rights in the future?" The Prime Minister told us today, after three years, that the answer is that there will be a spectrum of different outcomes. That is the answer: a spectrum of different outcomes. That is not good enough.

We have heard plenty about elites and the people in this debate, but there is nothing more elitist than driving through a withdrawal agreement while deliberately keeping from the people the true nature of the future relationship between the European Union and the United Kingdom after that happens, and that is precisely the strategy of the Government. Let me say to Ministers that if they lose the vote tonight and we are in the position of looking at an extension of article 50, let us not have a sterile debate about whether that is for one month, two months or a particular number of weeks. Let it be for a purpose. Let us recast this process so that we can level with the public about the choices that Brexit entails. Let us lay them out, all their pros and cons. We know the pros and cons of remaining; it is time that the choices and the trade-offs of leaving are laid out before the public. That is the opportunity of extending article 50, not simply another few weeks of the same parliamentary merry-go-round.

6.32 pm

Steve Double (St Austell and Newquay) (Con): I think it is probably an understatement to say that we are not where we want to be today, and that we are not where we should be. I do not believe that the 17.4 million people who voted to leave the EU expected that, just 17 days before our scheduled leave date, the question of whether we are going to leave on 29 March would still be in the balance.

This House voted to trigger article 50, which gave a two-year notice period for us to leave, and it passed the European Union (Withdrawal) Act, which had the date when we leave in it. It is a failure of our politics and of leadership that we are in this position today where the choice before us tonight is, as far as I am concerned, an impossible choice: a choice between the deal, which is not a deal and does not deliver on our promises to the people of this country, and voting down a deal and risking all sorts of alternatives from those who want to thwart and delay Brexit and prevent it from ever happening.

It will only be when the history books of this period are written and the real truth comes out that we will fully appreciate what happened. All the people who have sought to undermine the Prime Minister in her negotiations, and the hindrance that that has caused, are directly responsible for why we are here today. There are also those who have maintained that no deal should be taken off the table, which has completely undermined our negotiating position, and those who have supported a second referendum, which has sent a message to the EU, saying, "If you give the UK a terrible deal, it will vote it down in another referendum and decide to stay in the EU." The truth will come out one day, and then we will know exactly what has gone on to undermine these negotiations, but we are where we are tonight.

Here we are, 20 minutes before the vote, and I still do not know how to vote; I am still in a quandary. The choices before us tonight are between two wrongs—two things that I do not want to happen. It is an impossible choice. I will make a decision and vote tonight, but it is a choice that I do not want to make. One option—if you will excuse my language, Mr Speaker—is a turd of a deal, which has now been taken away and polished so that it is a polished turd, but it might be the best turd that we have before us. The alternative would be to stop Brexit all together, as some propose, and the risk of that happening is very real. That would be a complete denial of the people. When this House voted for a referendum, we put the decision in the hands of the people. We said, "You will make this decision and we will implement it." The fact that we are where we are today is a failure of our politics, and every one of us needs to take responsibility for the British public's view of this place today.

As I am faced with this impossible choice tonight, I just trust that we will deliver on the referendum and keep our word to the British people, and that—one way or another—we will leave at the end of this month.

6.36 pm

Martin Whitfield (East Lothian) (Lab): It is a pleasure to follow the hon. Member for St Austell and Newquay (Steve Double), but may I give him a little piece of advice and suggest that he votes against the deal?

We have listened to the debate over the past few months, and can extract many anomalies that go to the heart of the constitutional problem we find ourselves with today. There is a real risk that this Parliament is becoming a hollow Parliament—a Parliament that the Executive hold so low that they will not dare open negotiations with it, and whose votes the Executive choose to follow or choose not to follow. It is a Parliament that some right hon. and hon. Members have, in the very recent past, suggested be adjourned until after Brexit, and one to which the Executive will not grant Opposition days for fear of being forced to follow the will of the people's elected representatives. It is a Parliament that the people look at and, like so many generations before, are starting to despair at. But I warn the Executive that this Parliament will bite back.

There is no majority for this identical deal, there is no majority for no deal and there is no majority to authorise this Executive to throw us over an economic cliff, to damage our culture, our communities and our future generations, and to lose respect for this country around the world and the respect that this country has for itself. If those who lead cannot act in the best interests of our country on the evidence that lies before us—not some historical prejudice—they should not be surprised if this Chamber bites back.

[Martin Whitfield]

So here we are, finding ourselves with a meaningful vote in March. The right hon. Member for Loughborough (Nicky Morgan) mentioned the people's vote, and said that it would risk breaking democracy and our politics. But it is interesting that we do not hear about the fraud, the investment and the attempts to buy votes in the original referendum. Why is that not damaging our democracy and our politics? It begs the question: what intellectual humility is needed to say that what the Government are doing is wrong, and to look at the facts that influence current thinking? I hope that it is not history, because history will judge this folly severely.

My predecessor had the pleasure of sitting in the Chamber for six hours to speak and vote when we went into the forerunner of the European Union—the organisation that we watched being created after world war two not for trade, but to keep the peace. Today we have heard from hon. Members about the Belfast/Good Friday agreement, which is about not trade, but keeping the peace. It is about keeping communities living, working and enjoying each other's pleasure.

I will vote against the deal tonight not because of the Good Friday agreement, and not because of what was said about the economics during the referendum—that we were all going to be so much better off—but because of the young people in East Lothian whose futures are being damaged by this decision. There are people who say that there are hard Brexiteers and hard remainers, and that the reality lies somewhere in the middle. Well, tonight I declare my interest as a hard remainer, because that is where I think the future of East Lothian, the future of Scotland and the future of the United Kingdom is best suited.

6.40 pm

Keir Starmer (Holborn and St Pancras) (Lab): This has been a very important debate, and tonight's vote will be one of the most significant votes this House will ever take. I want to thank all those who have spoken in the debate today, and indeed all those who have spoken in the debates on previous occasions. As we go to vote, I also want to put on record my thanks to the civil service and the UK negotiating team. They are dedicated, committed, and have worked tirelessly for the past two years. They deserve our thanks. Too often, they have received wholly unwonted criticism with no right of reply. The verdict that this House delivers on the deal is a verdict not on their efforts but on the mistakes made and political decisions taken by the Government, so I record my thanks—our thanks—to them for the work that they have done.

The mood in the debate today has been lively at times, but also sombre. Members have clearly been contemplating what is likely to happen tonight. The theme has been clear, and has focused on what the Prime Minister said she could deliver—namely, legally binding changes to the backstop. As has been said many times in the debate, on 12 February the Prime Minister outlined her three options for achieving those legally binding changes to the backstop: either a legally binding time limit, a legally binding unilateral exit clause, or the ideas put forward by the alternative arrangements working group. Those commitments—those promises—have been repeated many times by the Prime Minister and by other Cabinet Ministers, so much so that for many Members of this House, not least Conservative Members, this has become a matter of trust. These were promises made by the Prime Minister to them, to Parliament, and to the country.

I have repeatedly raised the question of expectations—the concern that the Prime Minister was raising expectations that she could not fulfil. When I said that last week and the week before, Conservative Members challenged me, saying that I was not optimistic enough when I said that I did not think there were going to be legally binding changes. It is now obvious that the expectations, having been raised, have not been fulfilled and the promises have not been kept.

Among the problems for the Prime Minister and the Government has been that they have been living day to day, week to week—avoiding defeat today by promising something tomorrow. That was what happened on 10 December when the vote was pulled—the Government avoiding defeat by promising assurances on the backstop. It is what happened on 29 January when the Government voted for the so-called Brady amendment requiring that the backstop be replaced. It happened on 12 February when that promise was made about legally binding changes; and it happened two weeks ago when, facing possible defeat on a crucial motion, the promise was made that we would have the meaningful vote today, a vote on no deal tomorrow, and a vote on extension the day after. They were all promises made to avoid defeat today—promises for tomorrow. But as tonight's vote is likely to show, today has caught up with tomorrow. There can be no more buying time.

I appreciate that in the last 24 hours, the Prime Minister has valiantly tried to argue that she has delivered on her promises and that there are significant changes, but that claim has been tested in argument in this House. There was always a temporary right to suspend the backstop under the withdrawal Act if the arbitration panel found a breach of good faith. That is not new—it has been there since 25 November. There was always a commitment that the backstop would not have to be replicated. That has been there since 14 January in the letter from Presidents Tusk and Juncker.

The announcement that the letter is legally binding was made last night, but the Prime Minister made it clear that the letter had legal force on 14 January, for the first vote. "Legal force" and "legally binding" are the only difference; it is dancing on the head of a pin. That claim has been tested in this debate, and the Attorney General delivered his opinion earlier, with the key conclusion in paragraph 19 of his advice being that there is "no internationally lawful means" of exiting the backstop, "save by agreement." He could not have been clearer. The Attorney General made much play of the difference between political and legal issues, but the problem for the Prime Minister is that she promised legal changes.

The Father of the House challenged the Leader of the Opposition on the question of the backstop, and rightly so. I make it clear: we have always accepted the need for a backstop. Nobody likes the backstop, but it is inevitable. However, as the letter from President Tusk and President Juncker makes clear, the withdrawal agreement and the political declaration

"are part of the same negotiated package."

Mr Kenneth Clarke: What I put to the Leader of the Opposition was that the only things we are settling today with this vote are the deal we have on citizens'

rights, the money we owe and the Irish backstop. Those are the only things that will be resolved if we pass this withdrawal agreement today. I still cannot understand what the Labour party's objection is to any of those three.

Keir Starmer: I engaged with that point, because it is important. I have dealt with it a number of times from the Dispatch Box. I have made it clear on a number of occasions that the Labour party recognises the need for the backstop. The problem is in the heart of the letter from President Tusk and President Juncker, where they say:

"the Withdrawal Agreement and the Political Declaration…are part of the same negotiated package."

Anybody who has read the legislation that we are voting under tonight will appreciate that the Government cannot move forward unless both the withdrawal agreement and the political declaration together are voted on tonight. It is a cheap point to simply say, "Well, since you accept that there is a backstop, you should vote for this tonight." I will not accept it.

It is not just about the technical fact that the withdrawal agreement and the political declaration have to be voted through together. It is also about the fact that what happens today, given the promises, is as much about trust as it is about substance. I have never doubted the difficulty of the Prime Minister's task or the way that she has gone about it. She has been right to refuse to listen to those who are casual and complacent about the need to avoid a hard border in Northern Ireland. But the reality is that the deal the Prime Minister has put before this House is deeply flawed. The future relationship document is flimsy and vague. It is an options paper. It is the blindest of Brexits.

I heard what the Prime Minister said today—she has said it before—about not being able to negotiate a trade agreement with the EU until we have left, and that is right. But she and I know what she promised: a comprehensive and detailed political declaration, ready to be implemented. That is why it was called an implementation period, not a transition period. That commitment to a detailed political declaration was made at the Dispatch Box by Brexit Secretaries on a number of occasions. This deal is not that; it is an abject failure. It does not protect jobs, living standards or rights. It will not deliver frictionless trade. The deal has already been rejected once by this House. It has been rejected by the Scottish Parliament and the Welsh Assembly. It is opposed by the TUC and the entire trade union movement. Every Opposition party in this House, and I suspect a good many Conservative Members, will oppose it tonight. This is a sorry outcome after two years of negotiations.

Anna Soubry: Will the right hon. and learned Gentleman give way?

Keir Starmer: I will not give way, because I have just looked at the clock.

Mr Speaker, I want to end with this. I have been in the role of shadow Brexit Secretary for two and a half years; it often feels longer. Many predictions were possible back then, but I could not possibly have foreseen the scale of the calamity now upon us. The truth is that the Prime Minister has spent 24 months negotiating the deal, but the deal arrived at is a desperate attempt to keep her divided party together. It has failed even in that endeavour, and I believe it will be rejected by this House. This is a difficult moment for this House and for the country. We in this House should take no joy in the events that have unfolded. After tonight, the House will need to come together and find a way out of the mess that the Prime Minister and this Government have created.

6.51 pm

The Secretary of State for Exiting the European Union (Stephen Barclay): The right hon. and learned Member for Holborn and St Pancras (Keir Starmer) began his remarks by paying tribute to the officials across Whitehall who have put so much work into the negotiations on which we will vote tonight. On behalf of the Government, I join him in paying tribute to them for that work.

Eight weeks ago, Parliament made it clear that, despite the benefits delivered by the deal, the deal must change. The Government have listened to the concerns of the House, and they have done that. They return to present a revised package, which my right hon. Friend the Prime Minister, my right hon. and learned Friend the Attorney General and I are putting to the House, that signals a moment in time when we can move forward and when the country can move forward. It delivers the certainty our businesses need, the guarantees our citizens seek and the protections requested across the House on workers' rights and environmental standards. On Gibraltar, as the Chief Minister himself has said on many occasions, the Prime Minister has been absolutely clear that we stand behind British sovereignty for Gibraltar and that will never change. Above all, a vote for the deal tonight will deliver a wider global message that, when this country votes, respecting strongly held differences of opinion, its Parliament acts on that public vote.

In recent weeks, the Prime Minister and senior members of the Government have engaged widely: from trade unionists such as Len McCluskey to businesses, EU leaders, many colleagues across the House and even—on one occasion, when he finally got round to it—the Leader of the Opposition. Tonight, the Government present a package of measures that will extinguish the risk of no deal and remove the democratic threat posed by no Brexit. The fear of being trapped in the backstop and of the EU using its leverage in negotiations have been repeatedly raised in previous debates. I do not believe that the EU ever intended to approach our future relationship in bad faith. Indeed, it is a slight irony that those who say they are European suggest that the backstop and the EU acting in bad faith is a concern of theirs. It is certainly not my experience of dealing with them. We share values and we want to trade together, but we have to address that risk.

Mr Jacob Rees-Mogg (North East Somerset) (Con): I am very grateful to my right hon. Friend for giving way on the point about our being stuck in the backstop. Further to my question earlier, I understand that the Attorney General has been able to extend his advice on how article 62 of the Vienna convention could be used. Would my right hon. Friend be able to confirm that?

Stephen Barclay: I am very happy to address the point that my hon. Friend has raised. Before I do, I was going to come on to the wider point that the Attorney General made clear in his comments this evening—

[Stephen Barclay]

that the documents laid before the House reduce the risk on which he previously gave advice to the House on 13 November.

However, I think the issue to which my hon. Friend alludes is the exceptional circumstances that might change the basis on which the UK might enter into an agreement. For the clarity of the House, if the United Kingdom took the reasonable view, on clear evidence, that the objectives of the protocol were no longer being proportionately served by its provisions because, for example, it was no longer protecting the 1998 agreement in all its dimensions, the UK would first, obviously, attempt to resolve the issue in the Joint Committee and within the negotiations.

However, as the Attorney General said in the House today, it could respectfully be argued, if the facts clearly warranted it, that there had been an unforeseen and fundamental change of circumstances affecting the essential basis of the treaty on which the United Kingdom's consent had been given. As my hon. Friend will know, article 62 of the Vienna convention on the law of treaties, which is reflective of the customary international law, permits the termination of a treaty in such circumstances. It would, in the Government's view, be clear in those exceptional circumstances that international law provides the United Kingdom with a right to terminate the withdrawal agreement. In the unlikely event that that were to happen, the United Kingdom would no doubt offer to continue to observe the unexhausted obligations in connection, for example, with citizens' rights. I hope that addresses the concern that was raised.

Joanna Cherry: Is the Attorney General going to issue an addendum to the statement and the opinion he has already given, or is this just the right hon. Gentleman's view on the matter?

Stephen Barclay: First, I have set out at the Dispatch Box the position on behalf of the Government and given that clarity ahead of the vote. What was clear in response to the Attorney General's statement earlier today is that he has been assiduous in his duties to this House. He has provided his legal advice, both on 13 November and today, and I am sure he will continue to be a servant of the House and to act in that way.

Several hon. Members *rose—*

Stephen Barclay: I have three minutes remaining. It is—*[Interruption.]*

Mr Speaker: Order. The House must calm itself. It is up to the right hon. Gentleman to decide whether, and if so to whom, he wishes to give way. It is a matter for the right hon. Gentleman.

Stephen Barclay: Of course I will reflect the will of the House and give way, but what is interesting is that what we see on the Opposition Benches is a desire not to get into the substance but just to play politics with what is one of the most crucial decisions in our country's history.

Mr Grieve: I am most grateful to my right hon. Friend for giving way. I just want to understand the implications of article 62, because it seems that what he is actually saying is that that would be a ground for voiding the entire treaty. That is a rather different thing from being able to pull out of the backstop. Doubtless, some Members of this House would be only too delighted to see the entire treaty voided, but it is a rather apocalyptic scenario, or have I misunderstood something?

Stephen Barclay: Rather like economists, lawyers can always find issues on which to disagree. As I said, the issue here is that we are dealing with unlikely circumstances. What came through in the Attorney General's statement is the fact that, ultimately, this is a political judgment, not a legal judgment. It is for Members of this House to assess the political risk. Indeed, as the Attorney General himself said—

Joanna Cherry *rose—*

Stephen Barclay: I have taken one intervention—*[Interruption.]*

Mr Speaker: Order. One sentence of no more than 10 words. Spit it out.

Joanna Cherry: Is the Attorney General going to add to the opinion he has already given? What the right hon. Gentleman is saying is really—

Mr Speaker: Order. The Secretary of State has already explained that he is speaking for the Government. Colleagues must make their own assessment. There is no time to delay.

Stephen Barclay: Given that I have but one minute left, let me say that what came through in the statement this morning is, if I can quote the Attorney General, that legal advice

"can only inform…a political decision".

Tonight, the House faces a political decision. We have a strong message from our business community that wants certainty. We have a message from our citizens who want to know their rights are protected. We are a country that stands by its legal obligations, which is why we will settle the financial settlement. But the reality is that we face a fork in the road. It is time to choose. It is time to support this deal. It is time for our country to move forward. I commend the motion to the House.

7 pm

The Speaker put forthwith the Question necessary for the disposal of the business to be concluded at that time (Order, this day.)

Question put,

The House proceeded to a Division.

Mr Speaker: I ask the Serjeant at Arms to investigate the delay in the Lobby.

The House divided: Ayes 242, Noes 391.

Division No. 354] [7 pm

AYES

Adams, Nigel
Afolami, Bim *(Proxy vote cast by Gillian Keegan)*
Aldous, Peter
Amess, Sir David
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Austin, Ian
Badenoch, Mrs Kemi

Baldwin, Harriett
Barclay, rh Stephen
Barron, rh Sir Kevin
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Boles, Nick
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Brereton, Jack
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burt, rh Alistair
Cairns, rh Alun
Cartlidge, James
Caulfield, Maria
Chalk, Alex
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
Cleverly, James
Clifton-Brown, Sir Geoffrey
Coffey, Dr Thérèse
Costa, Alberto
Cox, rh Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Duguid, David
Duncan, rh Sir Alan
Dunne, rh Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Eustice, George
Evans, Mr Nigel
Evennett, rh Sir David
Field, rh Frank
Field, rh Mark
Flint, rh Caroline
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Frazer, Lucy
Freeman, George
Freer, Mike
Gale, rh Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Dame Cheryl
Glen, John
Goldsmith, Zac
Goodwill, rh Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Grayling, rh Chris
Green, rh Damian
Griffiths, Andrew
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Herbert, rh Nick
Hermon, Lady
Hinds, rh Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Howell, John
Huddleston, Nigel
Hunt, rh Mr Jeremy
Hurd, rh Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jenrick, Robert
Johnson, Dr Caroline
Jones, Andrew
Jones, Mr Marcus
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, rh Mark
Leadsom, rh Andrea
Lefroy, Jeremy
Leigh, rh Sir Edward
Letwin, rh Sir Oliver
Lewis, rh Brandon
Lidington, rh Mr David
Lloyd, Stephen
Lopresti, Jack
Loughton, Tim
Maclean, Rachel
Mak, Alan
Malthouse, Kit
Mann, John
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, rh Caroline
Norman, Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Parish, Neil
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Perry, rh Claire
Philp, Chris
Pincher, rh Christopher
Poulter, Dr Dan
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Quin, Jeremy
Quince, Will
Robinson, Mary
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Sharma, Alok
Shelbrooke, Alec
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, rh Julian
Soames, rh Sir Nicholas
Spelman, rh Dame Caroline
Spencer, Mark
Stevenson, John
Stewart, Rory
Streeter, Sir Gary
Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomas, Derek
Throup, Maggie
Tolhurst, Kelly
Tomlinson, Justin
Tredinnick, David
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward
Vickers, Martin
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Wheeler, Mrs Heather
Whittaker, Craig
Wiggin, Bill
Williamson, rh Gavin
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Ayes:
Andrew Stephenson and Iain Stewart

NOES

Abbott, rh Ms Diane
Abrahams, Debbie
Afriyie, Adam
Ali, Rushanara
Allan, Lucy
Allen, Heidi
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Bacon, Mr Richard
Bailey, Mr Adrian
Baker, Mr Steve
Bardell, Hannah
Baron, Mr John
Bebb, Guto
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana *(Proxy vote cast by Chris Leslie)*
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Blunt, Crispin
Bone, Mr Peter
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Braverman, Suella
Brennan, Kevin
Bridgen, Andrew
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Burns, Conor
Butler, Dawn

Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Sir Alan
Campbell, Mr Gregory
Campbell, Mr Ronnie
Carden, Dan
Carmichael, rh Mr Alistair
Cash, Sir William
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
Chishti, Rehman
Chope, Sir Christopher
Clarke, Mr Simon
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Collins, Damian
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Courts, Robert
Cowan, Ronnie
Coyle, Neil
Crausby, Sir David
Crawley, Angela
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Daby, Janet
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marsha
De Piero, Gloria
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Doughty, Stephen
Dowd, Peter
Drax, Richard
Drew, Dr David
Dromey, Jack
Duddridge, James
Duffield, Rosie
Duncan Smith, rh Mr Iain
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Ellman, Dame Louise
Elmore, Chris
Elphicke, Charlie
Esterson, Bill
Evans, Chris
Fabricant, Michael
Fallon, rh Sir Michael
Farrelly, Paul
Farron, Tim
Fellows, Marion
Fitzpatrick, Jim
Fletcher, Colleen
Fovargue, Yvonne
Foxcroft, Vicky
Francois, rh Mr Mark
Frith, James
Furniss, Gill
Fysh, Mr Marcus
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry
George, Ruth
Gethins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Girvan, Paul
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, James
Gray, Neil
Green, Chris
Green, Kate
Greening, rh Justine
Greenwood, Lilian
Greenwood, Margaret
Grieve, rh Mr Dominic
Griffith, Nia
Grogan, John
Gwynne, Andrew
Gyimah, Mr Sam
Haigh, Louise
Hamilton, Fabian
Hanson, rh David
Hardy, Emma
Harman, rh Ms Harriet
Harper, rh Mr Mark
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Henderson, Gordon
Hendrick, Sir Mark
Hendry, Drew
Hepburn, Mr Stephen
Hill, Mike
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hoey, Kate
Hollern, Kate
Hollobone, Mr Philip
Holloway, Adam
Hopkins, Kelvin
Hosie, Stewart
Howarth, rh Mr George
Hughes, Eddie
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Jayawardena, Mr Ranil
Jenkin, Sir Bernard
Jenkyns, Andrea
Johnson, rh Boris
Johnson, Diana
Johnson, Gareth
Johnson, Joseph
Jones, Darren
Jones, rh Mr David
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, rh Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Kawczynski, Daniel
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Killen, Ged
Kinnock, Stephen
Kyle, Peter
Laird, Lesley
Lake, Ben
Lamb, rh Norman
Lammy, rh Mr David
Latham, Mrs Pauline
Lavery, Ian
Law, Chris
Lee, Karen
Lee, Dr Phillip
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewer, Andrew
Lewis, Clive
Lewis, Mr Ivan
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Linden, David
Little Pengelly, Emma
Lloyd, Tony
Long Bailey, Rebecca
Lopez, Julia
Lord, Mr Jonathan
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly *(Proxy vote cast by Mark Tami)*
Mackinlay, Craig
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Main, Mrs Anne
Malhotra, Seema
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
McVey, rh Ms Esther
Mearns, Ian
Miliband, rh Edward
Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Anne Marie
Morris, Grahame
Murray, Ian
Murray, Mrs Sheryll
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O'Hara, Brendan
O'Mara, Jared
Onasanya, Fiona
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Paisley, Ian
Patel, rh Priti
Paterson, rh Mr Owen
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pidcock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Pursglove, Tom
Qureshi, Yasmin
Raab, rh Dominic
Rashid, Faisal
Rayner, Angela
Redwood, rh John
Reed, Mr Steve
Rees, Christina
Rees-Mogg, Mr Jacob
Reeves, Ellie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mr Geoffrey
Rodda, Matt
Rosindell, Andrew
Rowley, Danielle
Rowley, Lee
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Saville Roberts, Liz
Shah, Naz
Shannon, Jim
Shapps, rh Grant
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip *(Proxy vote cast by Vicky Foxcroft)*
Simpson, David
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth

Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Henry
Smith, Jeff
Smith, Laura
Smith, Nick
Smith, Owen
Smith, Royston
Smyth, Karin
Snell, Gareth
Sobel, Alex
Soubry, rh Anna
Spellar, rh John
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stewart, Bob
Stone, Jamie
Streeting, Wes
Stringer, Graham
Sweeney, Mr Paul
Swinson, Jo
Tami, rh Mark
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thomson, Ross
Thornberry, rh Emily
Timms, rh Stephen
Tomlinson, Michael
Tracey, Craig
Trevelyan, Anne-Marie
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Derek
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vara, Mr Shailesh
Vaz, rh Keith
Vaz, Valerie
Villiers, rh Theresa
Walker, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Whitford, Dr Philippa
Whittingdale, rh Mr John
Williams, Hywel
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Wilson, rh Sammy
Wishart, Pete
Wollaston, Dr Sarah
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Noes:
Thangam Debbonaire and Nic Dakin

Question accordingly negatived.

The Prime Minister: On a point of order, Mr Speaker. I profoundly regret the decision that this House has taken tonight. I continue to believe that by far the best outcome is that the United Kingdom leaves the European Union in an orderly fashion with a deal, and that the deal we have negotiated is the best, and indeed the only, deal available, but I would like to set out briefly how the Government mean to proceed.

Two weeks ago I made a series of commitments from this Dispatch Box regarding the steps we would take in the event that this House rejected the deal on offer. I stand by those commitments in full. Therefore tonight we will table a motion for debate tomorrow to test whether the House supports leaving the European Union without a deal on 29 March. The Leader of the House will shortly make an emergency business statement confirming the change to tomorrow's business.

This is an issue of grave importance for the future of our country. Just like in the referendum, there are strongly held and equally legitimate views on both sides. For that reason I can confirm that this will be a free vote on this side of the House.

I have personally struggled with this choice, as I am sure many other hon. Members will. I am passionate about delivering the result of the referendum, but I equally passionately believe that the best way to do that is to leave in an orderly way with a deal, and I still believe that there is a majority in the House for that course of action.

I am conscious also of my duties as Prime Minister of the United Kingdom of Great Britain and Northern Ireland, and of the potential damage to the Union that leaving without a deal could do when one part of our country is without devolved governance. I can therefore confirm that the motion will read:

> "That this House declines to approve leaving the European Union without a Withdrawal Agreement and a Framework on the Future Relationship on 29 March 2019; and notes that leaving without a deal remains the default in UK and EU law unless this House and the EU ratify an agreement."

I will return to the House to open the debate tomorrow and to take interventions from hon. Members. To ensure that the House is fully informed in making this historic decision, the Government will tomorrow publish information on essential policies that would need to be put in place if we were to leave without a deal. These will cover our approach to tariffs and the Northern Ireland border, among other matters.

If the House votes to leave without a deal on 29 March, it will be the policy of the Government to implement that decision. If the House declines to approve leaving without a deal on 29 March, the Government will, following that vote, bring forward a motion on Thursday on whether Parliament wants to seek an extension to article 50. If the House votes for an extension, the Government will seek to agree that extension with the EU and bring forward the necessary legislation to change the exit date, commensurate with that extension.

But let me be clear: voting against leaving without a deal and for an extension does not solve the problems that we face. The EU will want to know what use we mean to make of such an extension, and this House will have to answer that question. Does it wish to revoke article 50? Does it want to hold a second referendum? Or does it want to leave with a deal, but not this deal? These are unenviable choices, but thanks to the decision that the House has made this evening, they are choices that must now be faced.

Jeremy Corbyn: On a point of order, Mr Speaker. The Government have been defeated again by an enormous majority, and they must now accept that their deal, the proposal that the Prime Minister has put forward, is clearly dead and does not have the support of the House. Quite clearly, no deal must be taken off the table—we have said that before and we will say it again—but this does mean that the House has to come together with a proposal that could be negotiated. The Labour party has put forward that proposal, and we will do so again, because the Prime Minister carries on threatening us all with the danger of no deal, knowing full well the damage that it would do to the British economy. This party will again put forward our proposals on a negotiated customs union, access to the market and the protection of rights. We believe that there may well be a majority for them, but there will also be the potential to negotiate on them. The Prime Minister has run down the clock, but the clock has run out on her. Maybe, instead, it is time we had a general election so that the people can choose who their Government should be.

Ian Blackford: On a point of order, Mr Speaker. This is a humiliating defeat for the Government this evening, and this deal should not come back again in any way, shape or form. People will once again be looking at this Parliament and this Government in despair. The next few days will provide the opportunity finally to take some essential steps. Tomorrow, we have the opportunity

[Ian Blackford]

to vote to block any attempt to leave the EU without a deal, and the Prime Minister must act—as the Prime Minister, not as the Tory party leader—to bring her party into line to prevent the UK from being dragged off a cliff by voting against a no-deal Brexit.

It is the duty of the Prime Minster, and of the Government, to act in all our national interests, and that means ruling out no deal. Then, we in the Scottish National party will be prepared to engage in discussion with the Government on securing an extension to article 50 that is long enough to enable this issue to be put back to the people. This afternoon, the First Minister of Scotland told the Prime Minister that in the event that the deal was voted down again, we would engage constructively on sensible proposals. Those proposals must include another EU referendum. Mr Speaker, can you advise me on what options are open to the House to bring such proposals forward swiftly in the interests of time? We have a responsibility to end the uncertainty for all our constituents and all our businesses.

Mr Speaker: I am grateful to the right hon. Gentleman for his point of order, which I think was probably directed at a wider audience. In so far as he asks me for advice, I think that these matters can be explored in debate almost imminently. The Prime Minister kindly announced what is to follow, and that will be elaborated upon by the Leader of the House in the supplementary or emergency business statement. The right hon. Gentleman is well familiar with the opportunities that are available to him in the Table Office, and I have every expectation that colleagues who want to air propositions in the coming days will have the opportunity to do so. I do not think that it is necessary for me to say anything further than that, but that seems to be manifest. Let us leave it there for now.

Yvette Cooper *rose—*

Mr Speaker: I will come to the right hon. Lady, who may well have important matters to broach not far distant from what the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) has just raised, but let us take the point of order from the leader of the Liberal Democrats.

Sir Vince Cable: On a point of order, Mr Speaker. With your vast knowledge of parliamentary precedent and history, can you identify a single case, say since the American war of independence, in which a Prime Minister has twice been defeated—*[Interruption.]*

Mr Speaker: Government Back-Benchers very unkindly spoiled the right hon. Gentleman's punchline, as a consequence of which I did not hear it.

Sir Vince Cable: I asked for precedent for where a Prime Minister had survived—*[Interruption.]*

Mr Speaker: Order. Mr Ellis, calm yourself. I want to hear what the leader of the Liberal Democrats has to say.

Sir Vince Cable: I asked for precedent of a Prime Minister surviving two humiliating defeats, but being unwilling to change policy. Since we on the Liberal Democrat Benches are willing to offer an olive branch to embrace policies that she has so far rejected, will she accept the offer of friendship to do so?

Mr Speaker: I think that remains to be seen. As to the matter of precedents, it is usually unwise to assert that there is none for a particular circumstance unless one is absolutely certain, because most things have happened at one time or another—quite probably in my lifetime and certainly in that of the right hon. Gentleman. *[Laughter.]*

Yvette Cooper: On a point of order, Mr Speaker. Businesses, public services and families urgently need some clarification about what will happen in just over two weeks' time. The reason we provided for the votes over the next couple of days was to ensure that there could be a clear vote in this House on no deal and a clear vote in this House on extending article 50. The Prime Minister's proposed motion for tomorrow sounded unclear to me. Can you therefore confirm that that motion will be laid with sufficient time for MPs to table amendments, if necessary, to ensure that the vote can be clear-cut and that there can be no misunderstanding or misinterpretation? Will you also confirm that if tomorrow's vote is passed, the vote on extending article 50 will go ahead on Thursday and that there will be no new proposal to wait for the Government to attempt to put their deal back a third time, given how comprehensively it was defeated tonight?

Mr Speaker: I am grateful to the right hon. Lady for her point of order, and I will bring forward what I would have said after the business statement by the Leader of the House and say it now instead in light of that concern. To be fair, I thought the Prime Minister's commitment about what will take place tomorrow and Thursday was clear. The detail of the motion is another matter, but the chronology of events was all very clear.

Let me just say this: I hope it will be helpful to the House if I indicate, as I did in respect of today's proceedings when I addressed the House last night, an advisory cut-off time of 10.30 am on Wednesday for manuscript amendments to tomorrow's motion. My strong expectation, and I think I heard it, is that the motion for tomorrow, in accordance with normal practice, will be tabled tonight before the close of business, and there should be an opportunity for manuscript amendments up to 10.30 am tomorrow.

Amendments that reach the Table Office before the rise of the House tonight will appear on the Order Paper in the usual way, as those that were tabled before the close of business last night appeared on the Order Paper today in the usual way. The Table Office, which by the way we thank for its prodigious endeavours at this difficult time, will arrange the publication and distribution of a consolidated amendment list as soon as possible after 10.30 am on Wednesday, including all the manuscript amendments. I will announce my selection of amendments in the usual way at the beginning of the debate.

I hope that is helpful both to the right hon. Lady and, for that matter, to all colleagues.

Hilary Benn *rose—*

Angus Brendan MacNeil *rose—*

Mr Speaker: These are important matters and, although the right hon. Member for Leeds Central (Hilary Benn) is a self-effacing fellow, he is an important man.

Hilary Benn: On a point of order, Mr Speaker, further to your announcement about manuscript amendments to the motion we will debate tomorrow. Depending on the outcome of that vote, we will, as the Prime Minister has just made clear, come to a motion on Thursday about seeking an extension to article 50. Could you please clarify—depending on what time that motion is tabled tomorrow, which clearly cannot be until we have voted to reject leaving with no deal—what arrangements you intend to apply for Thursday to allow for manuscript amendments in the way you have just set out for Wednesday?

Mr Speaker: The hours will be different, because we start earlier on a Thursday, but I will apply the same logic and, I hope, sense of reasonableness and desire to accommodate colleagues. I have not yet come to a particular view about the precise deadline for Thursday, but it is something I am happy to discuss privately with the right hon. Gentleman and other colleagues if they so wish. I will have the same consideration in mind. The House's interest must be served, and I should seek to facilitate what Members want. I hope that is helpful.

Angus Brendan MacNeil: On a point of order, Mr Speaker. As Chair of the International Trade Committee, it is clear to me that Brexit now seems to be a busted flush, but it leaves us all in a very serious situation. The one option that the Prime Minister did not mention, but she mentioned it in private before, is that surely the Government must now move quickly to revoke article 50, as it is only 17 days away, or face self-inflicted economic damage and calamity to all our traders and businesses. Surely the way to leave with a deal is to maintain the deal that the UK currently has and revoke article 50. Can we see that before the House as an option for MPs to vote on in the 17 days of seriousness we now have before us?

Mr Speaker: The hon. Gentleman chairs an important Select Committee in this place, the International Trade Committee. His brow was furrowed, he had a look of great seriousness and I thought he was going to make a purely procedural point. It is partly a procedural point but, if I may say so, it is also a political point, to which the answer is that there will be an opportunity for an amendment to be tabled to any motion on the prospective extension of article 50. The opportunity is there for colleagues, and, if an amendment is tabled and garners significant support, that will be a factor in the mind of the Chair in deciding whether to select it. It is open to him to table such an amendment, and I have a feeling he will go beetling around the House in hot pursuit of colleagues who share his views on this matter.

Liz Saville Roberts: On a point of order, Mr Speaker. I note that the Prime Minister listed revocation, a different deal or a people's vote. I seek your advice on how this House will ascertain those choices.

Mr Speaker: Forgive me, but I think the hon. Lady has foxed me. I apologise to her, because I am sure her point was an extremely good and clear one, but it was not clear to me immediately. Would she just put that question to me again, because I am not quite sure what she is seeking?

Liz Saville Roberts: We have been presented with three options by the Prime Minister: revocation, a different deal, or a people's vote. What I seek is clarity on how this House, which is being seen outside to be very good at disagreeing, will actually arrive at agreement on one of these points.

Mr Speaker: The answer is that there are terms of debate for tomorrow and for Thursday, but that is not necessarily the end of the debate. In fact, I think I can say with almost complete certainty that it will not be the end of the debates on these matters. I see the Chancellor chuckling, I think in agreement with that proposition. It will be the end of Thursday's debates and no more than that. So the answer to the hon. Lady's question is that if Members wish to test the will of the House on a variety of different options, there will be such an opportunity. This point has been flagged up by the Father of the House, the hon. Member for Bishop Auckland (Helen Goodman) and others. If it is the will of colleagues that there should be such a series of votes, I think it almost certain that that opportunity will arise in the coming days or weeks.

If there are no further points of order, we can now conveniently come to the business statement by the Leader of the House.

Business of the House

7.40 pm

The Leader of the House of Commons (Andrea Leadsom): Mr Speaker, with the leave of the House and further to my right hon. Friend the Prime Minister's announcement, I should like to make a short business statement regarding the business for tomorrow and the remainder of this week:

WEDNESDAY 13 MARCH—My right hon. Friend the Chancellor of the Exchequer will deliver his spring statement, followed by a debate on a motion relating to the UK's withdrawal from the European Union without a withdrawal agreement and a framework for the future relationship.

THURSDAY 14 MARCH—Debate on a motion relating to the NICE appraisal process for treatments for rare diseases. The subject for this debate was determined by the Backbench Business Committee.

FRIDAY 15 MARCH—Private Members' Bills.

I will make a short business statement on Wednesday should it be necessary, and I shall make a further business statement in the usual way on Thursday.

7.41 pm

Valerie Vaz (Walsall South) (Lab): I thank the Leader of the House for that, but I am astonished at this business statement. We still have no idea on this, despite the Prime Minister setting out the next steps. We have had a vote and, as the Prime Minister herself said, we are now into an emergency business statement. This is callous and it is incompetence from the Government, and it is a discourtesy to the House and to the country.

Mr Speaker: I think what the Leader of the House is saying is that there would be a further business statement tomorrow—presumably she means after tomorrow's debate and vote. Those points have been put on the record and I note what the shadow Leader of the House has said. I am happy to hear other points of order at this stage.

Mr Peter Bone (Wellingborough) (Con): On a point of order, Mr Speaker. Could the Leader of the House tell us whether there will be protected time for the debate tomorrow, given that there will be an important statement first?

Mr Speaker: Forgive me, but I want to facilitate the House. Let us continue the exchanges on the business statement, as the hon. Gentleman's inquiry is really for the benefit of the Leader of the House, to which she can respond.

Andrea Leadsom: The motion will be brought forward in the usual way and it will be for the House to agree.

Pete Wishart (Perth and North Perthshire) (SNP): I thank the Leader of the House for that very brief business statement. There was no question whatsoever that the Government could possibly renege on the Prime Minister's commitment to have these consecutive votes, so we very much welcome that. I was a bit more concerned about what the Prime Minister said about the motion tomorrow, as I detected that there seemed to be that little bit of wriggle room, whereby the Government would still hope to proceed with a no-deal Brexit in the event of this House voting to stop it. I need to hear from the Leader of the House tonight that the Government will bring forward legislation, in good time, for no deal to be taken off the table and that there will be no question but that if this is what the House decides, this is what the House will get. Too often we have had these debates and these votes, only for this Government to casually ignore them. They have said that tomorrow there will be a free vote, and I hope that that will be extended to the vote on article 50.

We need to have protected time so that this can be properly considered by the House, with no question of the two votes being bundled into one, as was rumoured today. So can we have these rock-solid commitments, because today this has been an absolute disaster? The chaotic cluelessness of this Government's Brexit has been played out to the very end of these proceedings. We now need to get through the next 17 days with as much order and as much respect given to this House as possible, and that means respecting decisions. Will the Leader of the House do that in the next two days?

Andrea Leadsom: What I can say to the hon. Gentleman is really just to repeat what my right hon. Friend the Prime Minister said, which is that if the House votes to leave without a deal on 29 March, it will be the policy of the Government to implement that decision. If the House declines to approve leaving without a deal on 29 March, the Government will, following that vote, bring forward a motion on Thursday on whether Parliament wants to seek an extension to article 50.

Mr Speaker: If it is helpful, I can inform the House that I understand that the Government's motion for tomorrow's debate has now been tabled. Colleagues who are thinking of tabling amendments, or who simply want to study the motion in the Table Office, have the opportunity to do so if they wish.

Tom Brake (Carshalton and Wallington) (LD): For the benefit of everyone in the Chamber, it really would be extremely helpful if the Leader of the House would confirm whether protected time will be available for the debate tomorrow. We do not want it to be scrunched into a very short period of time. There may be urgent questions and statements and we may be left with perhaps a matter of minutes. We do not want a repeat of last night, when the Minister for the Cabinet Office came to make a key statement at 10 o'clock at night, and then to be left with very little time to assess the implications before the following morning. May we have a guarantee that protected time will be available? It is not an unreasonable demand.

Andrea Leadsom: As the right hon. Gentleman will know, a motion of this House is amendable. It is for the House to agree the timetable for tomorrow's discussion.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): Given that a meaningful vote has been defeated tonight, will the Leader of the House confirm that that means that the Government will table a motion under section 13(4) of the European Union (Withdrawal) Act? When will that motion be tabled? Will she confirm that it will be tabled next week and before the European Council?

Andrea Leadsom: The Government will ensure that their commitments under section 13 of the European Union (Withdrawal) Act 2018 and the order of 4 December are met.

Ms Angela Eagle (Wallasey) (Lab): The Leader of the House has chosen to give an emergency business statement merely about tomorrow's business, when we know that there are sequential changes to Thursday's business as well. She has not made it quite clear to the House—I hope she will be able to do so this evening—that should we vote to take no deal off the agenda in the vote on the motion tomorrow, there will be a change to the legislation, which is obviously not superseded by a motion passed by the House. We would have to change the legislation that contains the 29 March leaving date. Will she take this opportunity to reassure us all by getting to the Dispatch Box and telling us that if we vote to take no deal off the table tomorrow, she will immediately facilitate a change to legislation to ensure that that happens?

Andrea Leadsom: What I can say to the hon. Lady is that if the House declines to approve leaving without a deal on 29 March, the Government will, following that vote, bring forward a motion on Thursday on whether Parliament wants to seek an extension to article 50.

Ms Eagle: That's not the answer!

Mr Speaker: I appreciate that that is not the answer the hon. Lady wants, but it is the answer she is getting tonight. I understand entirely where she is coming from, but these matters can all be explored in the days ahead, and I am absolutely certain that they will be.

Chris Bryant (Rhondda) (Lab): I guess that if the Government have tabled the main motion, they have also tabled the Business of the House motion governing tomorrow, so I do not understand why the Leader of the House cannot just tell us what time the votes will be tomorrow. It would be for the convenience of Members who have families and so on to know, because we are substantially changing the business for one of the most important matters affecting the House. Will it be at 7 o'clock tomorrow evening? Will it be 5 o'clock or 7 o'clock on Thursday?

Andrea Leadsom: These are matters for the House to agree.

Mr Speaker: As I understand it at the moment, the Business of the House motion, I think, is proposing a 7 o'clock finish. A 7 o'clock finish is proposed, though, as the Leader of the House says, that is an amendable proposition. If colleagues want to propose amendments to that, they can.

Helen Goodman (Bishop Auckland) (Lab): Surely if the House votes against no deal tomorrow and for an extension, the simple and straightforward way for the Government to facilitate this under the EU (Withdrawal) Act is to bring forward a statutory instrument, which is something that they could do in 24 hours.

Andrea Leadsom: As my right hon. Friend the Prime Minister said, I think, two weeks ago now, if the House votes for an extension, she will seek to agree that extension approved by the House with the EU and will bring forward the necessary legislation to change the exit date commensurate with that extension. But as she also said this evening, it is not within her gift, or within this Government's gift, to insist on an extension. That will be a matter for agreement with the European Union and potentially subject to conditions imposed by it, but it would come back to this House, finally, to Parliament, and would need to be approved by Parliament.

Kirsty Blackman (Aberdeen North) (SNP): Given that we are just over a fortnight away from Brexit day and the Prime Minister's deal has again been resoundingly rejected by this House, it is absolutely necessary that the spring statement tomorrow is upgraded to an emergency Budget. Will the Leader of the House ensure that that happens?

Andrea Leadsom: I have already announced the business for tomorrow and my right hon. Friend the Chancellor will continue as planned with his spring statement.

Vernon Coaker (Gedling) (Lab): If no deal is passed tomorrow and we have a Government motion on extension to article 50 on Thursday, will the Government motion include anything about the length of time that the Government expect that extension to article 50 to be?

Andrea Leadsom: I do not want to get into hypotheticals. At the moment, we have set out the debate for tomorrow, and the Prime Minister has been clear that should the House decline to leave the European Union without a withdrawal agreement and political declaration, then we will table a further motion that invites the House to consider if it wants to extend article 50. That will be an amendable motion, so it will be for the House to agree the length of such an extension, but that would be tabled only tomorrow should that be necessary.

Wes Streeting (Ilford North) (Lab): This evening's defeat was entirely foreseeable and foreseen and yet in spite of that the Leader of the House is standing at the Dispatch Box and will not tell us what the limits are on the timing of the debate tomorrow. She still will not tell us what the proposed wording for a motion on Thursday would be or the conditions for the debate. I am afraid that it is no good talking about hypotheticals because this is the story of Brexit all along: poor planning, poor preparation and treating Parliament with contempt. The Leader of the House owes it to every Member of the House, so that we can consider these things properly, to stand up and tell us what the motion will be on Thursday so that people can think about amendments they want to table. That is within her gift. She is right that it is the House that decides, but the Government must come up with the proposition, and there is no reason why she should not offer that proposition now.

Andrea Leadsom: May I say to the hon. Gentleman that I always treat the House with the utmost respect? I have tried very hard to explain these propositions for tomorrow, and if tomorrow the House declines to leave the European Union without the withdrawal agreement and future declaration then and only then will we table a motion for the following day whereby the House can consider whether it wants to extend article 50. These are sequential. These are not a package that the House is

[Andrea Leadsom]

voting on together. I can confirm to the hon. Gentleman that the motion for tomorrow has been tabled and that the Business of the House motion proposes that votes take place at 7 pm, but it is a fact—and it is not in any sense controversial to say this—that these matters must be agreed by the House. These motions are amendable, and therefore can be amended and voted on by Members.

Stewart Malcolm McDonald (Glasgow South) (SNP): Following the points made by the hon. Members for Gedling (Vernon Coaker) and for Ilford North (Wes Streeting), the Leader of the House knows, I know and the dogs in the street know that there is no majority in this House to leave the European Union without a deal. That is what is going to happen tomorrow, so even if she cannot give us the full motion, is there is a reason why she cannot at least tell the House what the extension on offer from the Government will be? Surely she can see that that is in her gift, and that it does not look good that she is keeping it to herself and not being open with the House this evening. Giving the House this information would also help the substance of tomorrow's debate, depending on exactly which way the Government want it to go. Why can she not be open, up front and honest at the Dispatch Box, and tell us what the extension on offer might be?

Andrea Leadsom: I am always up front, honest and open with the House. Should the House decline to leave the European Union without a future declaration and withdrawal agreement, then and only then will I come forward with a motion for the following day, which will be amendable; it will be for the House to determine what the proposed extension period should be. *[Interruption.]*

Mr Speaker: I do not know whether the hon. Member for Glasgow South (Stewart Malcolm McDonald) is genuinely indignant or flummoxed. I hope that he is neither, although he certainly seems to be the former. To be fair, the Leader of the House has repeatedly said—*[Interruption.]* Order. The hon. Gentleman should not chunter and witter away to no obvious benefit or purpose from a sedentary position when I am trying to assist him. The Leader of the House has repeatedly said that the Government would table a motion for Thursday, and that it would be amendable. As I indicated some several minutes ago in response to the right hon. Member for Leeds Central (Hilary Benn) who inquired about my thinking in respect of amendments on Thursday, I would apply the same logic as I shall apply to tomorrow's deliberations. There will be ample opportunity for Members to table amendments with what are, in effect, their own propositions and ideas for an extension, so I assure the hon. Member for Glasgow South that he will not be disadvantaged.

Bob Blackman (Harrow East) (Con): Will my right hon. Friend confirm that, if we get to Thursday and this House is asked to apply to the European Union for an agreement on extending article 50, the extension has to be in agreement with the European Union and we cannot make the decision unilaterally?

Andrea Leadsom: My hon. Friend is absolutely correct. The date of our exit is set out in law and further legislation would be required to change it. The consent of the House would be required for any extension, including for the length of that extension. Very importantly, the consent of the remaining 27 EU member states would also be required.

Maria Eagle (Garston and Halewood) (Lab): The Leader of the House said in answer to an earlier question that she always seeks to assist the House. It is difficult with all the drama going on in the Government at present, but I wonder if she recalls that she is the champion of the Back Benchers in this place within Government. Will she use her best endeavours to ensure that, no matter what chaos is going on within the Government at present, they bear in mind that hon. Members need to understand and see the nature of the motions that are being promised as soon as possible in order to facilitate the will of the House in deciding the way forward?

Andrea Leadsom: I take the hon. Lady's suggestion in the spirit in which she intended it. I take my responsibilities as Parliament's voice in Government very seriously, and I will most certainly take her suggestions back to the business managers.

Alan Brown (Kilmarnock and Loudoun) (SNP): We are in this mess for a variety of reasons, but chiefly because the Government had no coherent plans when they triggered article 50, and because the Prime Minister, in a blinkered way, carried on at full steam with her red lines, thinking that she could run down the clock. So here we are—the clock has nearly run down, Parliament has rejected the deal yet again and tomorrow there will be a motion with which the Government are again trying to say, "But remember, the clock is still ticking and the default is to leave on 29 March." Following on from earlier points, when are the Government going to start thinking strategically, being open with the House, letting us see the plans and looking ahead, instead of continuing to run down the clock one day at a time?

Andrea Leadsom: The hon. Gentleman will know that there has been a steady desire on the part of the Government to seek agreement to the withdrawal agreement and future political declaration and to seek legally binding changes that would enable parliamentarians to support it. The Prime Minister indicated her extreme sadness at the fact that the House has declined to support the deal. She set out two weeks ago the next steps should that be the case. So we are following the process that the Prime Minister set out a couple of weeks ago. It is still our intention, if at all possible, to leave the European Union on 29 March with a good deal.

Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): Will the Government lay out on Thursday, alongside the motion, their considerations on what will no doubt be a proposed period of extension, which could obviously be amended? Through the work of the Public Accounts Committee, we see the real challenges of being prepared to leave, even with a deal, by 29 March. Even a short extension would give little comfort to people out there. So will the Leader of the House give us, either now or then, an indication of the length of time that the Government would be proposing on Thursday for an extension to article 50?

Andrea Leadsom: The Government will always endeavour to table motions swiftly so that parliamentarians have sight of them. As I have said to a number of hon. Members, the motion tomorrow is about whether the House wishes to leave without a withdrawal agreement and political declaration on 29 March. Tomorrow evening, should the House decline to leave without a deal, I will then table a motion that sets out the Government's proposal, but, as I have said, it will be amendable, so it will be for all Members to consider whether they prefer a different sort of extension. But very importantly, again, it will then be for the EU unanimously to agree to that extension proposal. To be very clear about that, there may well be conditions imposed that this House would not wish to accept, and we all need to be open-eyed about that fact.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): Forgive me if I stress this point again, but this is of course a Government who have been found in contempt of Parliament, and when the Leader of the House is not fully clear on what the consequence of voting for no deal tomorrow is, it is worth pushing. Why will she not confirm to us that the Government will bring legislation, secondary or primary, to this House straight after no deal being voted down to ensure that the default is no longer leaving the European Union if no deal is achieved? That is all she needs to do. Why cannot she offer to come to the House with what the Government are proposing on Thursday? We understand how the system works, we understand that things are amendable, and we understand that it has all got to be agreed by the European Union—all we asking for is the Government's proposal. If they are unable to provide proposals, maybe they are unfit to be in government.

Andrea Leadsom: As I have now said a number of times, we have come forward with the proposal that the Prime Minister set out two weeks ago that in the event that the meaningful vote is declined today, we will set out tomorrow a motion enabling the House to decline to leave the European Union without a deal and without a future political declaration, and should the House decline to leave the EU without a deal, then on the following day we will bring forward a motion asking the House whether it wishes to have a short extension. That is the process that the Prime Minister set out, and that is what we will be doing.

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): If, on Thursday, the House were to determine an extension past 26 May, then, according to the letters exchanged between Mr Juncker and Michel Barnier, there would have to be participation in European elections, which I for one would not support. If the House were to choose that, would a funding contingency be put in place, since there would be a large cost to the public purse for elections that I do not think we should be participating in?

Andrea Leadsom: The hon. Gentleman makes a good point. As the Prime Minister has said on numerous occasions, the only way to truly take no deal off the table is to agree a deal or to revoke article 50. The House has consistently rejected the former, and the latter would overturn the result of the referendum. However, if the House votes for an extension, the Prime Minister will seek to agree the extension that the House has requested with the European Union, and she will then bring forward the necessary legislation to change the exit date, commensurate with that extension. But the hon. Gentleman is exactly right; that may have significant costs associated with it and conditions put upon it by other members of the European Union. These are all imponderables as we stand here today.

Neil Gray (Airdrie and Shotts) (SNP): The Government have just taken another pasting on their deal, and instead of coming forward with proposals for how to mitigate the risks we face, the Leader of the House is ramping up the jeopardy by saying that if the House accepts tomorrow that no deal is the way forward, that will become Government policy, when the reverse should be the case as well—if the House votes against no deal, the Government should introduce legislation to ensure that that is ruled out. Why has she steadfastly refused to make that the Government's position tonight?

Andrea Leadsom: If the hon. Gentleman thinks about it logically, he will see that the only way to take no deal off the table is either to revoke article 50 or to agree a deal that changes the outcome. The Prime Minister has set out that we will come back to the House to see whether the House wants to extend article 50. It is not our policy to revoke article 50.

David Linden (Glasgow East) (SNP): I spent some time in the No Lobby tonight, which was even busier than usual. You will recall, Mr Speaker, that you had to ask the Serjeant at Arms to check the Lobby during the Division. The place was packed. Given that we will have another vote of significance tomorrow, and a vast majority of Members will probably vote to take no deal off the table, has the Leader of the House had any thoughts about introducing electronic voting and dragging us into the 21st century tomorrow night?

Mr Speaker: It is a tad ambitious for the hon. Gentleman to expect the Leader of the House to facilitate that tomorrow, but he never loses an opportunity. I understand his enthusiasm on that matter, which I rather share, but it is a matter of hot dispute within the House. The Leader of the House can respond if she wants, but she is not under any obligation to do so.

Andrea Leadsom: I am grateful to the hon. Gentleman for making me think of every Thursday morning. He raises that issue with me frequently, and I have always said that if the Procedure Committee wants to come forward with an appraisal of electronic voting, with huge support from around the House, I will always be delighted to consider it.

Stewart Malcolm McDonald: On a point of order, Mr Speaker. During our earlier exchange, you asked whether I was indignant or flummoxed. The phrase I would prefer to use is that I am bent out of shape with what has gone on here this evening. My question to the Leader of the House was nothing to do with procedure, which you tried to help me with. My question was whether there is anything to prevent her from telling the House what extension the Government have on offer in advance of publication of the motion, which you tell us is amendable, and rightly so. You know, I know, she

[Stewart Malcolm McDonald]

knows and we all know that no deal will be ruled out substantially tomorrow night, and this motion will have to come forward.

The Leader of the House is probably sat there with this information in her substantial notes. I do not think she is that much out of the loop in the Government just yet; she will know what the extension might be. How can Members find that out, so that we are best prepared and furnished for tomorrow and Thursday's debates? How can we prevent a situation where we are running around with amendments to a Government motion scribbled on napkins to hand in to you by half-past 10 o'clock or whatever time it might be on Thursday morning, and ensure that the Government are open with us?

Mr Speaker: That is a point of order for the Chair. To be fair to the hon. Gentleman—I hope this can be dealt with in a genial spirit—he is not one who suffers from a concern that, having made a point once, it would be excessive to repeat it. On the contrary, he is an experienced campaigner. I was taught by the right hon. Member for New Forest East (Dr Lewis) 30 years ago that quantity, persistence and, above all, repetition are as important as the quality of your arguments. Your arguments have to pass muster, but it is a great mistake to think you can just make a point once, persuade someone that you are right and he or she is wrong, and that is the end of it. In fact, you have to keep going over and over again.

The hon. Gentleman made his point in the form of an inquiry once, was not satisfied with the perfectly procedurally legitimate reply that he got from the Leader of the House and therefore waited several minutes before repeating, in a slightly fuller and extremely eloquent form, his own preoccupation. He has done that, but to be fair, I do not think he is going to get any further answer tonight. The Leader of the House has said what she said, and I think we will have to leave it there for tonight, but do I expect the hon. Gentleman to be in his place tomorrow, eager to favour the House with his views and leaping to his feet with alacrity? That is as predictable as the passage of the seasons.

Stewart Malcolm McDonald *rose—*

Mr Speaker: Oh, very well. I will indulge the hon. Gentleman very briefly. *[Interruption.]* "No", says one of his party colleagues, but I will indulge him.

Stewart Malcolm McDonald: Further to that point of order, Mr Speaker. I am most flattered by all of that, but it does not actually answer my question, which was to you this time. Is there anything to prevent the Leader of the House, in advance of the motion being published, from telling us what its contents might be?

Mr Speaker: Quite possibly, there is the fact that the right hon. Lady does not wish, at this stage, to do so. I can think of another reason, which is that the precise terms of the motion for Thursday, particularly as it is contingent on what happens tomorrow, will not yet have been crafted. The Leader of the House does not need my help, but I am saving her the hassle of getting up at the Dispatch Box.

Andrea Leadsom: I am very grateful, Mr Speaker.

Mr Speaker: I was genuinely trying to be helpful. It seems to me entirely reasonable not to have the wording yet, but there we go. Anyway, the right hon. Lady says she is grateful, and I will take her at her word.

Pete Wishart: On a point of order, Mr Speaker. The Leader of the House has continually and consistently said that the default position with the European Union (Withdrawal) Act 2018 is to leave with no deal. That is the position, and I think everybody in the House agrees with that. If there is a vote tomorrow and the House votes overwhelmingly to take no deal off the table, the way to overturn that is for legislation to be introduced. Am I right in my understanding that legislation will be required in order to overturn the requirements of the withdrawal Act, and is there any indication that that legislation will be forthcoming if the House votes to take no deal off the table?

Mr Speaker: The hon. Gentleman is getting into hypotheticals, which were deprecated—or, at any rate, resisted—by the Leader of the House. The answer is that I do not dissent from what the hon. Gentleman says about the legal position, but we are not at that point yet, and therefore I am reluctant to introduce new words into this exchange that are not required at this time. I am not disagreeing with him and I entirely understand the logic of what he is saying, but we are not at that point yet. The hon. Gentleman will be in his place on subsequent days, and I am sure he will give full voice to his conviction on this matter. I dare say others will, too, on either side of that argument.

I think it would be seemly if we now drew points of order to a close.

Business without Debate

DELEGATED LEGISLATION

Mr Speaker: We come now to a series of motions and I suggest, as there is slight uncertainty about exactly what may or may not be objected to, that I should take them separately.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

Exiting the European Union (Wildlife)

That the draft Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 28 January, be approved.—*(Michelle Donelan.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

Employment Tribunals

That the draft Employment Rights (Miscellaneous Amendments) Regulations 2019, which was laid before this House on 17 December 2018, be approved.—*(Michelle Donelan.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

TERMS AND CONDITIONS OF EMPLOYMENT

That the draft Agency Workers (Amendment) Regulations 2019, which was laid before this House on 17 December 2018, be approved.—*(Michelle Donelan.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

EMPLOYMENT AGENCIES

That the draft Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2019, which were laid before this House on 28 January, be approved.—*(Michelle Donelan.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

EXITING THE EUROPEAN UNION (FINANCIAL SERVICES AND MARKETS)

That the draft Mortgage Credit (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 19 December 2018, be approved.—*(Michelle Donelan.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

EXITING THE EUROPEAN UNION (FINANCIAL SERVICES AND MARKETS)

That the draft Financial Services (Distance Marketing) (Amendment and Savings Provisions) (EU Exit) Regulations 2019, which were laid before this House on 28 January, be approved.—*(Michelle Donelan.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

EXITING THE EUROPEAN UNION (ROAD TRAFFIC)

That the draft Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019, which were laid before this House on 6 February, be approved.—*(Michelle Donelan.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

EXITING THE EUROPEAN UNION (IMMIGRATION)

That the draft Immigration (European Economic Area Nationals) (EU Exit) Order 2019, which was laid before this House on 11 February, be approved.—*(Michelle Donelan.)*

The Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 13 March (Standing Order No. 41A).

Motion made, and Question put forthwith (Standing Order No. 118(6)),

EXITING THE EUROPEAN UNION (FINANCIAL SERVICES)

That the draft Investment Exchanges, Clearing Houses and Central Securities Depositories (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 17 January, be approved.—*(Michelle Donelan.)*

Question agreed to.

PETITIONS

The regulation of the Hair, Barber and Beauty industries

8.15 pm

John Mc Nally (Falkirk) (SNP): I would like to declare my membership of the Hair Council and that I am a salon owner and a state-registered senior barber.

The Hairdressers (Registration) Act 1964 established a voluntary statutory UK register for qualified hairdressers, which is maintained by the Hair Council and was set up in 1964 under the Act. The necessity of amending the Act to make registration mandatory has been addressed several times in the House since that time. However, the need for regulation to become a requirement has never been as crucial as it is now. Regulation for the barber and beauty industries is equally essential and of the upmost importance. I therefore rise to present this petition of residents of the UK.

The petition states:

The petition of residents of the United Kingdom,

Declares that based upon recent research from industry, stakeholders and the general public, (upwards of 84% average of all respondents), there is a strong need and desire to amend this Act of Parliament from voluntary to that of mandatory; further that currently the hair, barber and beauty industries are completely unregulated which the public and industry find totally unacceptable and not in line with protecting the public from untrained and unqualified practitioners, including cases of poor health, safety and hygiene standards; further that with the current modern day slavery issues together with the use of precursor chemicals used in the making of incendiary devices, by giving industry the tools to self-regulate, we can make a huge contribution to challenging and stamping out these illegal and dangerous practices.

The petitioners therefore request that the House of Commons urge the Government to amend this Act of Parliament to that of 'Mandatory' whilst including Beauty into the body of the 'Act', thus allowing industry to self-regulate with the remit to raise the standards of quality and training within the industry, whilst also raising the perception of the industry with the general public and protecting them from any form of malpractice; the petitioners further request that the Hair and Barber Council be consulted when amending this Act.

And the petitioners remain, etc.

[P002432]

Save Romiley Greenbelt

8.17 pm

Mr William Wragg (Hazel Grove) (Con): We now come to the important business of the day. I rise to present a petition about the Greater Manchester spatial framework and, in particular, the Romiley green belt. Since the framework's publication in 2016, I have consistently urged that the overall number of houses needs to be reduced, that where houses are to be built, we should follow a robust brownfield-first strategy, and that local green-belt land, which is highly valued by local people, should be protected.

One such site, which is of particular concern in my constituency, is Hyde Bank Meadows in Romiley. It comprises a well-used community sports facility, a popular green space, a nature reserve, orchards and allotments. The loss of this green space would be damaging to the local environment, the community and the health and wellbeing of local people.

I have worked closely with the Friends of Tangshutt group over recent weeks, and I am especially grateful to Chantal Johnson for her help in collecting the signatures for this petition, which has been signed by 692 local residents.

[Mr William Wragg]

The petition:

Declares that the revised Greater Manchester Spatial Framework should avoid the residential development of 250 units on the greenbelt at the site of Hyde Bank Meadows in Romiley; notes that the proposed site contains well-used community facilities of Tangshutt fields including, playing fields, three football pitches, a children's play area, and outdoor gym; further notes the proposed site is adjacent to Tangshutt Meadow, popular green space, a nature reserve, community orchards and allotments, which are all hugely valued by local people; further declares concern about insufficient road access and increasing traffic levels, endangering child safety by blocking a section the 'Safe Route School', loss of sports and exercise facilities for both individuals and teams, and loss of community event space which unites two areas of existing housing; further declares such a loss of this green space would be damaging to the local environment, the community, and the health and well being of local people; and further notes the petitioners oppose plans for a new residential development on Hyde Park Meadows as set out in the Greater Manchester Spatial Framework-Revised Draft (2019).

The petitioners therefore request that the House of Commons urges the Greater Manchester Combined Authority, the Stockport Metropolitan Borough Council, and the Ministry of Housing, Communities and Local Government not to support plans of this development.

And the petitioners remain, etc.

[P002437]

Closure of the Wellingborough Driving Test Centre

8.20 pm

Mr Peter Bone (Wellingborough) (Con): I rise to present a petition signed by hundreds of my constituents, called "Stop Wexit", which I entirely support. Wexit stands for "Stop Wellingborough driving test centre closing". The proposal is to close the driving test centre in Wellingborough, which would mean that my constituents would have to drive to Kettering and Northampton. They tried that once before and it was a disaster. It will be another disaster if they are allowed to get away with it. The petition is led by Chris Howard.

The petition states:

The Humble Petition of the residents of Wellingborough, Northamptonshire and the surrounding areas,

Sheweth,

That the petitioners believe that the closure of the Wellingborough Driving Test Centre should be refused on the grounds of the loss of local access to driving tests, the increase in congestion and emissions in and around Northampton and Kettering, increased lead times for test dates and the increased costs to learner drivers and parents.

Wherefore your Petitioners pray that your Honourable House urges the Secretary of State for Transport and the Driver and Vehicle Standards Agency to take into account the concerns of the petitioners and refuse to grant the closure of the Wellingborough Driving Test Centre.

And your Petitioners, as in duty bound, will ever pray, etc.

[P002436]

Chicken farm, Rushden, Northamptonshire

8.22 pm

Mr Bone: My second petition is signed by thousands of my constituents. The lead petitioner is Mr Roger Barnes, from the organisation Cluck Off. I fully support the petition. You may remember, Madam Deputy Speaker, that we had this petition before. Unfortunately, the developer has come back again. He has not learnt his lesson and he needs to learn it tonight.

The petition states:

The Humble Petition of residents of Rushden, Northamptonshire and the surrounding area,

Sheweth,

That the Petitioners believe that the proposed Bedfordia Farms planning application for a high intensity chicken farm be refused on the grounds of increased pollution, foul odour, effect on local house prices, increased traffic volume; and further that similar farms have a poor record on animal welfare.

Wherefore your Petitioners pray that your Honourable House urges the Department for Environment, Food and Rural Affairs, the Department for Communities and Local Government, Northamptonshire County Council and East Northamptonshire Council to take in account the concerns of petitioners and refuse to grant the planning application for a high intensity chicken farm to Bedfordia Farms.

And your Petitioners, as in duty bound, will ever pray, etc.

[P002087]

Luke Graham (Ochil and South Perthshire) (Con): On a point of order, Madam Deputy Speaker. I rise to ask your opinion and to try to get some advice about what recourse a Member of this House might have if another Member has deliberately or inadvertently misrepresented them on social media. Earlier today, the hon. Member for Paisley and Renfrewshire North (Gavin Newlands) posted that I called Scotland "a principality". That simply is not true. At the time, I was chuntering about Wales and its constitutional status—which was a subject in a Westminster Hall debate a number of weeks ago—but I was certainly not referring to Scotland in the debate. Constitutional matters are ones that we on the Government side of the House regularly disagree with the Scottish National party about, and I think there is enough for us to disagree about on facts and substantive debates. I was not allowed to speak in the previous debate and I was not allowed to intervene, so I ask you, Madam Deputy Speaker, about the recourse that can be had and about how to make sure that the record is clear that I did not say that about Scotland. Actually, we should focus on facts and substance in our debate, where the Conservative party and the SNP have plenty to disagree about.

Gavin Newlands: Further to that point of order, Madam Deputy Speaker. I thank the hon. Gentleman for giving me advance notice of his point of order. I have come to expect some strange remarks from him, but even I was surprised at what I heard in the Chamber earlier on. I did see my colleagues who were also irked and many of them confirmed that they also had heard "Scotland", but I hear what he says. I do wish that he would be as rigorous in representing his Ochil and South Perthshire constituents' remain vote as he is in defending his running down of Scotland in this Chamber. *[Interruption.]*

Madam Deputy Speaker (Dame Eleanor Laing): The hon. Gentlemen concerned will appreciate that this is not a matter for the Chair, except in so far as the veracity and truthfulness of anything that is said and reported in this Chamber is a matter of concern for everyone in the Chamber and for the Chair. If there has been a misunderstanding about what one hon. Member has been reported as saying, which has been repeated—but, I take it, without malice—by another hon. Member, I am pleased that there has been an opportunity through points of order to clear up the misunderstanding. I am

quite certain that nobody who is reasonably well educated in any way whatsoever would refer to Scotland as "a principality".

David Linden (Glasgow East) (SNP): On a point of order, Madam Deputy Speaker. Just to bring the House back together in a spirit of unity, on behalf of SNP Members, can I wish the hon. Member for Moray (Douglas Ross) all the very best? I know that this is on Twitter and that was the subject of the point of order earlier, but the hon. Gentleman has had to return home because his wife has gone into labour. He was unable to make tonight's vote, but I am sure that all of us in the House would wish him and his family all the best for the next 24 hours or so.

Madam Deputy Speaker (Dame Eleanor Laing): Once again, it is always very pleasant when we have a point of order that is not a point of order but which is a point that the entire Chamber is very happy to note. We all look forward to good news coming from Moray in the very near future. I am sure that the lady in question will wish it to be sooner rather than later, and we all send our congratulations.

Jim Shannon (Strangford) (DUP): On a point of order, Madam Deputy Speaker. Today, a number of visitors came to see me with different constituency issues, health issues and things that I hoped to help them with. They made me aware that the security today had only one line open and not two. I said, "Is that because the other line was broken?" They said, "No, it is not. It is because they did not have enough security staff there to facilitate both security lines." The result of all that was that a large number of people were in the queue outside; it was unbelievably long and there was heavy rain, as you, I and everybody in the Chamber knows. Were you aware of that situation, Madam Deputy Speaker? If so, I seek your guidance on how we can ensure that it does not happen tomorrow. The weather hopefully will not be the same tomorrow, but let us hope that it does not happen.

Madam Deputy Speaker (Dame Eleanor Laing): I appreciate the point that the hon. Gentleman is making. It is very serious. I have noted the point and I will make sure that it is duly passed on to those who are concerned with it, but as a matter of principle, it is better not to discuss the intricacies of security matters on the Floor of the House. I thank the hon. Gentleman.

Community Hospitals

Motion made, and Question proposed, That this House do now adjourn.—*(Michelle Donelan.)*

8.29 pm

Fiona Bruce (Congleton) (Con): I was pleased to note that on announcing his long-term plan for the NHS, the Secretary of State for Health and Social Care said he is a strong supporter of community hospitals, so I am today asking if Health Ministers will kindly look into how some of the additional resources announced with the long-term plan can be earmarked for the community care provided by community hospitals, such as the much loved Congleton War Memorial Hospital in my constituency.

Congleton Hospital needs sufficient resources to ensure that it can continue to provide the all-round services it has already provided for several generations of my constituents for generations to come. The hospital is much valued locally, providing a range of services, such as the minor injuries unit, which saves residents travelling some distance to hospitals further afield with A&E facilities. Minor injuries such as burns, cuts, splinters and sprains can be treated quickly and efficiently at Congleton. As one person, who sustained a hand injury, told me:

> "I popped down to Congleton Hospital, the wound was treated straight away and I was back at work within the hour."

That person would have lost at least half a day's work travelling for treatment elsewhere.

In recent winters, the minor injuries unit has, on occasion, been closed temporarily by East Cheshire NHS Trust, with staff redeployed to Macclesfield's A&E. Then, in September 2018, the trust stated that it expected closures to be in place throughout weekends and bank holidays, plus ad hoc weekdays, throughout this winter. As a result, the minor injuries unit is currently scheduled to open only between 9 am and 5 pm from Monday to Friday, but with additional ad hoc closures within these hours. It was not open, for example, when I visited last Friday afternoon.

It is therefore not surprising that some people in need of urgent treatment decide not to risk calling at a unit that may be closed unpredictably, with user numbers no doubt affected accordingly. It is also understandable that these closures are causing grave concern among local people. On their behalf, I am calling on Ministers to ensure, please, that resources are put in place so that valuable community hospital facilities such as Congleton Hospital's minor injuries unit are not only stabilised but strengthened.

Jim Shannon (Strangford) (DUP): I congratulate the hon. Lady on bringing this issue to the Chamber. I spoke to her beforehand to ask what her thoughts were on this issue and how I might helpfully intervene. I spoke to the Minister, too. In the past few weeks, the national and provincial press have highlighted a number of incidents in hospitals. They report NHS staff referring to "war zone" conditions in A&Es. The community hospitals the hon. Lady refers to are vital for the treatment of patients, but it is also good for the mental health of NHS staff to have hospitals where they can do their job—their duty—without facing any injury or threat to their life.

Fiona Bruce: The hon. Gentleman is right, as he so often is. Where they are properly resourced, minor injuries units can help relieve A&E facilities and enable them to treat more serious injuries more efficiently.

More broadly, the wide range of local healthcare services at Congleton Hospital includes a 28-bed in-patient intermediate care ward called the Aston unit, which is particularly appreciated by local families visiting patients. As the hospital's website states, that unit helps those who no longer need the more acute wards of Macclesfield District General Hospital, relieves services there and allows people to

"recover in a homely and relaxed environment"

in Congleton. The website adds that the hospital

"has a very 'family' feel about it."

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): The hon. Lady is making a wonderful point about the value of community hospitals. In north Staffordshire, Bradwell Hospital, Haywood Hospital and Leek Hospital all provide excellent care, but my clinical commissioning group is consulting on closing those hospitals and reducing bed spaces. Does she agree that closing community hospitals is detrimental to the overall impact of our health economy? Exactly as she says, such hospitals free up more expensive acute beds in the big hospitals and allow people who are medically fit for discharge but are not ready to go home to get the care they need.

Fiona Bruce: I am sure the Minister will have heard what the hon. Gentleman has said. Indeed, that is why I entitled the debate "Community Hospitals" rather than simply "Congleton Community Hospital".

As I have said, the hospital at Congleton has a family feel. I can testify to that following my most recent visit, just last week. I met kindly nursing staff who were clearly dedicated and committed to serving the community in and around Congleton, and who were proud to tell me that they had, through sound management, recently achieved an increase in the number of in-patients treated. About 350 are currently cared for each year in the Aston unit.

In addition to the minor injuries unit and in-patient care facilities, the hospital provides out-patient clinics, with approximately 9,000 out-patient attendances each year in a wide range of specialties. For instance, there are about 1,600 appointments a year for adult audiology treatment and about 1,000 for general surgery, and a similar number of gynaecology treatments. There are also about 2,000 trauma and orthopaedic appointments. Other services include blood tests, occupational therapy, a physiotherapy gym, district nursing, dementia services, and a highly popular GP out-of-hours service.

James Heappey (Wells) (Con): In my constituency, Burnham On Sea War Memorial Hospital, West Mendip Community Hospital and Shepton Mallet Community Hospital do so much of the great work that my hon. Friend is describing. Does she agree that in areas where the main hospitals are somewhat distant—in my case, Bristol, Yeovil, Taunton or Bath—community hospitals are vital in filling that gap, and it is essential for them to remain a core part of our future NHS?

Fiona Bruce: My hon. Friend has made one of my points for me. None of the major hospitals in east Cheshire lie within my constituency, although it is reasonably large, so my constituents must travel some distance to use their services.

I have mentioned the four-hour GP appointments on Saturdays and Sundays. They are always full, and are meeting a very clear local need. The convenience of such services cannot be overstated. During my visit, an elderly gentleman, clearly frail, arrived asking for directions to the X-ray department. I watched as he was directed to it immediately. He was seen, and he departed. All that happened within what seemed to me to be about three minutes flat.

The value of such local services for a population like mine, which contains a higher than average number of older residents, cannot be overstated. They are particularly appreciated by those who are less mobile owing to age or infirmity, or for whom a lack of convenient public transport facilities would make travel to the larger hospitals outside my constituency very difficult, if not impossible. Moreover, 9,000 fewer out-patient appointments across east Cheshire must reduce congestion.

The trust informs me that the Congleton Hospital site also has space for use by other NHS organisations, including providers of mental health and health visiting services. As local health partners and providers increasingly work together in support of their local communities' health and wellbeing, Congleton Hospital, located as it is almost in the centre of the town, is ideally placed to become an even more strategic community health hub for additional services.

Karin Smyth (Bristol South) (Lab): The hon. Lady is making a powerful speech on behalf of community hospitals. South Bristol Community Hospital was opened only in 2012, after 60 years of campaigning by local people. As three providers run different services in it and as it is a LIFT building, no one is really responsible for making it work. Does the hon. Lady agree that the health service must bear in mind that such hospitals are developed and fundamentally loved by their communities, and that those communities should have the ultimate say in what goes into them?

Fiona Bruce: The hon. Lady is absolutely right. Indeed, members of the community in Congleton are speaking out about the importance to them of their community hospital. I shall say more about that shortly.

On behalf of my constituents, I am pressing Ministers to consider resourcing Congleton Hospital as a community hub going forward. It has a very special place in local people's hearts, as I have said, not least because of the manner in which it was funded many decades ago by local people's contributions from wage packet deductions. It was founded in 1924 by public subscription as a memorial to those locally who gave their lives in the first world war, hence its full name: Congleton War Memorial Hospital. I spoke at greater length about this here in this place in 2014, when I raised concerns about the future sustainability of the hospital, so this is by no means a new issue. Indeed, in 1962 when there was a suggestion that the hospital be closed, it resulted in a mass meeting in the town hall with an overflow of some 2,000 residents, presided over by the then mayor leading to a petition of 24,000 signatures. Plans were quickly dropped. More recently, the £20 billion additional funding announced by the Prime Minister for investment in the

NHS surely offers an opportunity for the future of the hospital to be secured, or even augmented as a community hub for the long term.

I have been in continuing dialogue for some months now with—and have met, together with local councillors—John Wilbraham, chief executive of the local NHS trust responsible for the management of the hospital, the East Cheshire NHS Trust. I am grateful to Mr Wilbraham for that open dialogue. We spoke again recently when he confirmed that, in his words, the sustainability of the site is on the agenda for the transformation programme to be discussed by the trust shortly. So also on the agenda is the future of the minor injuries unit, which is, as I have mentioned, causing particular concern to residents, as the trust is aware from recent public demonstrations which involved people from right across the community and political divides, including me and Congleton town mayor Suzie Akers Smith, who was in full mayoral regalia and chain.

I am grateful that Mr. Wilbraham has agreed to meet a cross-party group in the town shortly to discuss the hospital's future further and look forward to that meeting. In the meantime, for the record I note that in his most recent letter to me of late December 2018 he confirmed, and I welcome this, that

"the Trust has no plans to change the service provision at the Congleton Hospital site and this remains the case. I continue to discuss with health and social care partners about the service offer from the hospital site and I understand the desire of you and the local population to maintain the facility. We await the publication of the NHS 10-Year Plan in early 2019 which provides the basis for the local health partners, including the town's GPs, to set out its plans for the next 5-10 years. I am certain this will provide the opportunity to be clear on future service provision across the local health economy including Congleton."

I am optimistic that both Mr. Wilbraham, as its chief executive, and the trust itself have listening ears. We need only witness the furore that arose in Congleton three years ago when there was a suggestion that car-parking charges be introduced at the hospital. The trust clearly registered the indignation of local residents, not least through a petition I presented here in Parliament at that time. That they could be asked to pay to park at their own hospital—a hospital they and their forebears had paid for by both wage packet deduction and subsequent fundraising and donations over the decades—aroused considerable consternation. The trust subsequently discounted the suggestion of car park charges outright; it listened to local people's concerns.

I was pleased to note the chief executive's reconfirmation of this in his most recent letter to me, with the words:

"I note the suggestion of car parking charges being introduced to supplement the income for the hospital site but this is not something the Board will be considering."

Now that the 10-year plan has been published, and in the light of the Secretary of State's indication of his support for community hospitals, I am today asking the Minister what more can be done to ensure that vital services provided by community hospitals in the heart of our local communities, like Congleton, are not swallowed up by larger hospitals at a distance. What the Congleton community seeks is reassurance that the future of Congleton hospital is put on a firm, clear and sustainable footing going forward, so that the periodic recurring concerns over the years about its future can be fully and finally put to rest.

8.44 pm

The Minister for Care (Caroline Dinenage): I would like to start by thanking my hon. Friend the Member for Congleton (Fiona Bruce) for bringing forward this incredibly important matter for debate, and for articulating so beautifully the great value of the Congleton War Memorial Hospital to her constituency. I would also like to reiterate the important role that community hospitals play in local areas. She could not have articulated those great values more beautifully this evening.

Community hospitals provide vital in-patient care for people who need it most. As a whole, patients should be supported to recover in the most appropriate setting, which is quite often back in the heart of their local community and closer to home. However, community hospitals do far more than just provide hospital beds. They also offer a range of out-patient services that provide much-needed support to patients, including physical therapy, lab tests, X-rays and counselling. They can also contain minor injuries units, which, as we have heard, can have people in and out and back to work or back home much more quickly. They also offer a welcome local alternative to the big emergency facilities at an acute hospital that is many miles away. To its credit, Congleton Hospital already does all this for its local community and for local people. It is these services, this outreach and these minor injuries units that place these institutions firmly at the heart of their local communities.

The Government are absolutely committed to ensuring that patients have access to care that is as close as possible to where they live. This is very evident in the NHS long-term plan, which focuses on shifting to a new way of delivering care, with services in the community at the very forefront of planning. Community hospitals represent much more than just medical services. Many, such as Congleton Hospital and my own, the Gosport War Memorial Hospital, were originally built through the donations of local people to address local need many decades ago. It is this history, along with the important services that they provide, that make community hospitals the object of affection and appreciation in local communities. It is therefore important that any planning decisions about these much-loved institutions must be taken locally, and with enormous care and the utmost sensitivity. Fundamentally, this is about developing sustainable health and care services in the community. We care deeply about ensuring that residents in all areas can access excellent health and care services, both now and in the future.

James Heappey: Our social media timelines are busy enough at the moment, so in order to avoid attracting the ire of a quarter of my constituents, I must remedy the fact that I neglected to mention the brilliant Weston-super-Mare General Hospital in my intervention. I am putting it on the record now.

Caroline Dinenage: I am glad that my hon. Friend said that, because if he had not, I would have been forced to do so. We should all celebrate the hospital provision in Weston-super-Mare and the great work that is being done there.

We care deeply about ensuring that residents in all local areas can access excellent health and care services, both now and well into the future, and that is why the NHS is this Government's No. 1 spending priority.

[Caroline Dinenage]

The NHS budget will increase by £33.9 billion in cash terms by 2023-24, which is the single biggest cash increase in the NHS's history. We have set out the what, and we now have to set out the how, which is why we are focusing on successfully implementing the NHS long-term plan. The NHS will develop a clear implementation framework, setting out how the long-term plan's commitments will be delivered by local systems. This will be shared shortly, and it is being led by NHS England.

My hon. Friend asked whether some of the additional resources from the NHS funding settlement could be earmarked for community care so that valuable community resources such as Congleton Hospital can continue to deliver their vital services. I can confirm that we have prioritised investment in primary and community healthcare through the long-term plan, in which we have committed at least an extra £4.5 billion a year to primary medical and community health services. That additional money will fund expanded community multi-disciplinary teams and will help to ensure that, within five years, all parts of the country will have improved community health response services that can be delivered by flexible teams working across primary care and local hospitals, and developed to meet local needs.

Gareth Snell: I fear that the Minister may have been about to answer my question, so I apologise if she was. I welcome the suggestion that community care should be the focus of part of the new investment that is coming into the NHS. Where CCGs take a decision to reduce the number of community facilities in their area, what recourse will the public have to say, "The Minister said this, but your actions are different"? In places such as Stoke-on-Trent, what the Government are outlining is not what our CCG is doing.

Caroline Dinenage: The hon. Gentleman makes an incredibly strong point. I often stand at the Dispatch Box—usually during Adjournment debates—having listened to hon. Members talk about CCG decisions that they feel may not be in the best interests of their local area, but it is up to local areas to decide. The whole point of devolving money and decision making down to CCGs is that we trust them to be able to make the best decisions in the best interests of local communities to deliver services that best meet needs and priorities. If the hon. Gentleman feels that that is not happening and if he has had the opportunity to discuss that with his CCG, it could be a good idea to take the matter up with NHS England.

CCG funding allocations are decided by an independent committee, which advises NHS England on how to target health funding in line with a funding allocation formula. This objective method of allocation supports equal opportunity of access and reduces health inequalities. That way, the decision of where taxpayers' money goes is decided in an independent and impartial manner.

As my hon. Friend the Member for Congleton will be aware, it is down to the CCG—in this case Eastern Cheshire CCG—to decide how it spends its allocation and to determine which services are the right ones for the local community it serves. One would hope that CCGs have the necessary clinical knowledge and local expertise to make informed decisions on how to spend taxpayers' money. To support the long-term planning of services, NHS England has already informed all CCGs about how much funding they can expect to receive between 2019-20 and 2023-24. My hon. Friend may be interested to know that Eastern Cheshire CCG's funding will increase from £270.2 million to £311.6 million over that period—a substantial increase. I hope that she will agree that that information gives CCGs the stability to plan appropriately and establish their services for the long term.

Karin Smyth: I do not disagree with much of the thrust of what the Minister is saying, because CCGs—I used to work for one—do spend taxpayers' money. She will often have heard hon. Members say that there is no link between the accountability for that money, the work that we do as Members of Parliament and the decisions that are made by CCGs. The new NHS plan looks like it may want to do something about that, but will the Government send a message to NHS England and the CCGs that local democratic accountability must somehow start to be built into the CCG decision-making process?

Caroline Dinenage: The hon. Lady makes an interesting point, and it is one with which I have a certain sympathy. When NHS England comes up with the implementation plan for the long-term plan, I hope it will include suggestions as to how such issues might be addressed.

It is important to remember that the NHS is close to all our hearts. Fundamentally, it belongs to the people of this country. It is founded on a common set of principles and values that bind together the communities and people it serves. For that reason, it is welcome to hear my hon. Friend the Member for Congleton talk so highly of the open and honest relationship between her local NHS and the residents of Congleton. The examples she gave of the decision-making process for introducing car parking charges highlights how local people in Congleton are being listened to and, if I might say so, it says a lot for the people of Congleton. It takes a lot for the people of Congleton to demonstrate, but this shows that they do so effectively when they decide to take such action.

I commend my hon. Friend for the role she has played in the work to protect her local hospital and for all her activities in that direction. I also commend her for her ongoing efforts in forging constructive relationships, which are so important. These open conversations between health systems and the people they serve will, ultimately, allow us to continue building a sustainable future for the NHS.

Question put and agreed to.

8.55 pm

House adjourned.

Westminster Hall

Tuesday 12 March 2019

[JAMES GRAY *in the Chair*]

Fire Safety and Sprinkler Systems

9.30 am

Jim Fitzpatrick (Poplar and Limehouse) (Lab): I beg to move,

That this House has considered fire safety and sprinkler systems.

It is a pleasure to see you presiding this morning, Mr Gray. I am grateful to the Backbench Business Committee for providing time for the debate, which the hon. Member for Southend West (Sir David Amess) and I requested on behalf on the all-party parliamentary fire safety rescue group. It is good to see a number of members of the group present to support the debate. I am also grateful to various organisations for their briefings, including the Library, the London Fire Brigade, the Fire Brigades Union, the National Fire Chiefs Council, the Fire Protection Association, the Business Sprinkler Alliance, the Association of British Insurers, the Royal Institute of British Architects and the Royal Institution of Chartered Surveyors.

This is the first dedicated debate on this subject since 2014, when the first ever Fire Sprinkler Week took place. Several colleagues who were present at that debate are here again today. Although this is the first dedicated fire sprinkler debate since then, sprinklers have been mentioned many times in other debates over the intervening years, not least because of the Grenfell tragedy. The all-party group has been campaigning strongly on various matters, especially since the 2013 coroner's report on the Lakanal House fire. The four key issues are: a full review of approved document B to update building regulations and fire guidance, which is well overdue; an assessment of the progress made in deploying fire sprinklers in Scotland and Wales, which is clearly affording better protection to homes and businesses in those countries, leaving England behind; a reversal of Government guidance on fire sprinklers in new build schools; and a requirement to install fire sprinklers in all domestic dwellings, especially new high-rise buildings, and the retrofitting of them in all high-rise buildings, especially post Grenfell. I will look at the first three briefly before focusing on the last item.

The Government are hiding behind the various inquiries after Grenfell: the public inquiry, the Dame Judith Hackitt review and the police criminal investigation. There is almost a standard response: "Let's not anticipate their conclusions." I say almost, because the Government did not wait to pronounce on cladding. They recognised that there was urgency and made a decision, which was a good job. That means that we do not have to wait for everything. On approved document B, the all-party parliamentary group was told in 2011 that the review would be completed and published by 2016-17. Not only was that not the case, it had not started properly, and Dame Judith is now overseeing a lot of that work.

In Scotland and Wales, better protection is now required for commercial coverage, and in Wales for domestic dwellings. On schools, last Friday the Government launched a call for evidence on "Building Bulletin 100: Design for fire safety in schools". In 2007, the Labour Government issued revised guidance that encouraged new schools to be covered by fire sprinklers, but the coalition reversed that guidance. Whereas previously the number of new schools that were being sprinklered rose to 70%, after the coalition's reversal that figure dropped back to 30%.

However, the main issue—the issue that I want to focus on, that is uppermost in the minds of the public, and on which the Government can take action—is the retrofitting of fire sprinklers in high-rise buildings and sprinklers in all homes. It has been well documented that sprinklers were considered for the Grenfell refurbishment at a cost of around £200,000 from an overall budget of nearly £10 million, but were not fitted. What a mistake. Had Grenfell been a new building, it would have been a requirement. If the Government think that sprinklers are needed for new buildings, why not for those already built, where the majority of people living in high-rise buildings actually reside?

Turning to the points raised by those who supplied briefings, the London Fire Brigade said that sprinklers save lives; they are not a "nice to have" or a luxury. The London Fire Commissioner, Dany Cotton, has said repeatedly that they are a "no-brainer". They are highly effective in detecting fires, suppressing fires rapidly and raising the alarm. Sprinklers are not expensive; if included at the design stage, they can cost as little as 1% of the total build. There is also overwhelming public support for sprinklers. It is deeply concerning that in recent years, on the two occasions when the Government have reviewed sprinklers, protection has moved in the wrong direction: first, in 2013 through section 20 of the London Building Acts (Amendment) Act 1939, and secondly in 2016—resulting in less coverage, not more.

The Royal Institute of British Architects calls for a requirement for sprinklers systems in all new and converted residential buildings, as is already required in Wales, and in all existing residential buildings above 18 metres. It states that the urgency for change in building regulations is simply not as evident in England as in our neighbouring countries.

Marsha De Cordova (Battersea) (Lab): I congratulate my hon. Friend on securing this important debate. Does he agree that, given the urgency, the retrofitting of sprinklers should be a priority for the Government, and that they should not wait for any outcomes of reviews? There is overwhelming evidence that we need to act now.

Jim Fitzpatrick: I am grateful to my hon. Friend, for whom I have some affection, having been an operational firefighter in Battersea for 13 years. I will come back to her point later, because it is central to the issue that I am raising.

The ABI states that in the UK no one has ever died from a fire in a fully sprinklered building. It recommends that sprinkler systems be fitted by qualified engineers, using accredited systems and equipment, to a recognised standard. The ABI has also commented on sprinklers in warehouses, care homes, schools and high-rise buildings.

The National Fire Chiefs Council wants sprinklers to become a requirement in all new high-rise residential structures above 18 metres, and wants student accommodation to be included. It says that where high-rise residential buildings exceed 30 metres,

[Jim Fitzpatrick]

there should be a requirement to retrofit sprinklers when those buildings are scheduled to be refurbished—and should be retrofitted regardless of future refurbishment plans where such buildings are served by a single staircase.

Back in 2014, we debunked the myths about fire sprinklers as depicted in TV adverts, drama productions and movies. The issue of cost has also been successfully challenged; the cost has been shown to be much less than was claimed by opponents. The tragedy of Grenfell is screaming out for Government action. To delay further is an abdication of responsibility at best, and criminally irresponsible at worst.

In 2014, the hon. Member for South Derbyshire (Mrs Wheeler), who is now the Housing Minister, said:

> "I am proud to be an ambassador for the Derbyshire fire and rescue service…I am delighted to tell everybody in today's debate that my local council, South Derbyshire…will be building new council housing because of the changes to housing funding, and because of that, it will be installing sprinklers in all the new council houses and council properties that it builds in future."—[*Official Report,* 6 February 2014; Vol. 575, c. 181WH.]

If it is good enough for South Derbyshire, why not for the rest of England? In the same debate, the then Fire Minister, the right hon. Member for Great Yarmouth (Brandon Lewis), proudly claimed that fire deaths were continuing to fall. Sadly, that is not the case now.

The Government, local authorities and housing associations that rent in the public sector should, as a matter of urgency, agree to install sprinklers as soon as possible in all their housing stock. All private rented accommodation should start planning to fit sprinklers in all new builds and during all refurbishments. Without sprinklers, some 300 people will die and thousands will be traumatised each year in domestic fires. Although most casualties occur in ones, twos or family groups, there is no guarantee that there will not be another Grenfell. The long period of fewer fires and fewer deaths has plateaued over the last five years, with cuts the most likely explanation.

Ruth George (High Peak) (Lab): My hon. Friend is making an excellent speech. He mentioned the Housing Minister, the hon. Member for South Derbyshire (Mrs Wheeler). The chief fire officer for Derbyshire is the lead officer for the National Fire Chiefs Council, which proposed unanimously that fire sprinklers be fitted urgently, without us awaiting the full completion of the consultation on approved document B. If all our fire officers are saying that, should the Government not go ahead?

Jim Fitzpatrick: My hon. Friend makes a very important point, which I shall come back to in a moment.

Things that the Government can do to check the plateauing of deaths in fires include stopping any further cuts to the fire service, funding it appropriately, restoring the guidance on sprinklers in new schools, accelerating the review of approved document B and publishing it as soon as possible. However, the most urgent focus should be on fire sprinklers in homes, especially in high-rise buildings.

In one of my first meetings as fire Minister in 2005 or 2006, a senior civil servant advised me, "There's room for a brave decision here, Minister." I said that I recognised that as a line from "Yes, Minister" and told them to go away and bring back something else. Minister, there is room here not only for a brave decision, for a common-sense, pragmatic decision and for the right decision, but—most importantly—for a decision that saves lives.

The majority of people who die in fires are the old, the young, the poor, the sick or the vulnerable. Sprinklers are needed to improve fire safety in the UK's buildings. The NFCC, the ABI, the FPA, the London Fire Brigade, the FBU, RIBA, RICS and the public all support them. The Government need a win, and this is an opportunity.

Several hon. Members *rose—*

James Gray (in the Chair): Order. A glance round the Chamber shows that plenty of hon. Members wish to speak. I do not really believe in time limits, but if colleagues could honourably restrict themselves to four or five minutes each, it would be a courtesy.

9.40 am

Sir Mike Penning (Hemel Hempstead) (Con): As always, Mr Gray, it is a pleasure to serve under your chairmanship. I declare an interest as a former firefighter, a former member of the FBU—I think technically I might still be one—and a former fire Minister when responsibility for fire was first brought into the Home Office.

Not all of what we ask today is in the Minister's gift. Personally, I think that the fire Minister should have much more control over building regulations. When the hon. Member for Poplar and Limehouse (Jim Fitzpatrick) and I were firemen many years ago, most fire prevention work was done in-house in the fire service; I remember quite junior officers going away for up to two years to become fire prevention officers. Long before the terrible Grenfell disaster, we spent years and years, under numerous Governments, discussing whether we should have sprinklers in the home. As the hon. Gentleman says, the people who die in fires tend to be the most vulnerable. That is a national catastrophe.

Sprinklers have changed enormously over the years, from the drenching sprinklers that swamped everything to get the fire out and destroyed nearly everything apart from people's lives, to the very fine particulate sprinklers that we have now, which create more of a mist. The need to protect environments as well as lives is much more obvious now, and the new sprinklers do that.

I support all the calls being made. I do not think that we need to wait for this or that report, because it is blatantly obvious, as old-fashioned common sense tells us, that there is a strong correlation between sprinklers and lives saved. As we have heard, where sprinklers have been installed, no lives have been lost. I do not want to say too much about Grenfell, but there is a strong possibility that the fire started inside the building and then spread to the outside and the cladding. A sprinkler system is inside, not outside. Quite simply, if the fire had never got to the cladding in the first place, the situation would almost certainly have been very different.

Kevin Hollinrake (Thirsk and Malton) (Con): Will my right hon. Friend give way?

Sir Mike Penning: May I make a tiny bit of progress first, because of the time constraints that we are quite rightly under? It is fantastic to see so many colleagues here.

It is obvious common sense to have sprinklers in all new housing. Interestingly enough, they not only save lives but make insurance premiums go down. As with other types of insurance, such as telematics in car insurance, we have driven the industry to say, "If you install this, things could be better and your premiums could be lower." Sprinklers also matter to developers choosing to buy properties in a certain area. Surely they must be the way forward. I will come on to social housing in a second, but let me first give way to my hon. Friend.

Kevin Hollinrake: I support the point made by my right hon. Friend and the hon. Member for Poplar and Limehouse (Jim Fitzpatrick) about the need for sprinklers. My right hon. Friend mentions the spread of fire. Does he recognise that the Grenfell tragedy could have been averted if the spread of fire by combustible cladding outside the building had been prevented? At current rates of progress, it will take five years to remediate all the private sector buildings in the UK. *[Interruption.]* The Minister shakes his head, but that is the current rate of progress. Where ownership or responsibility is unclear, does my right hon. Friend agree that the Government should step in and provide a fund to allow remediation work to take place more quickly?

Sir Mike Penning: I am sure that the Minister will respond to my hon. Friend's point. Obviously we would like to see people sleeping in homes that are safe, and the faster that happens, the better. I am sure that the Minister feels exactly the same.

If the Government do not take action on sprinklers, they are really saying that property is more important than people's lives. They may say that the costs are high or that the developers do not want sprinkler systems, but actually we have found that installing them in all new builds and major refurbishments would cost less than 1% of the build cost—not the retail value, the build cost. I cannot understand anyone in the 21st century arguing against installing sprinklers in all new properties. The insurers insist on it in most commercial and retail properties, and surely lives are more important.

As an ex-fireman and ex-Minister, I know the advice that the Minister has been getting, but he needs to turn round and say, "I am afraid that some of that advice is tosh." The cost implications are there. New build could start tomorrow and refurbishment costs can be met. Now that we are building more social housing than ever—in my constituency we are building like wildfire, because we need more council houses—surely the Local Government Association could bring councils together to say that sprinklers should be installed.

I will not go into carbon monoxide and smoke detectors, but the successes in that area have caused a sudden drop in fatalities. We need to do more work on carbon monoxide, but this debate is about sprinklers. Sprinklers need to be in everybody's homes as soon as possible.

9.46 am

Emma Dent Coad (Kensington) (Lab): It is a pleasure to serve under your chairmanship, Mr Gray. I congratulate my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick), the secretary of the all-party fire safety rescue group, on initiating and leading this extremely important debate in the light of the atrocity at Grenfell Tower nearly two years ago. I also thank the group's chair, the hon. Member for Southend West (Sir David Amess), for his leadership over the past 20 years. I was delighted to be appointed as a vice-chair last year.

I am here to make a difference. First, I will challenge the resistance shown by the Government and their advisers towards the overwhelming and compelling evidence of the benefits of fire sprinklers to property and life. Their protection extends to the firefighters and other first responders to whom so many of my community owe their lives. Those who risk their lives every day to save ours also need protection.

As one of a package of fire safety measures, sprinklers work where other measures have failed. Where installed in flats, they have controlled or extinguished 100% of fires, according to research carried out by the National Fire Chiefs Council in May 2017, a month before the fire. The Building Research Establishment's 2012 cost-benefit analysis confirmed that sprinklers are cost-effective in most blocks of purpose-built flats and in larger blocks of converted flats. Why have the Government not implemented that seven-year-old independent report? The public inquiry is reviewing what Ministers have failed to implement since the study in 2012, the coroner's rule 43 letter in 2013 after the Lakanal House inquest, and the NFCC research. On behalf of a bereaved community, I ask the Minister to encourage the Secretary of State to push ahead with the building regulations review and, please, to act on the findings now.

Hon. Members will be aware that, following the atrocity at Grenfell, a full technical review has been instigated of approved document B, with a call for evidence. The NFCC has responded and set out its advice. I hope that hon. Members agree that it is well placed and qualified to determine the requirements and that we should support its position. All the chief fire officers in the country are saying with one voice that that regulation needs to be improved, so I hope that the Government will listen to them, rather than waiting for the result of the review, and that hon. Members will support this interim measure to speed up the process and take action to protect lives against fire.

A change to guidance alone will not address this matter, as demonstrated by the approach to schools, which has guidance in the form of Building Bulletin 100. That document defines the expectation for automatic fire sprinklers in schools as a property protection, and saw the inclusion of sprinklers in 70% of new schools over three years, between 2007 and 2010, but that has since fallen to an alarmingly low level. The London Fire Brigade commissioner has said that it relates to very few schools now—only four of the 84 schools it has attended have had sprinklers.

The Hackitt report defines high-rise residential buildings in need of sprinklers as those of 30 metres, or 10 storeys. The most recent London Councils position is to support sprinklers in buildings of 18 metres, or six storeys—not just for new build, but also for retrofitting in existing buildings. It has asked that the work for council-owned buildings is funded by the Government in full. The Royal Institution of Chartered Surveyors, the Royal Institute of British Architects and the Chartered Institute of Building have jointly called on the Government

[Emma Dent Coad]

to require the installation of sprinklers in all new and converted residential buildings of 11 metres, or four storeys. RIBA has expressed its concern to me about the very high-rise buildings that currently have planning permission but are yet unbuilt, and what rules will apply to them.

Different rules govern fire safety in England, Wales, Scotland and Northern Ireland, but fire does not respect political or geographical boundaries. Councils, developers and social and private landlords need clarity from the Government and are demanding action now, without further confusion or delay. As one of the Grenfell survivors, who predicted the fire, has said, without action now, "Grenfell 2 is in the post". The Government must not let that nightmare prediction come true, and must listen to the experts—the National Fire Chiefs Council, the Building Research Establishment, London Councils, RICS, RIBA, CIOB—and legislate now, to save lives.

9.51 am

Sir David Amess (Southend West) (Con): I congratulate the hon. Member for Poplar and Limehouse (Jim Fitzpatrick) on securing the debate. He has been a magnificent voice leading on fire safety issues in Parliament. If his voice had been listened to over the years, we would not be in the powerless state that we are at the moment.

I congratulate and thank all the members of the all-party parliamentary fire safety and rescue group. It is a wonderful group and we speak with one voice: we want sprinklers to be installed on a mandatory basis in certain buildings. If we had been listened to at the outset, there would not have been the Lakanal disaster and there would not have been the Grenfell disaster. I am in absolute despair: Ministers come and go, and yet the advice remains constant from officials and others. That advice is absolutely wrong. It has cost lives.

The debate is pertinent because changes to building regulations approved document B guidance are currently being considered following the Grenfell Tower disaster. That was nearly two years ago, but I am sure it only seems like yesterday to the hon. Member for Kensington (Emma Dent Coad).

Mr George Howarth (Knowsley) (Lab): I endorse everything that the hon. Gentleman says about the work of the APPG. Is the difference between us and the Government not that we have been willing to listen to expert opinion, and to take that into account when deciding the appropriate way forward? Surely, this is the time to listen to expert opinion.

Sir David Amess: The right hon. Gentleman is absolutely right. We have the privilege of not just one, not just two, but three former fire Ministers here today. It is about time that the present Government listened to their expertise on the subject. I cannot think of any meeting where the APPG has not had an item on the agenda about automatic fire sprinkler protection.

We should never have got to the position of the Grenfell Tower fire tragedy, especially after the warnings and recommendations of the coroner at the Lakanal House fire inquest in 2013, and the rule 43 letter to the Secretary of State. We have all the correspondence about what the APPG was trying to do at the time.

All Governments of all colours have failed us. On 4 July 2017, the Minister for Policing and the Fire Service, my right hon. Friend the Member for Ruislip, Northwood and Pinner (Mr Hurd), said that

> "we may have to confront an awkward truth. That over many years and perhaps against the backdrop of, as data shows, a reduced risk in terms of fire, in terms of number of incidents and deaths, that maybe as a system some complacency has crept in."

Well, I think that is what Dame Judith Hackitt feels about the situation, and we will just have to see how that pans out. Claims of complacency could never be aimed at the APPG.

In 2012, the Building Research Establishment updated its 2006 research into the cost-benefit analysis of installing residential fire sprinklers and concluded that sprinklers are cost-effective for most blocks of purpose-built flats, all residential care homes, including those with single bedrooms, and traditional bedsit-type houses in multiple occupation, where there are at least six bedsit units per building and the costs are shared. The APPG has consistently asked why the Government have not reflected those changes in its guidance in approved document B. The intransigence is absolutely unacceptable.

I say again: the advice has been totally wrong. The APPG, the Royal Institute of British Architects, the London Fire Brigade, the Fire Protection Association, the National Fire Chiefs Council, the Fire Sector Federation, the Association of British Insurers and many others cannot all be wrong on this issue, but the advisers are still giving the wrong advice.

In March 2013, the Southwark coroner issued a rule 43 letter to the Secretary of State for the then Department of Communities and Local Government following the Lakanal House inquest, which stated:

> "Evidence adduced at the inquests indicated that retro fitting of sprinkler systems in high rise residential buildings might now be possible at lower cost than had previously been thought to have been the case, and with modest disruption to residents. It is recommended that your Department encourage providers of housing in high rise residential buildings containing multiple domestic premises to consider the retro fitting of sprinkler systems."

The response from DCLG was lamentable. It said that

> "any fire safety measures which might need to be implemented or installed in any particular building will need to be determined primarily by a careful assessment of the life-risk to the residents and others in the building."

We know that. The word used in the letter is "encourage".

At the Lakanal House coroner's inquests in March 2013, the London Fire Brigade commissioner was asked by the barrister assisting the coroner whether, if sprinklers had been installed, the lives would have been saved. The commissioner replied with an unequivocal yes. That is what happened at the inquiry. What happened at Grenfell is an absolute disgrace.

The National Fire Chiefs Council commissioned a research study by Optimal Research collecting data on five years of real fires that had occurred in the UK where sprinklers had been installed. Its findings, published last year, showed that, on 99.5% of occasions in all buildings and in 100% of occasions in flats, fires were avoided when sprinklers were installed. Sprinklers are not a panacea; they are only one of a package of

measures. I am sure the Minister may make some remarks along those lines, but sprinklers can be used to make properties safe from fire.

Let me close by giving an estimated progress report on the retrofitting of automatic fire sprinkler protection in residential tower blocks. I am advised by organisations that manufacture automatic fire sprinkler systems that an estimated 1,000 towers have commenced or committed to installing sprinklers in existing tower blocks as a consequence of the Grenfell Tower fire tragedy. Already, Wales and Scotland are much further ahead in regulating for automatic fire sprinklers in their built environment. I say to my hon. Friend the Minister, who is a good and wise man: this nonsense can no longer go on and we will not accept it. We want action on this, and we want sprinklers to be installed retrospectively, particularly in all new school buildings.

9.59 am

Patricia Gibson (North Ayrshire and Arran) (SNP): I will try to keep my remarks brief, as there is a lot of pressure on time. I am delighted to participate in the debate. I congratulate the hon. Members for Poplar and Limehouse (Jim Fitzpatrick) and for Southend West (Sir David Amess) on bringing the debate forward. The Grenfell tragedy has brought the whole issue of fire safety sharply into focus and forced us all to re-examine and re-evaluate building regulations to ensure that they are fit for purpose and properly adhered to.

Building regulations are devolved, and the Scottish Government have responded extensively. The Scottish Housing Minister, Kevin Stewart MSP, has announced that amendments to the Housing (Scotland) Act 1987 are being brought forward. In addition to other fire safety measures, regulations will ensure that sprinkler installation is mandatory in flatted accommodations, large multi-occupancy dwellings and places that deliver care. We must do all we can on fire safety; there is no room for complacency in any part of the United Kingdom. We must make the improvements necessary and monitor them to ensure they are fit for purpose.

The hon. Member for Poplar and Limehouse, among others, made an impassioned case for sprinklers. The case was very well made. We know there is a correlation between sprinklers and reducing fatalities in fires. The fire at Grenfell taught us all a lot in many different ways, both about fire safety and about the kind of society we are trying to build. Most importantly, every single person is entitled—as a right—to the same high levels of fire safety protection. Homes, schools and hospitals must all be as resilient to fire as we can possibly make them. In Scotland, we have had the tragedy of the fire at the Glasgow School of Art—twice—which is still being investigated. There may be a public inquiry into it, so I limit my comments on that.

As we have heard, sprinklers are not expensive and are not an added extra. They are essential for building safety and public safety. We must all be vigilant on this issue. In the face of such a tragedy as Grenfell, we should all be humble and see what lessons can be learnt for the future, so that a tragedy on that scale is never allowed to happen again. I urge the Minister to heed the conclusion of the National Fire Chiefs Council:

> "Standards in England must be enhanced and brought in line with national policy in Scotland and Wales with regard to water suppression systems."

I take no pleasure in saying that. I believe that all people, right across the United Kingdom, are equally entitled to the highest safety standards. Today we have seen impatience in the Chamber at the lack of action. I look forward to hearing the Minister say that he will listen to the national fire chiefs and Members in this Chamber, and that all necessary improvements, especially sprinklers, will be implemented as soon as possible, so that the highest safety standards are reached and maintained for the future.

10.2 am

Peter Aldous (Waveney) (Con): It is a pleasure to serve under your chairmanship, Mr Gray. I congratulate the hon. Member for Poplar and Limehouse (Jim Fitzpatrick) on securing this debate. He is a champion for addressing fire safety issues. With his lifetime of experience in this field, we should all listen very carefully to what he says. However, we should not be having this debate. Action to address the issues that we are raising should have been taken a very long time ago. A failure to do this has meant that lives have been lost and firefighters have been asked to take unnecessary risks.

On 14 July 2010, Wessex Foods—a large food processing factory on the south Lowestoft industrial estate—burnt down. No one was hurt, but 150 people lost their jobs. Nearby businesses were disrupted for days and weeks. Residents were evacuated from their homes and there were significant environmental impacts, such as the odour from rotting meat and 50 million litres of water being used to tackle the fire. It took 10 days to extinguish the fire, during which time almost every firefighter in Suffolk attended the scene. If sprinklers had been fitted at Wessex Foods, the firefighters from the nearby Stradbroke Road station would have been back there within an hour.

I first took part in a fire sprinklers debate in early 2011. My ask at the time was very simple: the overwhelming evidence and support for the widespread use of sprinklers should be taken into account in the review on part B of the building regulations, which was due to start in 2013. It is completely wrong that the review is taking place only now. The time for talking has gone, and we need action.

Back in 2012, the various property and professional bodies were not all fully engaged. They are now, and they speak with one voice. The Royal Institution of Chartered Surveyors, of which I used to be a member, the Royal Institute of British Architects and the Chartered Institute of Building are all calling for building regulations to be harmonised across the four home nations; for sprinklers to be installed in all new and converted residential buildings, hotels, hospitals, student accommodation, schools and care homes of 11 metres or above in height; and for retrofitting to existing buildings when refurbishment occurs as

> "a 'consequential improvement' where a building is subject to 'material alterations'".

The insurance industry is also calling for action, proposing that sprinklers should be compulsory in warehouses under 2,000 square metres and in new build schools and care homes.

We have kicked this particular can down the road for too long, with devastating consequences. We now need action, and I urge the Minister to acknowledge this and to provide a suitable roadmap in his summing up.

10.5 am

Paul Blomfield (Sheffield Central) (Lab): I will keep my remarks brief. I congratulate my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick)—as has just been said, he speaks with enormous authority on this matter and the Government should listen.

Like many of our cities, Sheffield has seen a huge growth in high-rise developments in recent years. They are largely privately owned developments, and many are for students. I am grateful that my hon. Friend highlighted the need to include purpose-built student accommodation in the requirements for sprinklers. Many of the developments are for other purposes—mainly for rent, although some are for owner-occupation. There are complex ownership arrangements between developers and the owners of the freehold, and there are complex leasehold and management agreements. The people who live in them look to the local authority to guarantee their safety, and it is a responsibility that Sheffield City Council is keen to respond to. It acted unilaterally, without financial support, to retrofit sprinklers in its own properties after the Grenfell disaster, and it wants to go further on private sector properties.

When the Ministry of Housing, Communities and Local Government wrote to local authority chief executives in March 2018 to say it was

"vitally important that we identify any remaining private high rise blocks with potentially unsafe ACM cladding"

and to offer funding, the council was quick to respond. It put together a plan to compile a comprehensive register of all high-rise accommodation, set out ownership and management details, provide information on construction and materials used, and undertake a risk assessment and outline what was needed to make the property safe, including sprinkler systems. It would have cost just £740,000 over two years, but the Government offered just 5% of that cost from the money that had been set aside. Recognising that councils have faced disproportionate cuts—Sheffield has lost around 60% of its funding from central Government—does the Minister think that providing only 5% support for that work was adequate?

Sprinklers are key to saving lives when fires start, but we need to remove the risk of them starting in the first place. The Minister will be aware of the formation of the UK Cladding Action Group to voice the concerns of people who own flats in tower blocks with ACM cladding. It was reported in the last couple of days that only 10 of the 173 private buildings that were discovered to have combustible cladding have been fixed—this point was raised by the right hon. Member for Hemel Hempstead (Sir Mike Penning) a moment ago. The barrier to action appears to be disputes over the funding and responsibility for the work.

Among the blocks affected is Metis Tower in my constituency. Residents there face a bleak future. One of those who contacted me, William Martin, summed up his situation in a plea to the Secretary of State:

"I'm a first time buyer stuck with a property covered in failed cladding. The freeholder is denying responsibility and the developers have ceased trading. I'm currently living out a nightmare and facing financial ruin. I and many others desperately need your help."

A company called HomeGround represents the freeholder, Adriatic, and says that it is not the landlord and is therefore not responsible. It points fingers at the property management company, Fairways, which says that it is awaiting legal clarification on who is responsible. The suggestion is that the responsibility for the re-cladding will fall on those who own the flats, who face individual bills of upwards of £20,000 each. That is a disgrace—the residents cannot afford those sums. William says that he cannot get rid of the property or move on when he wants to, and that frankly, he feels trapped in a prison. That is not acceptable. If someone buys a dishwasher that is found to be faulty because of a fire risk, we put safety first: the product is recalled and the manufacturer takes responsibility. If that is good enough for domestic products, why is it not good enough for the homes that house them?

I recognise that some developers and freeholders accept responsibility, but others do not. The Government must act. We need first to make the building safe, and we need to make sure that the individual residents who own the flats do not foot the bill. The Government should hold the developers and freeholders to account. If the law is not currently up to the task, we need to change it. I hope that the Minister will outline what action the Government will take in that respect.

10.11 am

Bill Grant (Ayr, Carrick and Cumnock) (Con): It is a pleasure to serve under your chairmanship, Mr Gray. I thank the hon. Member for Poplar and Limehouse (Jim Fitzpatrick) for securing this important debate. Like my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning), I declare an interest: I was a member of the Fire Brigades Union for 31 years and I think I am a fully paid-up out-of-trade member as I speak.

Experience over decades has shown that sprinkler systems, whether stand-alone or as part of other fire protection measures, are designed to contain or extinguish fire, and are certainly adept at reducing the spread of fire, if not altogether preventing it. They are a valuable asset for buildings with high occupancy numbers and potentially protracted evacuation times. Those of us who have experience as emergency responders know that despite exit signage, calculations of flow rates, widths of exit routes and so on, public behaviour in an emergency situation is often unpredictable. Sprinklers are also a life-saving asset in domestic dwellings.

A properly installed, acceptance-tested and maintained sprinkler system affords reliable protection for occupiers and, equally importantly, firefighters, in the unfortunate event of a fire breaking out, and brings reassurance to the insurers of the buildings and individuals. The difficulty in bringing the public and developers on board is the mistaken perception that sprinkler systems drive up prices to a horrendous level. That is not the case; it is a myth. Such installations account for a small percentage increase in the cost of a property—estimated at around 1%—but what is the price of life? Surely, lives are priceless.

There is also wariness about accidental water damage should the system fail and inappropriately discharge, but that is a very rare occurrence. A popular misconception is that all sprinkler heads in a building could suddenly activate rather than it being generally limited to the compartment of origin. In many instances, a single sprinkler head activates—perhaps with a neighbouring one—and the damage is minimal. We should bear in mind that fire water run-off from firefighters' hoses—as

my colleagues who worked in the fire service will know—has the potential to inflict much greater water damage, and has done so in the past.

Reliable and responsive installations are now seen as preferable to, or at least complementary to, large-scale offensive firefighting in buildings where, because of changes in construction methods and increased use of artificial materials, generated heat levels are absolutely unbelievable because of the additional fire loading, which is much greater than in my days of firefighting. A sprinkler system potentially reduces the heat release rate and the danger of flashover, to which all firefighters are vulnerable when they enter an ignited building. Sprinkler systems also prolong air quality by slowing down the accumulation of smoke—smoke alone can be the killer, not necessarily the fire itself. All that is particularly important given that the compartment of origin is frequently and sadly the locus where fire fatalities are found.

The future lies with investment in research and development so that fire engineering prevails as the first line of defence against fire to save life, with operational firefighting the last resort. There are many examples at home and abroad of sprinkler systems saving lives. In 2011, a building in Dubai became the world's tallest residential building, and was referred to, oddly enough, as the Torch. It hit the headlines again in 2015 when a fire broke out and took hold on the 50th floor of the 79-floor structure. What an impossible task for the firefighters to deal with—it was quite unbelievable. The safe evacuation of that massive residential structure was down to passive and active measures, including the successful operation of a sprinkler system, which allowed containment of the fire and the safe evacuation of individuals.

Nearer to home, in Wales, the Building Regulations &c. (Amendment No. 3) and Domestic Fire Safety (Wales) Regulations 2013 introduced a requirement to fit automatic fire suppression systems in residences before first occupation. The regulations covered care homes and rooms used for certain residential purposes and dwellings. In Scotland, sprinkler systems are already mandatory in certain circumstances and will be extended to new flats in 2019. That is the welcome result of the work of a Scottish ministerial working group, which was set up after the Grenfell tragedy. Regrettably, England appears to be falling behind its neighbours

Most studies over the years have concluded that sprinklers lead to a much lower or zero death rate, particularly in residential buildings, and I urge the Minister to consider any measures that would reinforce such a reduction and support enhanced life safety. Sprinklers are a natural progressive partner to detection. We have seen the success of smoke detectors. As has been said, it is simply common sense that the natural progression is with sprinklers.

The need for sprinklers is not a whim; it an evidence-based common-sense approach. Let us act now to further reduce the risk of fire deaths and to secure a safer operational environment for our firefighters. Every fire authority has a responsibility and a duty of care for those people and we can make their high-risk job that bit safer. I ask the Minister to act now, in the light of the clear need for sprinklers, to drive that forward, for the safety of individuals and of firefighters, and to secure properties and allow businesses to avoid being badly impacted by the ravages of fire.

10.16 am

Jim Shannon (Strangford) (DUP): I thank and congratulate the hon. Member for Poplar and Limehouse (Jim Fitzpatrick) on securing a Westminster Hall debate on the critical issue of fire safety and sprinkler systems. He has shown that he is at the forefront of the pursuit of the matter. I do not say this to give him a big head, but the honest truth is that his expertise and knowledge have allowed him to express the key points that he feels need to be addressed. We are fortunate to have the opportunity to back him and further reinforce those points.

We do not have the legislation that I would like in Northern Ireland. We are similar to England in that respect. How I envy the regulations that were introduced in Scotland in 2006, and in Wales in 2016. I often say that Scotland very often leads the way in many things, and it has certainly led the way on this issue, for which we must give credit where it is due—Scotland deserves that. Unfortunately we have a difference of opinion when it comes to the referendum, but that is by the bye. None the less, I recognise good when I see it.

The key in safety is whether something will save lives. Will sprinklers save lives? Yes, they will. Should they be in every apartment block? Yes, they should, but they are not, and they should never be viewed as a "nice to have" or a luxury.

David Simpson (Upper Bann) (DUP): There has been a lot of discussion on that point today; some have mentioned that this debate has been going on since 2011. If there are to be new regulations and procedures, surely the role of this House is to fast-track any legislation, so that we will not be sat here in the same circumstances in another two or three years.

Jim Shannon: My hon. Friend is absolutely right. He reinforces a point made by the hon. Member for Poplar and Limehouse, who said very clearly that we do not want to be sat here in a few years' time having the same discussions, not having moved forward. As always, we look to the Minister and hope for positivity in his response.

Sprinklers are not the panacea for fire safety, but the evidence base tells us that they can have an impact on fires as part of fire safety measures. They are part of the compendium of fire safety measures that we need. They protect the environment from large emissions, smoke and volumes of contaminated water. I am not the only one who watches many films on TV—others have mentioned this—but in films where an actor appears after the sprinkler system has been on, it looks as though he has dipped himself in a pool of water, and all the stock is ruined. The fact is, however, that sprinkler systems today are not like that. They use 90% less water than hoses, thereby reducing and preventing costly water damage. Sprinkler systems are therefore constructive and positive, and can do their job well. Sprinklers are not expensive if they are included at the design stage, costing as little as 1% of the total build. That is the time to put such systems in—not later on, but at the very beginning. According to the latest poll, the general public want them in their buildings, so we have to respond to what we are being told.

[Jim Shannon]

Where are we now? Self-regulation is the norm, but is clearly not working. The fire brigade has asked Government to step up and step in. Also, we cannot ignore the campaign of the National Fire Chiefs Council, which is asking for a new UK-wide regulatory system for sprinkler systems, which are essential. We should consider the know-how of the fire personnel whom we rely on to put fires out. The fact that this is their campaign and their initiative underlines its importance.

Housing developers are consistently ignoring expert advice on sprinklers, every year, including in large projects. In 2016, in the last survey of new or refurbished buildings, only two out of the 15 blocks checked had sprinklers fitted. Again, that underlines important shortfalls. The advice given to developers is apparently disregarded, so regulations need to be brought in and enforced, as my hon. Friend the Member for Upper Bann (David Simpson), the hon. Member for Poplar and Limehouse and others have emphasised. That is where councils and local authorities can fulfil an important role quickly.

In a briefing I received, an example was given of a balcony fire. It took hold of not just one apartment block, but five, in a very short time. This illustrates the importance of sprinklers: within the 19 minutes between the call and the fire engines arriving, the fire had been controlled by the newly installed sprinkler system. I thank the Lord for that; it illustrates what sprinklers can do in the right place—they did the fire brigade's work. That is what they were tasked to do, and it went well.

What do we need? We need sprinklers to be fitted into all residential care homes and sheltered accommodation, and existing homes should be refurbished to include them. Often such flats or apartments house people with mobility or health issues, who could suffer fatal or life-changing injuries. That also applies to schools, because the safety of our children is important. We need stringent controls. A change to our rules and regulations is needed for hotels, student accommodation, warehouses, historical buildings and deep-base complexes. The debate has given us a chance to air the issues, and I am happy to be part of that. I look to the Minister for his response.

10.22 am

Andy Slaughter (Hammersmith) (Lab): It is a pleasure to serve under your chairmanship, Mr Gray, and to follow so many Members who are experts in this field. In particular, I thank the all-party group, which I have been a member of for some years. I have learned an extraordinary amount, especially from the hon. Member for Southend West (Sir David Amess) and my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick). I will do my best to follow those contributions.

As we have heard, there is a great deal of consensus not just in this Chamber but among experts with an interest in this field—the insurance industry, fire safety professionals, including the London Fire Brigade, local government in London and England, architects and surveyors. We have also heard about the good practice in the devolved Administrations, which are substantially ahead of England. This very much seems to be an English problem now.

The first point is that, as many Members have indicated, sprinkler systems work. According to the London Councils briefing for today,

> "automatic fire suppression systems…operate on 94 per cent of occasions and when they do operate they extinguish or contain the fire on 99 per cent of occasions. They reduce fire injuries and fire damage by 80 per cent. They also reduce the environmental impact and the economic cost of fire."

Also, as has been said, no one has ever died from a fire in a fully sprinklered building.

The relatively minimal cost—1% of build costs—of installing sprinklers has also been mentioned. In addition, as the London Fire Brigade reminds us, sprinkler systems on average use 90% less water than hoses, and can prevent costly water damage. Introducing such systems seems to be a bit of a no-brainer.

I can think of two examples from my constituency. In 2012, opposite the BBC Television Centre, we had a major fire in the Dairy Crest warehouse, which had a huge amount of combustible material in it—explosive material, too. It needed 15 fire engines and 75 firefighters. I think about the unnecessary risk to the lives of firefighters on such occasions. In 2016, a year before the Grenfell Tower fire, there was a major fire in Shepherd's Court, overlooking Shepherd's Bush Green. There were fortunately no casualties, but there was a full evacuation of the building. Six flats were substantially damaged by fire, but I think another 20 were substantially damaged by water. The consequence of fires, even when successfully extinguished without injury, is often huge costs and disruption to people's lives over many years.

All that indicates the way in which we ought to be moving, and where we hope to see the Minister moving us. However, I have one other point to make, which is also made by London Councils:

> "While…sprinkler systems are very important, it is important to point out that they are not a substitute for a holistic, whole buildings, risk-based approach to fire safety."

The Royal Institute of British Architects makes four recommendations on where it thinks fire safety should be going. They will not be a panacea and cover everything, but looking at those four areas will go far towards reducing risk. No. 1 on the list is sprinklers:

> "a requirement for sprinklers/automatic fire suppression systems in all new and converted residential buildings…and in all existing residential buildings above 18m from ground level",

as already required in Wales.

The other three recommendations are equally or more important. One is alternative means of escape. Buildings, including in my constituency, are still given planning consent although they have only a single means of escape—blocks that in effect replicate Grenfell Tower: 20-storey blocks of flats with a single means of escape—and that is purely for commercial reasons. It should not be tolerated.

The third recommendation is for centrally addressable fire alarms. That deals with the stay-put policy and what happens when it fails. Is there a fail-safe method of warning people when a building needs to be evacuated?

The fourth recommendation, which will come as no surprise to the Minister, is an extended ban on the use of combustible cladding. That is not the main topic today, but it is one that we return to time and again, because the Government's measures are wholly inadequate. We have taken a long time to deal just with the issue

of aluminium composite material cladding, and the Government are only now getting on to other forms of cladding, often more combustible than ACM, that are estimated to be on more than 340 high-rise buildings out there. Even the ban on use for new build or refurbishment projects is inadequate. It does not cover hotels, office buildings or lower-rise buildings used by vulnerable people, such as hospitals and care homes. Until we have a comprehensive approach not only to fire safety generally but to the removal and installation of cladding systems—not just cladding, but cladding and installation together—we are not seriously tackling the problem, or seriously dealing with the legacy of Grenfell.

10.28 am

Alison Thewliss (Glasgow Central) (SNP): It is a pleasure to see you in the Chair, Mr Gray.

I thank all hon. Members who have spoken today. It is good to see such comprehensive agreement in a Westminster Hall debate that action must be taken, and on what that action must be. I was struck in particular by the comments of the hon. Member for Southend West (Sir David Amess) who talked about "unacceptable" intransigence, "lamentable" action and all Governments failing in this respect. I urge the Minister to listen carefully to what everyone said this morning. It is absolutely clear that there is no difference of opinion among people whose differences of opinion are usually vast. Everyone has agreed on the action that needs to be taken. I will not diverge from that.

I pay tribute to the people affected by Grenfell; their strong reaction inspires us all to do more and to do better. The hon. Member for Kensington (Emma Dent Coad) spoke movingly on behalf of her constituents and urged the Minister to act on the evidence. We need to keep up the pressure and momentum. If we let people down, more people will die or be injured as a result of further fires.

The hon. Member for Poplar and Limehouse (Jim Fitzpatrick), a former Minister no less, has great expertise on this matter and is diligent in ensuring that the House never forgets the risks of fire. I have never been a firefighter like some Members in the debate, but I served as a councillor for a while, with the hon. Member for Ayr, Carrick and Cumnock (Bill Grant), on the Scottish Fire and Rescue Service board. In June 2007, it did a demo of how sprinklers could stop fires. I was struck by the damage of a burnt-out husk of a room, compared with the minimal damage from sprinklers.

The myths about the cost and how the systems work continue, but the evidence is that they cause far less damage and harm than a fire burning an entire house, room or building. We must take heed of the changing development of sprinkler systems, as the right hon. Member for Hemel Hempstead (Sir Mike Penning) mentioned. They have developed over the years. They are not the same systems as once existed but are very sophisticated. There is no barrier other than willpower to get them into buildings as soon as possible.

The Scottish building regulations are robust; the Scottish Government took prompt action following the Grenfell tragedy to improve existing legislation. The ministerial working group on building and fire safety did not hang around; it got on with the job, looked comprehensively at everything and came forward very quickly with minimum standards for smoke alarms across all kinds of property.

The minimum requirements will be that at least one smoke alarm will be installed in the room most frequently used, such as the living room; at least one smoke alarm will be in every circulation space on each storey, such as hallways and landings; at least one heat alarm will be installed in every kitchen; and all alarms should be ceiling mounted and interlinked. That is a huge difference, and it will apply to all properties from 2021, including in the private rented sector and new build homes. It is important that that change is comprehensive, because if we leave one housing sector behind, that is where the risk will remain. Often, that means people in poorer accommodation, who cannot access their rights and are most at risk of dying in fires.

Our response has been far more extensive than what has taken place in England. We will make sprinkler installation mandatory in flatted accommodation, larger multi-occupancy dwellings and places that deliver care. The hon. Member for Hammersmith (Andy Slaughter) mentioned that we need to look at single means of escape. We are looking at measures to improve evacuation procedures, including the requirement for sound alerts, two escape stairways in all new high-rise residential buildings, and creating specific fire safety guidance for the people in dwellings, because people need to know that the flat they live in now might be different from the flat they used to live in. They need to know how to react.

Building owners and developers will be required to prepare and maintain a compliance plan for transparency about the building's inspection regime, to both residents and regulators. That will help to maintain monitoring. As Members have said, we do not want to slip into complacency. Once a building is built, that is not the end of the story. People will live in that building for many years to come, and they need to know how best to prepare themselves.

Sir Mike Penning: The hon. Lady's point is massively important. It is not just about the cost of installation; there may be a sprinkler system in a brand-new, modern house, but that has to be maintained and checked, like any gas product or anything else. Insurance companies will be important, because most insurance policies these days include pipe work and other things, so the cost should not be prohibitive, but people—and local authorities—will worry about the ongoing cost of having a sprinkler system in their property when they have to pay for it. However, the savings will be as great as the cost.

Alison Thewliss: I agree with the right hon. Gentleman; I was coming to the point about insurance premiums. People's insurance premiums can be reduced if they have a burglar alarm fitted, and we need the same incentives for sprinklers. That needs to be a part of the environment, as it is for retail and commercial properties.

There is an important point about the cost of sprinkler systems. The Scottish Housing Minister, Kevin Stewart, has called for VAT to be removed from cladding. We need to look at removing VAT for sprinkler systems, too. That would be a significant saving to help people to install these items. There would be significant savings

[Alison Thewliss]

for property owners and housing associations—the full gamut of people involved in the property sector. A 20% reduction in the cost of installing something is pretty significant, and it could allow programmes to go forward more quickly than otherwise. I urge the Minister to speak to the Chancellor to see what can be done, certainly ahead of the Budget later this year, as we are probably too late for the statement later this week. That would be a real win for this Government to incentivise people to take action on cladding and sprinkler systems.

The hon. Member for Ayr, Carrick and Cumnock spoke powerfully about firefighter safety. That has been missing from this debate. When firefighters go into those situations, they need to be kept safe. Nobody wants firefighters to lose their lives. I was interested in what the hon. Gentleman said about engineering out issues and ensuring that when new buildings are constructed, their fire safety is part of the plans from day one.

As part of my work in the all-party parliamentary group on working at height, I was having a conversation about materials used in buildings that may test well in isolation, but when put in a building become more dangerous. I urge the Minister to consider doing more to ensure that materials are testing in situ, to avoid the situation of Grenfell, where the whole of the cladding on the outside of the building went up. Testing in situ and the appreciation of the impact on materials when used in a building must be taken into account.

There are significant differences in how Scotland has defined "high rise". The hon. Member for Kensington mentioned that it is 18 metres in England, and 11 metres in Scotland. Far more buildings will be caught by the regulations at 11 metres. Regardless of what we regard as high rise, it is important that people in bigger buildings can get out safely should there be a fire. There is a lot of student accommodation in my constituency—I was glad that the hon. Member for Sheffield Central (Paul Blomfield) mentioned that issue. Students can be more vulnerable, living away from home for the first time, in accommodation that is new to them. Having sprinkler systems would be most useful.

A couple of hon. Members mentioned water damage as a result of fires being extinguished. That has been a significant issue in my constituency lately, because the O2 ABC was damaged hugely by the water from the fire being put out at the Glasgow School of Art. That water was not from the mains but from the Clyde, and had been pumped uphill to put the fire out. Extinguishing fires can cause significant damage to buildings, which in many cases could be prevented by comprehensive sprinkler systems. I urge the Minister to look at how sprinklers can be sensitively retrofitted in historic buildings. They are significant—we are in one now. We need to ensure that all buildings where the public go are well protected from fire.

There has been comprehensive agreement today. There are good examples from Scotland and Wales of how action can be taken swiftly. We should act without any further delay, before any more incidents occur and there is any further loss of life. The Minister knows what he needs to do; I very much ask him to get on and do it.

10.39 am

Sarah Jones (Croydon Central) (Lab): It is a pleasure to serve under your chairmanship, Mr Gray. I congratulate my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick) on securing this debate. Given that the call for evidence on approved document B of the building regulations ends on Friday, this debate is exceptionally timely, and I hope that the Minister has listened carefully to the wise words of the secretary of the all-party fire safety rescue group. Hon. Members are clearly as one on the need for change, and that case has been made conclusively this morning.

The need for urgency percolated through everybody's speeches. The hon. Member for Southend West (Sir David Amess) said that this "nonsense" must not go on, and the right hon. Member for Hemel Hempstead (Sir Mike Penning) asked whether property is more important than people's lives. My hon. Friend the Member for Kensington (Emma Dent Coad) said that Grenfell 2 is "in the post", and my hon. Friend the Member for Hammersmith (Andy Slaughter) said that we should consider the cost and that this issue is a "no-brainer". The hon. Member for Waveney (Peter Aldous) said that we have kicked the can down the road for too long. We heard sensible arguments from all those who contributed this morning, including on the important need to protect firefighters as well as residents, and the fact that modern sprinkler systems can be installed at less cost and with less damage if they need to be used.

In 2019, we find ourselves in the sorry position of knowing that our fire safety and sprinkler regulations are woefully inadequate, and almost two years on from the Grenfell Tower fire, we are still waiting for the Government to act. Seventy-two people died in the Grenfell fire, and that fire and its aftermath exposed a litany of fire safety failures across thousands of buildings. Hundreds of blocks are draped in flammable Grenfell-style ACM cladding, and many more are covered in other types of flammable material that is as yet untested. There are tens of thousands of faulty fire doors, and a huge discrepancy in the provision of sprinklers. We also know that warnings came years earlier. The coroner's investigation into the Lakanal House fire recommended in 2013 that sprinklers be retrofitted in social housing, and similar calls were made by members of the all-party fire safety rescue group in the same year. In 2016, a building regulations review was promised by the Government but never delivered. The London Fire Brigade stated:

> "It is deeply concerning that on the two occasions in recent years when the Government has looked at reviewing sprinklers legislation or guidance it has been in the wrong direction—seeking to weaken rather than strengthen it."

As has been said many times this morning, no one has died in a fire where a sprinkler system was installed, yet in England sprinklers are a legal requirement only in new residential blocks that are more than 30 metres tall.

Labour party research found that more than 96% of tall council tower blocks in London do not have sprinklers—a huge number. Although 3% of those blocks are now looking to install sprinklers, the vast majority have no plans to do so because they do not have funding. Installing sprinklers at Grenfell would have cost a few hundred thousand pounds. Croydon's fully retrofitted stock post-Grenfell cost £10 million, and Birmingham has projected a cost of approximately £30 million to

retrofit more than 200 blocks. Despite repeated calls from local authorities and the Prime Minister's promise that the Government will do "whatever it takes" to keep our people safe, no funding has been provided by central Government for sprinklers. We do not pretend that these changes come without cost—of course they have a cost, but what is the price of safety? As we have heard, the rules in Scotland and Wales are more comprehensive, and a multitude of experts have called on the Government to reduce the height requirement for sprinklers, and to extend that requirement to other buildings.

The problem goes wider. Over new year, the Shurgard fire exposed our backward laws and regulations on fire safety across the board. Shurgard operates in Belgium, France, Germany, Denmark and the Netherlands, where sprinklers would have been required by law in a warehouse the size of the one in Croydon. In this country, however, there are no such requirements, and the property of nearly 2,000 people got burned.

I do not need to list the individuals and organisations calling for change. My hon. Friend the Member for Hammersmith listed RIBA's excellent four pillars for reform, including a requirement for sprinklers and automatic fire suppression systems in all existing residential buildings above 18 metres. In addition to the questions raised today, will the Minister listen to RIBA and implement its sensible set of policies? Will the Government extend their ban on flammable cladding to schools, hospitals and care homes, and introduce a requirement for sprinklers in schools and hospitals? Will they consider a fire safety fund that is available to help council and housing association landlords with the costs of retrofitting sprinklers and other urgent remedial work? Two years on from the Grenfell fire, will the Government understand the need for urgent action, get a grip on the situation and act, so that we can hold our heads up high and say that we have done what we could to stop such a tragedy happening again? There has been much talk in other places of the "Malthouse compromise". If the Minister were to act today to prevent future deaths, we would call it anything he wanted, and we would thank him for it.

10.45 am

The Minister for Housing (Kit Malthouse): It is a great pleasure to appear before you once again, Mr Gray. I congratulate the hon. Member for Poplar and Limehouse (Jim Fitzpatrick) on securing this debate, and my hon. Friend the Member for Southend West (Sir David Amess), and other Members, on the formidable platoon of people who they marshal on this issue on a regular basis. As our call for evidence on the technical review of building regulations fire safety guidance is closing, I welcome this opportunity to respond to the debate.

I hope hon. Members recognise that ensuring that people are and feel safe in their homes is a priority for the Government, and that includes all parts of the Government, both elected and non-elected. Notwithstanding remarks by a number of Members about the official advice that Ministers receive, I hope people recognise that officials in the Ministry of Housing, Communities and Local Government are as dedicated to the cause of fire safety as everyone else, and that their views and the advice they give are drawn from as wide a range of experts in the field as possible. As the former member of the London Assembly responsible for the constituency that contains Grenfell Tower, it is of particular importance to me that we reach a resolution on this issue quickly.

Before coming to sprinklers, I wish to update hon. Members about wider work that is under way on fire safety. In the immediate aftermath of the terrible Grenfell fire we acted quickly to establish the building safety programme, which worked tirelessly to identify and remediate buildings with unsafe cladding. Thanks to the testing and hard work of local authorities, we are confident that we have identified all social housing with unsafe ACM cladding systems in England, and we have made good progress in making those buildings permanently safe. Of the 158 social sector buildings, 125 have either started or completed remediation, and plans and commitments are in place to remediate the remaining 33 buildings. To help ensure swift progress, we have made £400 million available to social sector landlords to fund that remediation. I regret, however, that remediation in the private sector has been more challenging, with negotiations in some instances disappointingly slow.

Since Grenfell, we have worked intensively with local authorities to identify high-rise buildings with ACM cladding, and we have provided £1.3 million to assist them. Local authorities across England have assessed around 6,000 private sector high-rise buildings. They needed to take samples to test, and in some cases legal action was required to get owners to co-operate in that testing. We have taken strong action to give local authorities the support they need to enforce the removal and replacement of unsafe cladding. We have established a taskforce to oversee the remediation of private sector buildings, as well as a joint inspection team to support local authorities in pursuing enforcement action.

On 29 November, the Government went further and announced that we will back local authorities to take emergency action, including financial support, where building owners are not co-operating with remediation. As a result, we have made progress with commitments from owners to replace unsafe cladding. By the end of December 2018, 218 out of 266 privately owned buildings had either started, completed, or committed to remediation. Forty-eight private residential buildings remain where the owners are not currently co-operating, and that number has fallen from more than 200 buildings in June last year. We remain concerned about and engaged with leaseholders who, through no fault of their own, find themselves in a difficult and stressful situation. I recently met the hon. Member for Poplar and Limehouse to discuss the New Providence Wharf development in his constituency.

Sir Mike Penning: I am really pleased, and I think all hon. Members and people around the country will be pleased about the progress made on private leasehold properties. However, no matter how hard we try, and however many threats we make, a small group will fall through the net, particularly where developers have gone into liquidation. That is exactly where the Government need to step in, sometimes with the help of insurance companies—for example, when the situation with mesothelioma was terrible and many people did not get the compensation they deserved, we stepped in and put a tariff on those insurers. All these properties will have been insured, and people should get the compensation they need.

Kit Malthouse: I recognise the point that my right hon. Friend makes; he is quite right. Of the remaining private sector buildings, there are some where there is a dispute about the extent or type of cladding—whether it is thin or decorative, and what percentage of the building it covers—but there are a small number where the situation that he raises will pertain, where for reasons of absence, insolvency or intransigence we may need to take more forceful action.

I have said that if local authorities assess that there is a category 1 hazard and a threat to life in a building, they have the power to enter that building, do the necessary work and we will support them financially in doing so. In the final analysis that can be the result, but we are considering what action we can take in the circumstances that my right hon. Friend raises. I would like to reassure everybody that the Secretary of State and I, as well as senior officials, are engaged in serious and intense discussions with building owners to try and resolve these situations.

Our timber fire doors testing programme is almost complete; there have been no failed tests to date. However, we had previous issues with glass-reinforced plastic composite fire doors and we stepped in quickly to ensure that defective products were removed. My Department has been working with industry to ensure that defective doors already in situ will be remediated. We have not stopped there. While the focus on aluminium composite material cladding following the Grenfell Tower fire was the right priority, we are now moving into a phase of testing a range of non-ACM cladding, such as zinc and high-pressure laminate cladding. Those tests are starting shortly.

We will take the advice of the independent expert advisory panel on these findings and take appropriate action. At this stage I am not able to say what that might entail. It could be further advice to owners, it could mean further testing or it could mean further remediation of residential high-rise buildings if necessary. I will ensure hon. Members are kept updated on this important area of work.

Alongside the focus on remediation, my Department is taking forward the recommendations in Dame Judith Hackitt's report. We published our implementation plan in December, which set out the principles of our approach, and a more detailed consultation is expected later in the spring.

One priority, alongside the remediation work and the recommendations in Dame Judith's report, has been to deal with immediate issues of concern. At the end of November we introduced new regulations implementing the ban on the use of combustible materials in the external walls of high-rise buildings. These regulations are now fully in force. In December we issued strengthened guidance on assessments in lieu of tests. We consulted last year on a clarified version of the building regulations fire safety guidance, approved document B. We received more than 1,300 comments on the draft, which we have been working through. We are working towards publishing the revised, clarified guidance later in the spring.

As I mentioned at the beginning of my speech, we issued a call for evidence to inform our technical review of the fire safety guidance, which will close shortly. We have received 150 responses and I am grateful for the input of the all-party parliamentary group on fire safety to this work, which is shaping the debate. I cannot go into the full detail of what that call for evidence covered, because of time constraints, but it sets out a wide range of issues, across the full range of topics covered by approved document B, many of which have been mentioned by hon. Members today, although of course it was open to stakeholders to suggest other issues for consideration.

This debate has focused particularly on sprinkler systems. I understand the urgency and passion with which hon. Members have expressed themselves today and I share their desire for the Government to address the issue quickly. The call for evidence asked for data and views on sprinkler provision. Current building regulations guidance sets provisions for sprinklers in flats in blocks of flats over 30 metres tall. I know that there is intense debate about what should be considered to be the right height threshold; that debate is taking place in Scotland at the moment.

I am also conscious that the Scottish and Welsh Governments have recently taken action or are about to take action on this matter. These are obviously important considerations for the position in England. Members will understand that at this stage in what is essentially a legal process, I cannot make any firm commitments beyond reinforcing the point that we will consider the responses to the call for evidence carefully. We will set out our plans for how we propose to respond to the call for evidence as soon as we can. I recognise the need for speed.

Building regulations only apply when building work is under way. There is a separate question about whether sprinkler systems should be retrofitted to existing buildings, and, if so, how and whether this should be mandated. Retrofitting of sprinkler systems into existing tower blocks may not always be the answer to ensuring fire safety. Members may have seen that there was an enormous Ocado warehouse fire in my constituency a few weeks ago. I understand that the warehouse had an extensive fire suppression and sprinkler system, and it still went up in flames. Happily, there were no casualties but nevertheless it has left about 800 of my constituents worried about their future employment.

Decisions on whether to install a fire suppression system should be informed by a robust analysis of the specifics of a building, in consultation with the fire services. It was with this in mind that my Department offered local authorities a significant package of financial flexibilities through the housing revenue account, if they undertook analysis and decided that the installation of sprinklers was the right way forward. No local authorities have taken up the offer of these flexibilities to date, but I am willing to discuss the issue with any of them who may be considering taking up the offer made.

In the future we would expect the safety case approach for existing high-risk residential buildings, as recommended by Dame Judith Hackitt and which we will be implementing, to be the vehicle for building owners to consider what risk mitigation measures, including sprinkler systems, they need to consider and put in place. In doing so, if there is pressure from residents in any particular building to provide sprinklers, then I would expect local authorities and landlords to be alive to that and consider their options carefully.

I thank hon. Members for raising this important issue and for all their contributions. It is a timely debate, given the stage we are at in considering the review of approved document B, and I can assure the House that

we will consider the issues raised today very carefully. I recognise the passion and commitment Members have for this cause, particularly those in the APPG. I also recognise the concern across the country among residents who live in high-rise buildings and feel insecure, whether that is because of the cladding or the general atmosphere around fire safety. It is critical for us as a Government to get this right, and I can reassure everybody that we will give it as much energy and urgency as we possibly can.

10.56 am

Jim Fitzpatrick: I am grateful for your excellent chairing this morning, Mr Gray. Movers of debates usually get about 30 seconds to respond to contributions and we have several minutes. I will not take all that time, as I can see the mover of the next debate and the Minister both in their places, and they would welcome a little extra time.

On the warehouse fire the Minister mentioned, I know he will look very carefully at the report. From my understanding, the sprinklers worked and did the job they were supposed to do, but the nature of the building, the density of the packing, the depth of the warehousing and the fact the robots were still working while firefighters were there complicated the matter out of all proportion. I do not see that as a failure of sprinkler systems, which are supposed to operate for up to 90 minutes anyway. The fire took hold long after the sprinklers were turned off. I know the Minister will look at that.

I am grateful to all colleagues who spoke in the debate—we have had 12 speeches and a couple of interventions—and to the Front Benchers for their responses. I am very grateful that the Minister did not say no. I know there were a lot of qualifications, but he did not say no. The matter is complex and the Minister is highly regarded. He is a key figure in London politics and he saved Brexit single-handedly, with the Malthouse compromise, as mentioned by my hon. Friend the Member for Croydon Central (Sarah Jones). It may not have been his most popular move among a number of colleagues, but none the less he takes credit for that.

The Minister is also doing sterling work on leasehold reform. I am grateful for the meeting I had with him last Thursday on the particular block in my constituency and the developer who was being intransigent. As my hon. Friend the Member for Sheffield Central (Paul Blomfield) mentioned, we look forward to progress on cladding, remedial work, costs and protections for leaseholders in due course.

The Minister defended his civil servants, correctly. There is high regard for the civil servants in the Department and no criticism of them intended. They will give their advice on the basis of the evidence available. Support from all the key stakeholders and all the professional bodies mentioned by so many colleagues must have an impact on the advice that the civil servants give the Minister, and the Minister will weigh them up against all the factors that need to be taken into account. There has been support from across the Chamber, as well as from professionals and experts.

Most importantly, the public support the measures. The measures could be the life-saving part of the Minister's legacy. He is in the very fortunate position to be the one to bring forward the conclusion. If he brings these measures forward, he will be applauded across the House and by the whole fire protection community. There will be hundreds of people whose lives will be saved by the measures he brings forward in due course. We look forward to him doing that as soon as possible.

Question put and agreed to.

Resolved,

That this House has considered fire safety and sprinkler systems.

Depersonalisation Disorder: NHS Treatment

11 am

Lyn Brown (West Ham) (Lab): It is an absolute pleasure to serve under your chairmanship, Mr Gray.

In the 2017 Christmas Adjournment debate I spoke about depersonalisation disorder, or DPD. I told something of the story of my constituent Jane, and requested a meeting to discuss NHS treatment of DPD. Since then the Minister has kindly met with me, Jane and Dr Elaine Hunter, a leading DPD clinician. The meeting was very sympathetic and I thank the Minister for that. We agreed that we would follow it up with a short Westminster Hall debate, to speak publicly about why the issue is so important. I shall therefore take the opportunity to talk about depersonalisation and put a couple of what I hope are gentle asks on the table.

What is depersonalisation? DPD can be triggered by a traumatic experience, a panic attack, stress or, indeed, drug use. It is a fairly common psychological or mental process for dealing with trauma. It feels as if the mind is detaching from the body; those affected feel as if they are outside themselves. Everything feels rather unreal. I have certainly felt that way before, at a time of significant and severe stress. However, depersonalisation is an intensified version of the feeling, and it is not temporary. It sets in indefinitely. When people have DPD it will often be accompanied by the sensation of noticing themselves as if from the outside, as if they are a character on a screen—almost as a character in the play of their life. The feeling can be so strong that those who have DPD are less aware of their bodily sensations, such as their heartbeat.

DPD is different from a psychosis such as schizophrenia because people who have it are aware that the experience is subjective, and not something changing in the world around them. A common difficulty for those with DPD is putting the experience into words. Many use metaphors or similes, comparing their experience to watching a TV screen. They may use adjectives such as "fuzzy" or "blurry" to describe how they feel. The lack of awareness of the condition, combined with the difficulty in communicating the precise symptoms, is the reason why many are repeatedly misdiagnosed.

Jim Shannon (Strangford) (DUP): I was present on the previous occasion when the hon. Lady raised this subject. I was quite alarmed when I did some research on the disorder that she has described. I am sure that she knows the figures. According to studies in the United Kingdom and the United States, DPD affects some 2% of the population—1.3 million people in the United Kingdom and 6.4 million in the US. The hon. Lady is clearly raising awareness today, but is there a greater need to raise awareness among GPs, to make sure that they can make early diagnoses, and understand and respond to the condition?

Lyn Brown: I absolutely agree with the hon. Gentleman. I want to talk later in my speech about how many people experience the condition, and about other conditions that similar numbers of people are diagnosed with but that are far more common and have more resources from the NHS. I will go on to argue that DPD is fairly significant, given the number of people affected, and that more resources and effort are needed to assist them.

Many sufferers, as I mentioned, are misdiagnosed—often for years on end. Often when someone with depersonalisation disorder is misdiagnosed they are given medication, which can either have little effect or be quite harmful. Naming the symptoms and people understanding what has happened to them can be an important experience. Understanding the condition and putting a name to what they have can make someone feel an awful lot better. My constituent Jane Charlton struggled terribly before she was diagnosed. She imagined that she might have a degenerative disease, or that she might be dying. Learning the name of the condition was a crucial step in understanding it, living with it and eventually learning ways of dealing with it.

The onset of DPD was triggered for Jane by cannabis use. She was just 18, on holiday with a boyfriend, and had smoked cannabis only once before. Her boyfriend prepared her some cannabis resin and mixed it into a yoghurt. Jane tried a little—no impact; so she tried a bit more. She describes what happened next:

> "My perception drew back into my head, almost as though I was now looking at the world from the back of my own eye sockets. I perceived a delay between an external event, and my brain understanding or processing it. Suddenly there was a fracture between the world and me. While my body was still in the world, my mind had become a disengaged observer."

As I said, in DPD the individual is aware that their perception has changed, so although the experience feels like a blurring or a distancing, for Jane it was terrifying:

> "During that first episode…hours followed where I sought reassurance from those around me, wanting to touch and talk to them constantly. I wanted to check that I still existed. Eventually, exhausted, I slept, in the hope that it would pass overnight. It didn't. The next morning, the shift in perception remained, and would in fact remain for every second of every day for the next three years."

A temporary experience of depersonalisation can serve as a defence mechanism if there is a traumatic event. It allows separation from immediate reality, but if it spreads beyond that and becomes depersonalisation disorder, people such as Jane can become separated from other emotions as well:

> "If I quieten my mind, I can almost taste the colour and richness of life as I knew it before...but I can barely remember what it feels like. These days I'm in a constant state of grief; I feel as if I'm grieving for my own death, even if I seem to be around to witness it."

It is hard to imagine the impact that that would have on a young person's life, for those of us who have not felt it. For three years, in Jane's case, there was no diagnosis and no remedy. Even with the right diagnosis DPD is hard to treat. Jane has had four major episodes of depersonalisation disorder, despite all her hard work, often with experts in the field. Her current episode is ongoing, and entering its fifth year.

Another person who has depersonalisation is Joe Perkins. He runs a YouTube channel called the "DPD Diaries", which is a wonderful accessible resource for learning about the condition. Joe told me he has had about 100 medical appointments over the past 10 years, but he can count on one hand the number of professionals who had actually heard of the condition. His diagnosis took 10 years. Sadly, that is a normal length of time in

the NHS at the moment. He had 10 years living with DPD and not understanding that it was a recognised medical condition and he was not on his own. He explained his experience of the condition:

"The most difficult thing for me to deal with day to day is a complete lack of emotions. I experience neither happiness or sadness; life seems completely flat; and it's very difficult to feel motivated for anything when everything feels meaningless. Having to explain to your partner that you're unable to feel love for them is an incredibly difficult conversation to have—and one that naturally puts a huge strain on any relationship."

I am sure we can all understand that.

Joe first started experiencing symptoms while he was studying for A-levels, when he was too young to be eligible for treatment at the Maudsley clinic, the only facility available in the UK. Fortunately, he has since started to receive treatment. The referral took a full year, and the waiting list is long, with numbers spiralling as awareness rightly grows.

The invisibility of DPD makes it all the more important that we speak about it in this place, and I am grateful to have had the opportunity today to do just that. Just a few facts will show that depersonalisation and derealisation—a closely related condition—are an urgent concern and need far better treatment under the NHS.

First, depersonalisation and derealisation have symptoms that many of us will find familiar; 75% of us will have experiences similar to depersonalisation at some point in our lives. Secondly, as the hon. Member for Strangford (Jim Shannon) said, between 1% and 2.4% of people are likely to have these conditions—a similar level to bipolar disorder, which is far better understood and resourced, and which our GPs and experts are able to spot.

Thirdly, it is important to know that there is only one small clinic in the UK that specialises in treating the condition and, as I have said, it does not treat people under the age of 18, despite the fact that sufferers from depersonalisation disorder typically have their first experience of it in their adolescence. Finally, and rather damningly, the average diagnosis takes between eight and 12 years from the point of symptoms appearing. Those are the facts I have received.

I have talked about what DPD is, what it feels like, and the fact that it is very poorly known, which helps to explain the almost unbelievable figure of eight to 12 years to diagnosis. How debilitating DPD can be is the most important thing to understand, but the lack of provision is extremely important, too. We have a lot of work to do if we are to build the same scale and quality of NHS support for those with DPD as for those with depression or bipolar disorder.

I pay tribute to Jane for all the work she has done on this issue. She is a brave woman. She featured in an article in *The Guardian* in 2015, which reached a huge number of people. In 2017, she followed that up with an appearance on the Victoria Derbyshire programme. During the programme, several people called the show to say that Jane had helped them to recognise their own condition.

Jane continues to raise awareness through lobbying—she lobbied me—and runs a peer support group for people suffering from DPD, so they can experience solidarity and share experiences. She has also founded a charity called Unreal, to unify all the different bits of work being done. Jane has done all of that while holding down a full-time job and dealing with her own DPD. She has my absolute respect and gratitude for that. Jane's work is really helping, but we need to go so much further to spread awareness not only among members of the public, but among NHS professionals.

As I said at the start, Jane, Dr Hunter and I have already met the Minister, and I am hopeful that she will be able to tell us more about what action is already being taken, but I would like to use this opportunity to put on record our four asks. All of them can be accomplished within the next few years, and none, we think, would require huge investment of resources.

First, on training, a 2017 edition of *The BMJ* published new guidance on the assessment and management of DPD. That was very welcome, but it has not led, and will not lead, to better and faster diagnosis and treatment in and of itself. My first ask is that the Minister write to the presidents of the Royal College of General Practitioners and the Royal College of Psychiatrists, to request that they bring this information to the attention of their members and ensure that training on DPD is made part of the core training for GPs and psychiatrists.

Secondly, I ask the Minister to push for the design and delivery of a programme of training in NHS mental health trusts around the country, not only to raise awareness, but to improve assessment and management of the disorder locally. That could include the appointment of a local depersonalisation disorder lead, who can thereafter provide guidance to local clinicians.

My third request is that those leads link together to improve access to treatment for those with the condition. I think the Minister would agree that it is not good enough to have just one small clinic at the Maudsley treating all those people across the country who have depersonalisation; we need better and more. Finally, given that expert support for young people experiencing DPD simply does not exist in the NHS, I ask her to ensure that there is specialist provision in child and adolescent mental health services, so that those under 18 can receive treatment when they need it.

Those simple steps could make a difference and bring down the average diagnosis time from an absurd and unacceptable eight to 12 years. They will help to ensure that no matter where someone lives, if they go to their GP, help will be available. So many people live in silence with this largely invisible condition. We have a long way to go to guarantee effective diagnosis and treatment for them on the NHS, but these four asks, if realised, would, I hope, start us down a good path.

11.16 am

The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price): It is a pleasure to serve under your chairmanship, Mr Gray. It is also a great pleasure to respond to the debate brought by the hon. Member for West Ham (Lyn Brown).

As the hon. Lady says, we have met to discuss this before, and I too extend my thanks to her constituent Jane, who has been incredibly courageous, despite living with a condition that is profoundly distressing for her to manage, in none the less using that in such a positive way. Frankly, the most important thing we can all do is to raise awareness of this disorder, and she is doing that beautifully and is incredibly articulate in how she does it. I pay absolute tribute to her; she has certainly put the

[Jackie Doyle-Price]

disorder on my radar, so I am delighted to have the opportunity to discuss it in the House and do our bit to raise awareness, because, as the hon. Lady has mentioned, eight to 12 years before getting a diagnosis is not good enough.

The reason people wait so long is that this is a disorder that is not understood, but it is also fair to say that many personality disorders are misunderstood. We tend to lump mental ill health and disorders together, but they require to be treated in very different ways. Often, when it comes to disorders, medication is not the best solution, so it is important that we get diagnosis right and the way we will do that is by raising awareness of what is, as the hon. Member for Strangford (Jim Shannon) said, a very common condition. Many of us may have had out-of-body experiences when we are going through something unpleasant, because that is how the body naturally copes with trauma, but when people are going through sustained trauma, as many sufferers of DPD have, it becomes a way of dealing with life.

The worst thing, as the hon. Member for West Ham highlighted, is that that can often be brought on by drug use. I do not think we should be squeamish about mentioning that. We have a debate going on about drugs at the moment that is all about, "We have lost the war against drugs; it is all done through the lens of crime and disorder." The reality is that the extent of cannabis use in this country is contributing to our mental health crisis—of that I have no doubt—and I do not think we should be squeamish about saying it, so I am grateful to the hon. Lady for giving me the opportunity to do exactly that.

We must ensure we do better. Last year, I had the great privilege of chairing the women's mental health taskforce, and I saw that we are seeing a greater scale of mental ill health being experienced by women between the ages of 16 and 24. We put trauma at the root of much of that, and we have a strategy to roll out much more trauma-informed care across the NHS, which I hope will also extend to raising greater awareness of this disorder.

The hon. Lady's point about making GPs and practitioners more aware of this disorder during their training is very good. We—collectively, as a system—need to think what more we can do to educate the whole NHS about the difference between severe mental ill health brought on by other conditions, things that are brought on by, for example, trauma, and the whole issue of disorders. We should not just medicalise treatment through prescribing drugs but should put together wraparound support and care, giving people the tools to manage what are often debilitating conditions.

As I said, I greatly enjoyed meeting Jane and the clinicians from the South London and Maudsley NHS Foundation Trust last year, where I was given a compelling presentation. We need to explore this condition more, so that we get this right. Its triggers are poorly understood but may be related to previous trauma, as we have heard.

The hon. Lady asked for more support through CAMHS. A lot of this trauma starts and is sustained in childhood. An important tool in spreading awareness of this disorder will be the new children's mental health teams that will go out into schools. We are looking for mental health leads within schools to refer children that they sense are having difficulties, so that we can intervene early to support them. We know that the longer people live with this ongoing trauma, the harder it is for them to manage. Without going into individual cases, because it is very distressing for the people involved, I am certainly aware of cases of adults now living with this disorder having gone through sustained trauma in childhood. We clearly need to find a way of dealing with that.

We have come a long way in breaking down mental health stigma and raising awareness of different conditions, but I repeat that there is a real lack of awareness about disorders. We now talk broadly about bipolar disorder or borderline personality disorder, but do people really know what they mean? I do not think so. We need to spin our education around that. As the hon. Lady mentioned, at the moment only one clinic specialises in this disorder. Partly because of the lack of awareness, it is fair to say that the research evidence on what works to treat this disorder is still at a very early stage. Obviously, the NHS will support further investment in those treatments based on evidence. We lack National Institute for Health and Care Excellence guidelines for the treatment of DPD. That must be on the do-to list.

Essential to that support will be finding out more about this disorder. This is a learning process for everyone, and people like Jane obviously contribute massively, but it is for clinicians and researchers to do their best and really get to grips with what will be required. I acknowledge the world-class work being undertaken at the Maudsley clinic, which is one of the leading research and clinical treatment units in the world for this condition. It has pioneered an incredible service, which Jane praised to the hilt for what it has done for her health. It really works to improve health outcomes for patients and is dedicated to expanding the understanding and treatment of depersonalisation through its research, which I encourage, because further research is vital to improving our understanding of the prevalence of this condition and its treatment.

The Maudsley clinic has successfully assessed more than 500 people since the inception of its service, which is amazing, but as 2% of people suffer from it, there is more to do. It also works closely with the research unit at King's College London, which adds to that understanding. Clearly, waiting nine to 12 months for therapy after diagnosis is not good enough, so I am pleased to say that the Department held an initial roundtable meeting at the end of last year to hear about the work of the service provided by the trust and to discuss current research into those treatments and suggestions on NHS management of the condition. We look forward to taking that work forward. We also discussed options for next steps with the Maudsley clinic, including its applying for a development grant from the mental health policy research unit of the National Institute for Health Research.

I understand that the team at the specialised unit at the Maudsley clinic has faced challenges in acquiring such funding in the past. It is tricky: we need evidence to get the money for research, but money for research is needed to feed the evidence. I completely understand that. However, I say to the hon. Lady that the Department's research team will discuss with the unit the most appropriate type of research funding for it to bid for. Clearly, we

want to make sure that we make the most of its expertise and expand our understanding of this condition. I hope that that brings some reassurance. I look forward to seeing further developments in this space.

Lyn Brown: As always, I am delighted by what the Minister has offered us, especially on research, which is fantastic. I thank her for that. However, I would not be me if I did not press her on the three things on my list that she has not mentioned—writing to the presidents of the Royal College of General Practitioners and the Royal College of Psychiatrists, introducing a programme of training for mental health trusts and improving access to treatment for under-18s. I am happy for the Minister to write to me on those.

Jackie Doyle-Price: I would like to take that away and discuss with the NHS clinical lead how best to do those. I agree with the hon. Lady, but I will look at this in the broader context of disorders and really getting that understanding of severe mental health conditions and ongoing disorders, which need different tools. However, I will write to the hon. Lady, and I know that we will continue to have dialogue on this issue.

In conclusion, I readily acknowledge that there is still a lot of work to be done to support people with this disorder and to help them to make a full recovery with treatment and support. I assure the House that that is very much on my to-do list. I look forward to having further dialogue with the hon. Lady and Jane, who I wish every success in managing her condition. I hope I have provided sufficient reassurance that we are committed to doing what we can for these people.

Question put and agreed to.

11.27 am

Sitting suspended.

Modern Farming and the Environment

[Mr Nigel Evans *in the Chair*]

2.30 pm

Colin Clark (Gordon) (Con): I beg to move,

That this House has considered the interdependence of modern farming and the environment.

It is a pleasure to serve under your chairmanship, Mr Evans. This subject is close to my heart; and for clarity, I draw attention to my entry in the Register of Members' Financial Interests. I have interests in conventional and organic farming, as well as the agrifood industry.

It may be patently obvious that farming and the environment are interdependent, but a narrative exists that agriculture undermines the environment. My right hon. Friend the Secretary of State described farmers as

"the original friends of the earth".

The essence of today's debate is that, certainly in the UK, the environment, the countryside, has been shaped by farming and human beings. Even in Scotland, where 85% of the land is less favoured areas, almost every acre has been shaped by human intervention.

The National Farmers Union of Scotland is clear in its view. It says:

"Active agriculture is best placed to manage land for environmental benefit"

and the objectives of production of food. The NFU of England and Wales produced a paper entitled "United by our environment, our food, our future". It makes it clear that food production is at the heart of land use and that public goods are directly affected by agriculture. The responsibility for those public goods lies disproportionately with agriculture, but most importantly, the sustainability of our environment has always been key to the future of farming, which we have been doing for generations.

Sir Hugo Swire (East Devon) (Con): What more does my hon. Friend think that we and the Government can do to encourage the positive ecological effects of beekeeping? It seems to be incredibly important in plant pollination, among other things.

Colin Clark: My right hon. Friend makes a very good point. We have to ensure that we have joined-up thinking in relation to beekeeping. There is an example from Scotland. Neonicotinoids have been banned, and the possible result is the use of other sprays. No less a supplier than one to Her Majesty the Queen at Balmoral considers that the flea beetle, which is now not controlled by neonicotinoids—that is a very difficult word to say—was potentially the reason for the destruction of an oilseed rape crop and therefore why he produced less honey. This is one of the questions that I want to ask my right hon. Friend the Minister: we must have joined-up thinking.

As custodians of the land, we see and manage the whole picture. That is really the point of policy as we go forward. Farmers and agriculture draw together the entire picture.

Bill Wiggin (North Herefordshire) (Con): I meant to let my hon. Friend finish his point before I intervened, but I thank him very much for letting me in. I, too, draw attention to my entry in the Register of Members' Financial Interests. For me, the most important thing as we go into the future is that the food we grow not only will be top quality, but should be fed to people. I strongly

[Bill Wiggin]

support the Pasture-Fed Livestock Association, of which I am chairman, because we believe that grass should be consumed by animals. That does not work unless the Department for Environment, Food and Rural Affairs changes the labelling so that people know that if it says "grass-fed" on the package, that means 100% grass-fed, so anything that my hon. Friend can do to support better labelling, better information for the public and therefore better support for our farmers would be most welcome.

Colin Clark: I thank my hon. Friend for that intervention, but I have to say, coming from north of the border, where it is slightly colder and we keep cattle inside for several months—I am a cattle finisher myself—that Scotland clearly produces the best beef in the world by some measure. Cattle inside my buildings were fed silage, which of course is grass as well as cereal, so I do not disagree with the point that my hon. Friend makes.

John Howell (Henley) (Con): This point is not allied to the last one, but the police have raised with me their concerns that the grubbing up of hedges and boundaries around farms has not only destroyed habitats, but made it very difficult for them to police the environmental aspects of agricultural establishments in particular, because there are just open fields that can have hare coursing and things like that conducted on them. Has my hon. Friend come across that?

Colin Clark: I recently met the chief of police in my area, and I have to say that rural crime is fought very much better, partly because of technology. There is a great deal of usage of text messages and WhatsApp, which enables us to keep in touch. I would say that, if anything, in the north-east of Scotland, every time that a white van drives mysteriously anywhere, NFU Scotland is immediately raising suspicions that the white van may be up to something. I therefore take my hon. Friend's point on board.

Sustainable food production is underpinned by five key areas on which I think we can all agree: landscape, biodiversity, soil, water and air. Farmers, by design or results, pull all five together. Farmers, by the very nature of what we are doing, have shaped the landscape and have a responsibility. It is important that farmers engage with the general public, apart from allowing them access on to land, because they are of course the ultimate consumers of what we produce.

Farming is integral to protecting habitats and wildlife and key to protecting and rebuilding our biodiversity. We have heard reports recently that other parts of the world are having significant problems in that respect. British agriculture, the agriculture of the United Kingdom, is doing much to be careful of our biodiversity.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The hon. Gentleman is one of the best qualified of our colleagues in this place to talk about this subject, given his expertise. Farming and crofting are crucial to the viability of my constituency of Caithness, Sutherland and Easter Ross. My concern is that the next generation of crofters and farmers are not necessarily coming forward, as they are being discouraged from going into the business. Does the hon. Gentleman agree that we have to ensure a follow-on, with generation succeeding generation, to ensure continuity of life on the land?

Colin Clark: I absolutely agree. I am particularly conscious of the situation in the hon. Gentleman's part of the country and the low-population areas represented by other hon. Members. It is important that we get a number of things right. First, we must give new entrants an opportunity to get into farming. We must ensure that tenure and ownership or tenancy of land is clear and clarified, so that people have the confidence to rent land and to rent land out, which as politicians we must get the policy right on. We must also recognise the financial burden of getting into agriculture. Let me say this to the Minister. As we go forward, we have to be very conscious of how we give new entrants a leg-up. The reality is that land no longer has any connection to the value of what it produces. We have to be very conscious of how we will give new entrants a leg-up and how Governments can play their part in that.

Soil is clearly the basis of farming.

David Duguid (Banff and Buchan) (Con): My hon. Friend has just made a point about new entrants. Does he agree with me, a fellow son of a fellow farmer, that it is just as important to encourage next-generation entrants into the business as it is to encourage totally new entrants? Sometimes it is assumed that the son or, indeed, the daughter of a farmer will just follow in their footsteps, but they also need that support.

Colin Clark: My hon. Friend makes a very good point. Young as I look, it was not many years ago that I was one of the—*[Interruption.]* Is that going to be a point of order? I was one of the youngest people sitting round the ring at Thainstone mart, buying cattle; the average farmer was aged 60 to 65. Let me comment, in response to my hon. Friend's point, that perhaps the common agricultural policy payment scheme has, if anything, stopped the intergenerational change, and now that we are able to design our own policy, I hope that, as I said to the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone), we can find a process to encourage new entrants. However, we cannot get past the fact that this industry is hugely capital-invested. We have to be realistic about what we are bringing new entrants in to do.

Since the war, there have been three generations on my farm in the north-east of Scotland. My grandfather was a doctor from Glasgow, but mysteriously decided to be a farmer. Apparently, land was cheap in the 1940s—there was a chap with a moustache who wanted to devalue most of the land in Europe. My grandfather bought a farm in the north-east and he will have started off the soil process of modern farming by putting on lime and draining the land. My father will have gone to the next stage by analysing the nutrient value of the crop and trying to do something about further drainage of the land and improving the soil. It is an ongoing process. Finally, I tried to introduce precision farming to reduce the compaction of soil.

It is important to recognise that farmers have made mistakes on land usage. My businesses previously were in East Anglia, where I saw monocultures. I recognise that monocultures do nothing for the soil. We have a

relatively traditional approach in Scotland. Water will clearly become more of an issue, even in wet Aberdeenshire, where we already have nitrate-vulnerable zones. We must be conscious that the water is affected by everything that runs off our land.

On that point, having run businesses before, I was amazed to discover that as much as 75% of the nitrogen used on crops cannot be used by the crop. If cars leaked 75% of their fuel from the tank, we would try to redesign the system. Farmers are well aware that some of our farming practices can be improved. There are great opportunities in technology. Air is clearly a public good. Agriculture is said to produce 10% of gases emitted, but we have come a long way.

The NFU's report showed that we increased economic growth in agriculture, while reducing the inputs, between 1990 and 2016. Farmers are taking action while output increases. This is an important point. Modern farming tries to produce as much as it can from an acre, in an efficient and sustainable way. Some 87% of farmers are recycling waste materials from their farms, 69% are improving fertiliser application accuracy, where, as I have said, an enormous amount can be done, 75% are improving energy efficiency, not to mention the amount of renewables, 38% are increasing their use of clover in grassland, 27% are improving nitrogen feed efficiency for livestock, and 27% are increasing the use of legumes in arable rotation. In all those figures there is still a great deal of room for improvement.

Dr Dan Poulter (Central Suffolk and North Ipswich) (Con): I congratulate my hon. Friend on securing the debate. He is making a good point about the contribution that many British farmers are making to reducing their carbon footprint. Does he agree that there is an environmental argument for supporting British farmers, in order to reduce the food miles associated with importing a lot of food, and that, particularly in the post-Brexit landscape, supporting British agriculture to reduce our carbon footprint and ensure sustainability will mean reducing the food miles from imported food?

Colin Clark: It is also an issue of displacement. If we are too restrictive and prohibit too much in the UK, we may simply displace productivity to other regions, such as the Mediterranean, where water is obviously in short supply, and where aquifers may be used that cannot be resupplied, or—the classic example—the rain forest; we may import beef from there, because it is cheaper, but there is a huge environmental impact. When we make policy decisions, we have to be careful not to displace production from the UK, where we have high sensitivities, to other countries. Perhaps we need to find technological answers to that problem.

There are examples of piecemeal policy on renewable energy. The report from the National Farmers Union and NFU Scotland both commented on this. Take the issue of anaerobic digesters in the renewable heat incentive scheme. There are monocultures of maize in northern Europe, Germany, the Paris basin and, to some extent, parts of England. In creating a monoculture, we have to be very careful not to create a problem, whether that is soil erosion or potential for further flooding, for the sake of producing what is effectively very expensive energy. In the north-east, a 3,000-acre traditional rotation farm might these days just grow grass. Growing grass is less damaging than growing maize, but I am concerned that we are subsidising things that distract us from our primary aim, which is to produce food. We have to make sure that the policy is sustainable. The Department for Business, Energy and Industrial Strategy is looking at the fuels used in anaerobic digesters.

Also on the renewable heat incentive scheme, there is concern in Scotland—and, I am sure, England—that in the forestry industry, raw material is being cut down immaturely for use in RHI. We policy makers must not deal with one issue or priority without thinking about what could roll on from our actions.

Dr Poulter: My hon. Friend makes an important point. I expect he will come on to the fact that the common agricultural policy disproportionately rewards larger farmers and large landowners, at the expense of many smaller farmers in the UK. A consequence is that many smaller farmers are looking to diversify out of necessity, to maintain the profitability of their main farming business. As part of our green and environmentally friendly agenda, we should help farmers into suitable diversification into renewable energy where that can help the profitability of the farm.

Colin Clark: I would say there is an opportunity there. Smaller farms can come together to share machinery. There are also schemes for them to come together to share environmental and biodiversity priorities. There is an opportunity for smaller farms to interact. Scale is not everything. Clearly, sharing a combine over many thousands of acres will lower the cost of that equipment per acre. Aberdeenshire is not unusual in that respect. It is rural, but not all of it is arable. I would rather not suggest that this is all about farms becoming much bigger, and us ending up with a similar situation to East Anglia, which is a relatively large-scale operation. East Anglia is also a good example. In Cambridge and Suffolk, G. S. Shropshire & Sons Ltd are doing some brilliant things on biodiversity and having a more holistic approach to their farms, instead of simply using the land for the crop that they want, and not being concerned about the next stage.

If we are to preserve the environment, wildlife and habitats, we must consider the potential of the most productive land. In Scotland, under the CAP regulations, we have seen as much as 10% of very productive land being taken out of arable use, rather than other land that would be better suited for environmental schemes. We all remember set-aside, which, in the long term, created weed banks and other problems on farms. We have to consider how to make the most of the best land, and make it as productive as it can be, in a holistic and sustainable way.

I recently read about gene editing technology, which offers us an opportunity as we leave the EU. I hope the EU changes its mind about this technology. It could offer the answer with regard to drought resistance, plants capturing nitrogen, pest resistance and the reduction of pesticides. On animal diseases, too, there are opportunities and technologies that we should be looking at.

Last July, the European Court of Justice declared that gene editing crops had to jump the same bar as genetic modification, but it is significantly different technology. While I am not an expert on it, I would like us to explore it further. I am particularly conscious that

[Colin Clark]

we have some of the best research and scientists in the world, yet we are giving up an opportunity to look into a very interesting area that could have answers. According to scientists from the Sainsbury laboratory,

"This ruling closes the door to many beneficial genetic modifications such as breeding of disease-resistant plants".

They added that it was

"A sad day for European plant science."

While we do not want to drop our standards, there is genuine science that we should be exploring and looking at. Policy mistakes have been made in other parts of the country that I do not want to see here, so I would like to hear what the Minister has to say about gene editing.

Farming should be able to monetarise environmental benefits such as carbon sequestering. The Scottish NFU says that it is

"supportive of measures such as carbon accounting, which offer farmers the tools and recommendations to make efficiency improvements whilst also taking into account business operations."

That is poignant, because if there is a zero-carbon target, we have to get much better at accounting for sequestering carbon on farms. We hear about industrial ways to capture carbon, but every day that we are in the countryside, we are standing on the biggest carbon bank that this country has. Particularly in northern Scotland and the central highlands, with regard to reinvigorating—

Mr Alistair Carmichael (Orkney and Shetland) (LD): Peat.

Colin Clark: I thank the right hon. Gentleman for that. There is an opportunity there. We should reverse the idea that we are going to grub up every inch and acre, but equally, we have to monetise that value. Again, we do not have a holistic approach to that.

The Department's 2018 farm practices survey showed that 50% of farmers took action to reduce greenhouse gas emissions. Of those, 83% did it because they considered it good business practice; 68% did it through concern for the environment; and 53% did it to improve profitability. That is clearly an example of farming realising the monetary benefits.

Again, however, policies have unforeseen consequences. The EU considered banning glyphosate, which would limit minimal tillage and reduce the potential benefits from controlling greenhouse gases. Minimal tillage does not work everywhere, but it works in many parts of the country. Banning glyphosate would certainly mean that we would have to return to deep ploughing to bury slug eggs and weeds, so we would simply use another chemical. I was asked about bees. It was Mr McGregor from Blairgowrie—it is almost a made-up name—who recently said that his honey production was being limited by the flea beetle. We have to think about the consequences of our decisions.

I will move on; I realise that I am using up all the time, but I will soon finish. On policy to increase biodiversity, what we have done to date in Scotland, England, Wales and Northern Ireland is to be applauded. I highlight that shooting estates are an integral part of modern agriculture. The James Hutton Institute, along with Scotland's Rural College, investigated the economic and social contribution of the moors in fragile landscapes in Scotland. Grouse moors support 2,500 jobs, of which the vast majority are local, and they increase wild bird numbers because vermin are controlled. In contrast, Scottish Labour wants to restrict shooting, but we have to be aware of its economic contribution. It may be a minority sport, but it is a countryside pursuit that is also making environmental headway.

We need a pragmatic approach. Many hon. Members will be aware that in the highlands, there is no longer a top predator of the red deer, so whether by Scottish Natural Heritage or the Red Deer Commission, the numbers have to be controlled for wholly laudable reasons—to protect our environment and to try to allow tree numbers to come back up. We hear in the press about rewilding parts of the country, but this is not Alaska or Siberia. With the greatest respect, if we put a predator such as a wolf back anywhere, it will eat the sheep, then the dogs, then whatever cannot run fast, then finally, perhaps, the red deer. We have to be realistic about that. Why anybody would go hill walking in the highlands if they thought a wolf was running around is beyond me.

I am keen to hear other hon. Members' contributions; they must be wondering how long I will waffle on for. Farming policy can shape interdependence, so I have a few questions for the Minister that are all shaped towards improving the environment and modern farming playing its part. Should the Agriculture Bill recognise food and its production as a public good? Outwith the EU, how are we going to join up policy? Instead of Europe's one-size-fits-all approach, can we come up with policies and frameworks for the whole United Kingdom that will protect the environment?

Raising productivity per acre in a sustainable way will raise output and food security, so will the Minister consider amendments to the Bill on that? Will he take into account the risk of displacement where domestic policy encourages imports and there are environmental impacts? Most of all—this is what I would really like—to protect the environment, modern farming needs a sustainable financial model; will he support a multi-annual settlement? We will do our part to convince the Treasury that that is the way forward. Modern farming has a clear interdependency with a healthy environment.

Mr Nigel Evans (in the Chair): We have about half an hour for Back-Bench contributions. I will not impose a time limit, but please constrain yourselves to about five minutes.

2.56 pm

Kerry McCarthy (Bristol East) (Lab): It is a pleasure, as always, to see you in the Chair, Mr Evans. It is also a pleasure to be reunited with two former colleagues on the Environmental Audit Committee, the hon. Member for Gordon (Colin Clark) and the Minister, who have both gone on to other things. We also went into battle on many occasions during the Agriculture Bill Committee, although it is fair to say that we were not always on the same page about everything. Now the Minister has taken up his post, to which I welcome him, he may have to revisit some of his views, compared with the freedom he had as a Back Bencher.

As chair of the all-party parliamentary group on agroecology for sustainable food and farming, I support the idea of a whole-farm system based on nature-friendly

farming. As a nation, we should do far more to make organic farming and agroecology mainstream, as they do in France. Organic farms have on average 50% more wildlife and 30% more species than conventional farms. We should also do more to support agroforestry; pasture-based livestock systems, which have already been mentioned; integrated pest management; and low-input mixed farming, as we look to restore ecosystem services and our long-term food security. At every opportunity, we should move away from unsustainable intensification and an over-reliance on agrochemicals.

Over the years, numerous studies have shown that farming in an environmentally beneficial way is not just good for nature, but better for business. In 2018, the Agriculture and Horticulture Development Board found that introducing wildflower margins around the edges of fields increased bumblebee numbers in courgette fields and boosted yields by 39%. Due to the reduced input costs required from the farmer, that provided pollination services valued at £3,400 per hectare, so just because land is taken out of production, the farmer does not necessarily lose out. At the moment, under the common agricultural policy, there is a distorting incentive to farm absolutely every inch of the field, but we will hopefully move away from that under the new public-money-for-public-goods approach.

Despite a lot of professed support for more nature-friendly farming, the reality on the ground is different. Soil degradation in England and Wales costs £1.2 billion every year, with a staggering 2.2 million tonnes of soil lost annually. In the Agriculture Bill Committee, this Minister was sceptical about that and said that the soil on his farm had never been healthier, but the then Farming Minister, the hon. Member for Camborne and Redruth (George Eustice), subscribed to the view that we need to do far more to support our soil. I suggested that we need a specific public good in the Bill, but the then Farming Minister said that that was already covered by the listed public goods. Whatever our views as to the wording required in the Bill, we all need to do far more to improve soil quality.

The decline in bees has been well documented over the years, but farmland birds are another indicator. Their numbers have declined by 56% in the past 46 years and 12% of British farmland species are now threatened with extinction.

The State of Nature report 2016 identified the intensification of agriculture as having, by a huge margin, the biggest negative impact on wildlife in the UK when compared with other sources of wildlife decline. As has been mentioned already, that has partly been driven by the CAP. I hope that we do not leave the EU, either today or towards the end of the process, but I would be glad to see the back of the CAP.

To reverse the decline of species and address the serious environmental challenges facing us, farmers must be incentivised to provide environmentally beneficial outcomes. That is why I have supported the introduction in the Agriculture Bill of the new environment land management scheme, based on the principle of delivering public goods, such as adaptation to climate change, improved water quality and public access, for which no functioning market exists. This approach is overwhelmingly supported by the public. A World Wide Fund for Nature/Populus poll found that 91% of those surveyed wanted the Government to pay farmers to protect nature.

However, as has already been mentioned, farmers need funding certainty if they are to go down that path. They need certainty beyond 2022 and I support the amendment that the Chair of the Environmental, Food and Rural Affairs Committee, the hon. Member for Tiverton and Honiton (Neil Parish), has tabled to the Agriculture Bill—whenever that Bill reappears—because we need multi-annual funding to give farmers that certainty.

We also need a strong regulatory baseline for the farmed environment to thrive, which is something that we discussed in the Agriculture Bill Committee, and if we have those standards, they must be enforced by a new farm inspection regime.

The other issue that will have a massive impact on farming in a post-Brexit world is what trade deals we negotiate with other countries. Again, this issue has been discussed in a lot of detail in other forums, so I do not intend to dwell on it here. However, as I have said, the Chair of the EFRA Committee has tabled new clause 4 to the Agriculture Bill and I have tabled new clause 1, which is very similar; we are working together, on the same page, on this issue. We are at serious risk of exporting our environmental footprint abroad while sparking a race to the bottom in food production and safety to compete on price at home. There is no point in having all this talk about keeping our environmental standards and promoting nature-friendly farming in this country if we allow imports from other countries that are produced to much lower standards than our own produce. As Minette Batters, the National Farmers Union President, said a few weeks ago:

> "Mr Gove has said that over his dead body would British standards be undermined. I don't want it written in blood. I want it written in ink."

We want it "in ink" in the Agriculture Bill and we want that Bill to come back sooner rather than later.

The final issue that I will mention is climate change. We have 12 years to avoid a catastrophic climate emergency, and we must openly discuss the impact of livestock on climate change and the environment more frequently in debates such as this one. It is now almost 13 years since the Food and Agriculture Organisation published its "Livestock's Long Shadow" report, which stated that

> "the livestock sector is a major stressor on many ecosystems and on the planet as whole. Globally it is one of the largest sources of greenhouse gases and one of the leading causal factors in the loss of biodiversity, while in developed and emerging countries it is perhaps the leading source of water pollution."

Nearly 10 years ago today—it was actually 25 March 2009—I stood here in Westminster Hall, having secured a debate on the environmental impact of the livestock sector. There was quite a good turnout, but everyone else who turned out was there basically to give me a hard time. I like to feel that I have been slightly vindicated since then, because there have been so many other highly authoritative reports—it is not just me who says they are highly authoritative; my opinion does not count for very much—that make exactly the same point, and I ask the Minister, "When will we listen on this and do something about it?"

In its 2018 progress report to Parliament, the Committee on Climate Change identified agriculture as one of the key priority areas for an emissions reduction programme over the next decade. Otherwise, we will not meet our fourth and fifth carbon budgets.

Rebecca Pow (Taunton Deane) (Con): I know the hon. Lady is very passionate about this issue, and I believe that we are both on the soil inquiry that is being conducted by the Environmental Audit Committee. Does she agree that if only we could get our soils to the right level of health and standards, that would go a long way towards reaching all of our climate change targets, because soil holds so much carbon?

Mr Nigel Evans (in the Chair): Before I call Kerry McCarthy again, I remind Members that I have said that speakers should take about five minutes each, and your speech has now lasted for eight minutes.

Kerry McCarthy: Sorry—I did not quite get that. And, yes, soil is absolutely brilliant for carbon sequestration.

I will just conclude, Mr Evans; I apologise, as I did not know that you had said Members should take five minutes. The signs that are being sent out by the Government at the moment are that they are trying to head in the right direction with the Agriculture Bill, but the need to act swiftly is imperative, and I would like to see more ambition.

3.4 pm

Rebecca Pow (Taunton Deane) (Con): I pay tribute to my hon. Friend the Member for Gordon (Colin Clark) for securing this debate, and he is absolutely right that modern farming and the environment should be inextricably interlinked. Having been brought up on a farm, on which I also worked, and having studied the environment and worked on that, too, I have always thought that it is an absolute no-brainer that the two should just be part and parcel of one another, because, of course, without a sustainable and healthy environment we cannot produce healthy sustainable food.

That is more important than ever in the south-west—including in Taunton Deane, obviously—where we have so many farmers. Agriculture and the food industry collectively is our biggest industry, and it is beholden on us to ensure that this business and this industry can thrive, but it has to be sustainable. That point will be a key part of my speech today.

It is clear that although great work is being done by farmers and there are many great environmental schemes, for diverse reasons—not least the way that funding has been directed from the EU—we have reached a point where our environment, in the widest sense of the word, is under great pressure and much of it, sadly, has been severely degraded.

There are lots of modern techniques that we could use in agriculture and we must use them all; in fact, the agritech strategy encourages this approach. Whether it is drones, precision farming, field mapping, scanning, or thermal imaging, all of these things, along with breeding, must be utilised. However, sustainability must be at the root of all this.

Rural areas are the powerhouses for our urban areas, and we need to keep them stable and productive; they are the green lungs for our urban centres. So, they are even more important than we give them credit for at the moment, and that is not just about food production but about services being delivered. That is where we get to this new idea, which I am behind, and that is paying for the delivery of public goods and services, and our farmers are absolutely key to that.

It must be said that the Department for the Environment, Food and Rural Affairs has already gone a very long way towards this aim. The Agriculture Bill is coming through, along with our 25-year environment plan, our Fisheries Bill and the Environment Bill. How exciting is that? It will be the first piece of new legislation on the environment for 20 years, and we have an enormous opportunity here to rethink completely our land use strategy.

Trust me, the farmers in Taunton Deane are all behind this plan. They want to do what they can and so indeed do the people of Taunton Deane, who come to see me in their droves, whether it is Taunton Green Parents, the Quakers, or the transition groups. They all say, "Please can you put sustainability at the heart of everything you do?"

I will touch on two main areas: one is biodiversity, which has already been mentioned by my hon. Friend the Member for Gordon. Biodiversity is crucial to agriculture and food production, but the statistics about it are stark and devastating: 54% of farmland birds have been in decline since 1970; only 2% of our ancient woodland is left; only 3% of our wonderful wildflower meadows remain; and three quarters of flying insects are in decline—insects are crucial to our food delivery.

May I just check the clock, Mr Evans? I started at 3.04 pm, did I not?

Mr Nigel Evans (in the Chair): I make it that you have spoken for three and a half minutes, so could you conclude soon, please?

Rebecca Pow: Thank you so much, Mr Evans, because the clock in here is very confusing.

Biodiversity is at the root of everything we are now trying to do. Instead of just focusing on special areas—for example, those funded by our higher level studentship grants, which do great work—we need to raise the general standard of biodiversity across the board, and it is something that we need to introduce in our new legislation. For that, we need accurate monitoring and data, spatial plans and a statutory requirement to monitor what is being paid for. I would ask the Treasury, "Please, can we include the net gain principle in the Environment Bill?"

As many of my colleagues know, soil is one of my passions—strange, but true. A third of the world's arable soils are degraded. Every minute, we wash away 30 football pitches' worth of soil and send it down the water courses. In England and Wales, the loss of our soils is costing our economy £1.2 billion. That is unacceptable and we need to do something about it.

Soil delivers so many of our services: it cleans water; it holds water; it grows the food we need; and it holds carbon. That carbon-holding property is crucial and we could really tackle our climate change targets if we addressed soil.

Julian Sturdy (York Outer) (Con): My hon. Friend makes a powerful point and I totally agree with her on soils. Does she not agree that the key is to raise organic matter? Raising it in soils means more carbon captured and also more water absorbed and held, which means sustainable crops in extreme weathers and huge benefits to our local environment.

Rebecca Pow: My hon. Friend makes the case clearly: it is so important.

I really believe that soil should be included in part 1 of the Agriculture Bill and should be paid for as a public good alongside land and water. That seems a complete no-brainer, given the importance of soil. It is surprising, too, that in the 25-year environment plan, soil is not one of the 15 headline indicators and is instead buried in the framework as a systems indicator. We should surely get it listed as a proper headline indicator. If we do not, we will miss a massive opportunity to get soil health right. Conservatives were going to create a better environment than we inherited, and this is one of the key ways in which we could do it. As we leave the EU, it is one of the ways in which we can really show leadership. The addition of soil would act as a powerful demonstrator because it is not an EU directive as water is. It would show that we are going our own way and creating our own much better and much more productive and sustainable environment where farming is the key driver.

3.11 pm

Mr Nigel Evans (in the Chair): I call Rebecca Pow—sorry, that was Rebecca Pow. *[Laughter.]* I call Jim Shannon.

Jim Shannon (Strangford) (DUP): I can be many things, but I can never be Rebecca Pow—or Rebecca "Kerpow!", as we call her.

It is a pleasure to speak in this debate. I congratulate the hon. Member for Gordon (Colin Clark) on setting the scene. I declare an interest as a member of the Ulster Farmers Union and as a landowner as well. For the record, I understand the interdependence of modern farming and the environment. On our farm we have retained the hedgerows, created two ponds and planted 3,500 trees. We have seen the return of the yellowhammer, which was missing for many years on farmland where I and other farmers live. We have seen the return of birds of prey and hares as well. Lots of things have happened because of our commitment to our farm and diversity and the environment.

I hail from a rural constituency. In Strangford, the farming and food industry is a massive employer. Indeed, as the Countryside Alliance has said:

> "The food and farming industry is nationally important, generating over £108 billion a year for the UK economy and underpinning our food security. It is particularly important for our most rural areas where farming is often central to the economic and social life of the community, as well as playing a vital role in conservation."

Mr Carmichael: May I take the hon. Gentleman back to the point made by the hon. Member for Gordon (Colin Clark) about getting younger people back into the industry? I speak as the 53-year-old son of an 87-year-old farmer. The hon. Gentleman will be pleased to hear that I have never been tempted to enter the industry. If we can get this right, we can create opportunities right across our agricultural and rural communities, and get children into schools, keep post offices and shops open and keep public transport running in rural areas.

Jim Shannon: The right hon. Gentleman is absolutely right. Bringing all those things together is key for rural communities. We need to encourage young people. I will quickly speak about sons and daughters taking over farms. In my constituency we have been fortunate over the years that that has happened. Some sons and daughters do not want to take farms on, but the ones who have are still there, so we have seen a progression of farmers' sons or daughters taking over. Farming communities are not employees of the land, but caretakers of the land for future generations. I read in *Shooting Times* magazine that the wildlife of today is not ours to dispose of as we want. We hold it in trust for those who come after. That is a fact. That is what we do, and the right hon. Gentleman is absolutely right.

Unless we recognise the dual role of farmers as food producers and conservationists, we risk turning farmers into environmental contractors, which we do not want to do. We want them to have an incentive to continue farming. A farmer does not farm to become rich—that is the case in my neck of the woods, anyway. A farmer farms because it is in his blood and it is his calling. I recently highlighted an important point in my local press, and I want to make the point here before the debate ends. The latest figures show that some farmers, especially younger farmers in my constituency, have had very high levels of depression. Strangford has a large rural community and many farmers have handed over the reins of their farms to their sons and daughters, but there are levels of EU bureaucracy—I do not want to bring in the dreaded Brexit word again—and red tape that have almost strangled the farmers, and they are sick to the back teeth of it. They understand that regulations are necessary to bring food up to standard, but they do not need all of the extra paperwork that goes with it.

David Simpson (Upper Bann) (DUP): I thank my hon. Friend for giving way and I also express an interest as a landowner. He knows that the uptake in the agricultural colleges in Northern Ireland has increased. There is an enthusiasm for the land from our young people and they need help to drive it forward.

Jim Shannon: My hon. Friend is absolutely right. I have seen a great interest in farming in my community. The sons and daughters want to take the farms over and are doing so. I have written to the permanent secretary of DAERA—the Department of Agriculture, Environment and Rural Affairs—in Northern Ireland to express concern about the mental health of young farmers and the levels of stress and depression among them. We cannot ignore such big issues. We need to address them.

The hon. Member for Gordon referred to rewilding, but it is not suitable everywhere. It is not just about wolves and beavers and all the other wildlife; home-grown mink and foxes need to be controlled, although others might not agree with that. Farmers are not nature's enemies; they are caretakers. That is the starting point. When we listen to the knowledge and expertise that has seen successful seasonal farming for thousands of years in the wonderful soil of the United Kingdom of Great Britain and Northern Ireland, that is the starting point. We must ensure that the current different payments for farmers in less favoured areas under the CAP regime continue, under the principle that upland farmers require greater financial support. The hon. Gentleman referred to that as well.

To conclude, nature has a wonderfully delicate balance set in place by God Almighty. It is up to us to retain that balance as best we can, and we can do that only by working together.

3.17 pm

Neil Parish (Tiverton and Honiton) (Con): It is a pleasure to serve under your chairmanship, Mr Evans. I thank my hon. Friend the Member for Gordon (Colin Clark) for securing this excellent debate. It is also a great pleasure to have here our new Minister for Agriculture, Fisheries and Food, my right hon. Friend the Member for Scarborough and Whitby (Mr Goodwill), a good Yorkshire farmer. I also pay tribute to our previous Agriculture Minister, my hon. Friend the Member for Camborne and Redruth (George Eustice), for his five years' great service to agriculture and the environment.

It is a pleasure to speak in this debate because British agriculture is a great success story, not only for production but for the environment, and we all need to work together for a great new policy. I look forward to working with our new Minister to deliver proper, good food production along with securing the environment. We have a poultry and pig industry that has reduced the amount of antibiotics used in production. We are doing great things for the environment. We have the potential for gene editing with crops in future. We also have the potential to go down the route of a blight-resistant potato. We have to use all the tools to make sure that we have a better environment, but also greater production.

The point has been made this afternoon that if we are not careful and do not produce food here under good environmental and welfare standards, we will import it from across the world under lower standards. In Brazil they are driving cattle towards the rainforest, which they are knocking down, and they are ploughing up the savannah to grow crops such as sugar beet and soya. In the end, that is where production will come from. We must link it all together.

A third of the forests are in our farms, with our copses. We have the Blackdown Hills, which I share with my hon. Friend the Member for Taunton Deane (Rebecca Pow). Of course, they are even better when they get to the county of Devon. It is absolutely certain that we have got great farming, which is where so much of our wildlife and biodiversity is. We can do better, but we are doing extremely well. I know that I do not have to tell the Minister that the great landscape that we have across this country is not there because God provided it; it is there because it is farmed, looked after and managed. Therefore, we are the friends of the earth. Farmers do not have to prove that. We have to go out there and make sure we can produce good food.

Grassland holds carbon and we can capture more. My hon. Friend the Member for York Outer (Julian Sturdy) made the point that as we increase the amount of organic matter in the soil, it can hold more water, as well as carbon. We have an excellent story to tell. The hon. Member for Bristol East (Kerry McCarthy) pointed out the amendments that have been tabled to the Agriculture Bill, on the long-term funding of agriculture and the environment, and on making sure that imported food meets our high standards. The Secretary of State wants higher welfare standards, which is great, but let us not import food that does not meet those standards. As to animal welfare, let us not export to conditions across the world that are nowhere near as good. We have every possibility of doing far greater work in the future, not only with gene editing but with smart spraying, robotic spraying and even electrocuting weeds. All sorts of improvements are possible to reduce the use of chemicals, and achieve good production. I want us to produce good food to high standards, with less chemicals, and I believe we can do it.

3.21 pm

Bill Grant (Ayr, Carrick and Cumnock) (Con): It is a pleasure to serve under your chairmanship, Mr Evans. I thank my hon. Friend the Member for Gordon (Colin Clark) for securing this important debate. Amazingly, agriculture occupies more than two thirds of the UK landmass, and more than 60% of farmland is permanent grassland and common rough grazing. Almost a third of the UK's forests and woodlands are on farmland. Those trees provide shelter and shade for livestock and a habitat for wildlife, as do hedgerows and dry-stane dykes—or stone walls—which have been introduced and, it should be remembered, maintained by farmers.

It must be appreciated that not all wildlife is welcomed by the farming community, as some birds attack newborn lambs and some mammals, such as badgers, potentially carry diseases transmissible to cattle. The introduction of beavers would not necessarily be welcomed by all in agriculture. However, pollinators such as bees are to be encouraged, as they are crucial to a healthy environment. Insect pollination of UK crops is estimated to be worth around £600 million per annum. Farmers are the custodians of much of the natural environment, which most of us enjoy responsibly, in accordance with the countryside code, but there are some foolish and selfish members of the public who are still irresponsible in allowing unleashed dogs to chase or in some cases worry and attack sheep, in particular. Also, fly-tipping takes place on agricultural land. Both those types of behaviour are totally irresponsible and unacceptable.

Access to the natural environment has the potential to enhance our health and wellbeing, and so does the nutritious food that UK farmers produce for us on a daily basis. Management of soil is crucial to that food production, and I am pleased to say that the rich Ayrshire soil is renowned for producing the famous potatoes that we up north would call "Ayrshire tatties". Local quality produce, with its traceability factor, is popular at the regular farmers markets. However, that has not always been the case. Scotland's national bard, Robert Burns, who was a poet and a farmer and, I am sure, an environmentalist, wrote critically of the heavy clay soils at his father's farm at Lochlie, and the soil of his own farm at Ellisland, as being simply worn out. Thankfully, science and research have assisted with soil improvements over the centuries. Farmers are more aware of the soil types of their acreages and how best to farm soil as a carbon storage area to mitigate climate change and lock in greenhouse gases. It is to be hoped that in doing so they will take account of the UK Government's 2019 clean air strategy, as agriculture is responsible for about 10% of the UK's greenhouse gas emissions.

Farmers are undoubtedly innovative, and they are enthusiastically embracing the use of artificial intelligence, and diversifying. In East Ayrshire, an Ochiltree dairy farmer's milking parlour epitomises the new approach, with its use of robotics and laser technology. I was pleased to note that animal welfare was at the top of the scale there, and at the forefront of the business plan. Educational visits by local school children to the farm are encouraged, to enhance their understanding of farming and the environment.

Under the Agriculture Bill, farmers will receive rewards proportionate to environmental benefits and the sustainability of food production. Collaborative working on projects will be encouraged where there is a common goal. I fully appreciate that agriculture is devolved and future policy in Scotland is a matter for the Scottish Government. However, it benefits from UK-wide investment, and a large part of Scotland's market for agriculture produce is the rest of the UK. Echoing the National Farmers Union, we need to ensure that our farmers are the first-choice suppliers in the UK and are competitive elsewhere. I ask the Minister, when he is promulgating policies, to continue to help farmers to achieve the dual aim of improving the environment and securing high-quality food production.

3.25 pm

David Duguid (Banff and Buchan) (Con): It is a pleasure, as always, to serve under your chairmanship, Mr Evans. I congratulate my hon. Friend the Member for Gordon (Colin Clark) on securing the debate and echo others in welcoming the Minister to his new post.

It is appropriate that we should be debating farming and the environment today, just 17 days away from our exit from not only the EU but the common agricultural policy. Our farmers—particularly those in my constituency—have always seen the CAP as a one-size-fits-none approach. Farmers are looking to the Government and the devolved Administrations to create a system more tailored to our sector and our environment. It is vital for the future of our agricultural sector that all levels of Government get the balance right between productive farming and enhancing the environment.

The Agriculture Bill is aimed at rewarding farmers for "public goods" such as good environmental stewardship, while encouraging them to continue growing high-quality produce in more innovative, efficient and sustainable ways. The omission of a schedule specifically for Scottish farmers from the Bill has left them—particularly the farmers in my constituency—in the dark. Therefore, I encourage the new Minister to make it a priority to work closely with Scottish Government Ministers to agree a way forward that respects devolution but also gives Scottish farmers the clarity and certainty they deserve about the future of their sector.

Deidre Brock (Edinburgh North and Leith) (SNP): I am just checking whether the hon. Gentleman is aware that the Scottish Government recently announced that they would be introducing an agriculture Bill of their own.

David Duguid: I was aware of that, although I thank the hon. Lady for the intervention. However, what is not clear is when that process will completed; when will there be Royal Assent? The UK Bill, from which a Scottish schedule is absent, is going through Parliament as we speak, and is due for Report any time now.

Brexit will pave the way for new trade deals with economies around the world, but it is vital that our high standards should be preserved in those deals. Many farmers are concerned that a trade deal with the United States, for example, could mean pressure on us to drop our standards or possibly could price British farmers out of a lot of the market. It is not that farmers are against free trade or free trade deals—quite the opposite. However, those things should not come at the price of our environment, food standards and animal welfare, or the prosperity of our own agriculture sector. I am therefore pleased that the UK Government have been consistent in saying that our high standards will be preserved in our future trade deals. I hope that, as we enter the Brexit transition period, in which new trade deals will start to be negotiated, that commitment will be reflected in reality.

There need be no conflict between embracing innovation and technological development, and having high environmental, quality and welfare standards. An example is the ground-breaking work of the James Hutton Institute, based in Aberdeen and Dundee, which is one of the biggest research centres in the UK, and is the first research centre of its kind in Europe. It is fair to say that the agriculture sector will face a number of changes and challenges in future, and that many of those could have an effect on the environment. It is worth noting that not all those changes will be technological. Farms are businesses, and farmers are increasingly applying new management practices from other sectors to their approach to agriculture. However, technological developments in machinery, food processing, artificial intelligence and, yes, genetics promise to have a profound effect on the sector. It is important that we take a balanced approach to those developments. There is no reason why advances that improve productivity should necessarily run counter to sustaining our environment and other standards of quality and welfare. That is what farmers do, after all. As other hon. Members have said, farmers are the original friends of the earth.

My hon. Friend the Member for Taunton Deane (Rebecca Pow) mentioned the draft Environment (Principles and Governance) Bill. I am looking forward to the Bill, which I hope will reflect a balanced approach. Agriculture is vital to the economy and to rural life across the country. Food and drink remain our largest export to the world. It is my hope that the UK Government, the Scottish Government and the other devolved Administrations can work constructively to ensure that the sector can deal with the challenges and opportunities of the future in a way that maintains harmony with our natural environment.

3.29 pm

Deidre Brock (Edinburgh North and Leith) (SNP): It is a great delight to serve under your chairship, Mr Evans. There may have been times in the past when farmers cared not a jot about the environment—I doubt it, but there is that possibility. A crofter or farmer who does not value and protect the land and environment would be devaluing their business, and good agricultural stewards are the guardians of future environmental protections.

Yesterday on Twitter I was interested to see Leigh Farm take issue with Chris Packham over his comments about farmers. She pointed to her pollen and nectar meadow as an example of good farming practice—something I certainly agree with—and she has previously offered photographs of her borage bee pasture, which seems to demonstrate a commitment to environmentally friendly farming practices on her Cornwall farm. She pointed to an article by another farmer that indicates the environmental benefits of flail cutting hedges—something of a surprise to me—although that practice is condemned by some environmentalists. My speech may have wandered a little, but it is important to bear in

[Deidre Brock]

mind that none of us has all the facts, and experts may inhabit different sides of a debate. However, farmers are unlikely to wish wanton destruction on their land or ability to continue farming productively. There will always be rogues in every walk of life, but the nature of the agriculture industry makes it unlikely that a custodian of land would wish to see its destruction.

Agriculture provides us with public goods in the form of environmental protections and enhancement, by dint of farmers' commitment to ensuring that their business prospers. We should support crofters and farmers as food producers and environmental guardians, and ensure that adequate financial assistance reaches the most marginal agricultural areas, rather than being siphoned off. Support for agriculture is support for communities that are often remote and do not have the same advantages that other communities enjoy. Take away that support and communities could struggle, wither, or even cease to be viable. They could suffer from depopulation, resulting in a loss of community services such as schools, post offices, shops and so on—I have seen that in areas of the highlands. Such problems are what less favoured area support under the common agricultural policy was designed to address, and it was frankly reprehensible for the Government to keep as convergence funding the £160 million that was supposed to go to farmers and crofters in Scotland. We still want that funding back, so perhaps the Minister will keep the issue in his new in-tray.

If we take away that funding—I know that some areas in Wales, England, and Northern Ireland face similar problems and have similar needs—we risk leaving land untended. Some may prefer such a rolling back of human intervention, but that ignores the fact that those lands have had human intervention for centuries, and are not in what might be considered their natural state. We also need that land to continue producing food—especially after Brexit does its damage—and the environment will benefit from that production. We are part of the environment; farming is part of the ecology of this planet. We are animals who have had a huge impact on the planet, but we are part of it and will continue to be for the foreseeable future. Agriculture has changed and will continue to change, and in the main, today's farmers are more environmentally aware than previous generations.

In Scotland, the Farm Advisory Service has been delivering the Farming for a Better Climate initiative, which helps farmers to optimise inputs on their farms, minimise emissions, lock in carbon, and get the best return for their investments in the most environmentally sustainable way possible. That is good news, and it has been a good project so far, but it is funded partly by the EU and partly by the Scottish Government, and since we have had no indication from the UK Government that they will keep their previous promises to match or exceed Scotland's EU funding, its future is in doubt. I was also impressed by my introduction to the Soil Association in Scotland. Its programmes on mob grazing, and its "less toil, better soil" initiative, have had a tremendous impact. I thank it for enabling me to be part of such initiatives, especially on mob grazing, and to go out to farms and see it in action.

Such educational and enabling schemes seem a far better way to deliver environmental benefits than the vague and rather unusual public goods suggestion in the Agriculture Bill. Indeed, that strikes me as an idea that focuses public resources around harsh ideas of punishment and reward—the odd concept that deprivation of resources acts as an incentive to improve, or of us starving our way to perfection. There is no evidence to suggest that such a mindset creates true and lasting change in population behaviour, and scant evidence that it creates alternate behaviour in the short term. It could, however, create a thriving trade in ways around the system, or lead to ways to game the payments, resulting in large and already wealthy landowners sucking up more of the available public resources, while those who should get help fall foul of a system that was never designed to help them. Grouse moors and shooting estates will benefit at the expense of hill farmers and smallholders. I am not sure that I agree entirely with the comments by the hon. Member for Gordon (Colin Clark) about shooting estates, because many questions remain to be answered about their biodiversity benefits.

If we wish to marry agricultural production with environmental benefits, the community buy-outs of land in Scotland should provide some pointers. One or two schemes have not quite taken off, but those that have are carving tremendous new futures for their communities and visitors. Environmental sustainability is not just part of the plan; it is central to people's ambitions and the futures they see for themselves.

Jim Shannon: I am sure that if I had not intervened, the hon. Member for Gordon (Colin Clark) would have done, because shooting contributes somewhere in the region of £20 million in Scotland. It reinvigorates the grouse moors and creates 2,500 jobs, and it boosts the economy, especially in rural areas where shooting is so important. The hon. Lady cannot ignore that.

Deidre Brock: I am aware of some of those figures, but there are still questions to be answered about many things to do with shooting estates; for example, I think the review that the Scottish Government are undertaking will include some interesting answers about the shooting of hares.

In conclusion, England is in need of serious land reform. It should take a long and hard look at what Scotland has done on land reform and community interest since devolution got under way 20 years ago. That started under the old Labour-Lib Dem Executive, and it is continuing under the new and vibrant Scottish SNP Government, who protect our environment as well as delivering community benefits.

3.37 pm

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I thank the hon. Member for Gordon (Colin Clark) for securing this debate, and for the thorough way he presented his speech. It is good to have such expertise in the Chamber when discussing a sector as important as farming. I also welcome the new Minister to his place. The former Minister, the hon. Member for Camborne and Redruth (George Eustice), was known to many of us, and his work commanded respect across the House. Indeed, since he left the Government, many of his statements have also commanded respect across

the House, and I hope that that honesty will continue. There has been a trend of declaring interest in this debate, which I must also do. That is not because I have a farm tucked away, but because my wonderful baby sister is a rare breed sheep farmer in Cornwall. She does a fantastic job, and she has some chickens, too.

We have had an important debate so far, with good contributions from across the House. The Opposition Benches might not have quantity today, but we certainly have quality; I will come on shortly to the contribution by my hon. Friend the Member for Bristol East (Kerry McCarthy) about agroecology.

Farming plays a vital role in promoting sustainability and nurturing biodiversity. It has shaped our landscapes through continual management, creating a patchwork of unique environments across the uplands and lowlands, and has adapted to the pressures of a growing population. We must ensure that we provide our farming communities with the resources they need to continue that stewardship of our agricultural land. Farmers must be well resourced, and incentivised to continue to fight climate change and to reduce the carbon emissions caused by their activities.

Almost every Member in this debate has said something about the new system that we will move to once we leave the European Union. Farmers are absolutely key to tackling climate change. We must welcome the work they have done across the country, but also re-commit to supporting them in continuing that work.

The National Trust, which is the largest private landowner in the UK, has called for the introduction of a new environmental land management system based on the principle of delivering public goods. Introducing such a system would help with heritage conservation, public access, adapting to climate change and improving water quality, but it must be supported by long-term funding based on an independent assessment of need, alongside the provision of good-quality advice for farmers, safeguards against the import of low-standard food—mentioned by a number of Members—a complementary approach to improving productivity and a strong regulatory baseline. The way that farmers manage their farms can have a positive or negative impact on the surrounding environment, and we need to support, especially through a decent financial and information support system, those who are taking extra steps to protect not only their local environment but the national one.

The National Farmers Union argues that if farmers are struggling financially, prioritising environmental objectives is nearly impossible. I would like to highlight the importance of linking the plans to reform agriculture with the existing challenges that farmers and land managers face. We all know stories of farmers struggling financially; we must ensure that the new regulatory environment supports farmers in both large and small landholdings, because we need farming to be sustainable, both environmentally and economically.

We cannot ignore the need to invest in new technologies and innovative infrastructure to provide farmers with efficient systems that work to reduce their carbon footprint. Many new innovative methods have been spoken about today; it is important that we take the public along with the farming community, especially when it comes to genetic engineering and technological interventions on our farming estates. It is important to have public confidence in new methods. Farmers should have access to the necessary data and information not only to link farming methods with the environment but to allow for continual exposure to the most up-to-date methods and environmental land management strategies, and partnership is key in that.

Encouraging farmers to engage in agri-environment schemes has to be done alongside a commitment to environmental targets. The Government have the responsibility to lay out those targets, especially in legislation such as the Agriculture Bill, which the Opposition believe is missing such commitments. I would be grateful if the Minister could set out when he expects the Bill to come back to this place. I know he is new in office, but I am sure that that was one of the briefings he would have been given.

For centuries, farmers and land managers have closely engaged with ecosystems, using the land and nature around them to build a home for their livestock and to create businesses. Farmers understand, more than most, the interdependent relationship between agriculture and the environment, not only because of their daily interactions with nature but because climate change has directly affected them, and will continue to do so.

With the necessary support systems, growing numbers of farmers would undoubtedly turn to agro-ecology. The Landworkers Alliance has spearheaded some great work on agroecology, making it a viable farming method for more people through initiatives such as the whole -farm agroecological scheme. There are key examples of the impressive nature of agroecology in its integrated production, which, on mixed farms, recycles biomass and reduces waste, using by-products from one process as inputs in others. Nutrient availability is optimised over time by generating fertility on the farm, instead of using artificial fertilisers. That theme of reducing the amount of fertiliser through the use of new methods has come up in a number of interventions. With the optimal use of sunlight, space, water and nutrients, and through synergistic interactions between biological components, fewer resources are lost. These practices conserve and encourage biodiversity in agricultural species and the wider environment, creating diverse ecosystems that are more resilient to climate change.

A great example of agroecology is agroforestry, which has not been mentioned as much as I expected. Agroforestry includes traditional practices that are easily recognised in British landscapes, such as hedgerows, as well as new innovative systems such as silvo-arable cropping, a method of growing alleys of productive trees through arable land. If more farmers were supported with accessible information, relevant data and long-term multi-year funding, more of them could adopt agro-ecological approaches. The benefits would not only directly benefit the farmers' land; they would help to fight climate change. The Soil Association has said that integrating trees into farms on a significant scale could dramatically increase the amount of carbon sequestered on those farms, as compared with farms where there are monocultures of crops or pasture—a point made by the hon. Member for Gordon. The Committee on Climate Change has highlighted that converting just 0.6% of agricultural land to agroforestry could contribute significantly to our meeting the fifth carbon budget target by 2030.

Alongside carbon emissions, we need to deal with a big issue facing the agricultural industry: soil erosion. As mentioned by my hon. Friend the Member for

[Luke Pollard]

Bristol East and my west country neighbour, the hon. Member for Taunton Deane (Rebecca Pow), soil erosion costs England and Wales £1.2 billion annually, a cost we cannot continue to afford. Trees integrated into arable settings have been proven to reduce soil erosion by up to 65%. Agriculture is unique when it comes to dealing with the challenges of improving air quality and reducing greenhouse gas emissions, because it can remove carbon dioxide from the atmosphere and store it in vegetation, generating low-carbon renewable energy. It also has a really important role in upstream flood prevention, as has been hinted at by Members.

This debate is so important because although the interdependence of the environment and farming is clear, unless the right structures, funding and support are provided for those working the land, we will not see the much-needed improvement to the environment that we all want. The environment must be at the heart of our future agriculture policy. Public subsidies have been used to fund destructive food and farming practices for too long. Like my hon. Friend the Member for Bristol East, I am no fan of the common agricultural policy, and we must take time to ensure that the systems we introduce do not replicate its problems or create new ones. The Opposition are pleased to see pesticide reduction, improving soil health, cutting climate change emissions and supporting wildlife on the Government's to-do list, but to deliver those things in a way that reverses the current damage, we will need adequate funding and bold ambition, including clear targets. How does the Minister intend to do that, given the scale of subsidy-related cuts we are expecting after leaving the European Union?

We recognise the interdependence of modern farming and the environment, but a fresh approach to agriculture cannot work by itself. The Government must introduce appropriate provisions to protect against unfair buying practices and to promote fairness in the supply chain. The EU regulations that protect our environment must be maintained, and we should look to build on them. For the avoidance of doubt, I invite the Minister to confirm that it is his personal as well as his ministerial position that environmental protections must not be reduced after Brexit. Will he reconfirm that any new trade deals that undermine our green standards or animal welfare must be rejected? If they were not rejected, the Government would be turning their back on British farmers.

This is a really important debate, and Members from right across the House have raised appropriate and timely issues. With that, I will sit down so that the Minister can respond to those points.

Mr Nigel Evans (in the Chair): I welcome the Minister to his new position and remind him to leave at least a minute for Mr Clark to wind up.

3.47 pm

The Minister for Agriculture, Fisheries and Food (Mr Robert Goodwill): Thank you very much, Mr Evans. I thank my hon. Friend the Member for Gordon (Colin Clark) for calling this important debate, and I recognise his work on the red meat levy on behalf of Scottish farmers. He began his speech by talking about "friends of the earth", and I confess that, as is recorded in the Register of Members' Financial Interests, I too am a friend of the earth. I had the pleasure of serving with my hon. Friend on the Agriculture Bill Committee, and he consistently championed the needs of Scottish farmers and the link between farming, food production and the environment.

I, too, would like to take this opportunity to pay tribute to my predecessor, my hon. Friend the Member for Camborne and Redruth (George Eustice). Not only did he serve the Department for Environment, Food and Rural Affairs so expertly for five years, but his vision has ensured that we are now taking up all the opportunities provided to us by leaving the inflexible common agricultural policy and the frustrating common fisheries policy. His will be a hard act to follow. It now falls to me to take the helm and guide the Bills underpinning our ambitious future policies through to Royal Assent.

My hon. Friend the Member for Gordon talked about how we should get more new entrants into the industry. It is important that we get new young blood in, bringing with it innovation and energy. Sadly, I know from my own constituency that many farmers' sons and daughters are not taking over family holdings, so we need to consider new ways of getting new entrants in. It was interesting to see on this week's "Countryfile" new models of tenancies being tried out to get young people into the industry. The Agriculture Bill will certainly look for opportunities to bring new blood and diversity to the industry.

A number of Members referred to the concerns about the multi-annual settlements. Farming needs a sustainable financial model, and I am happy to agree with those who support the idea of a multi-annual settlement for the industry. It is a manifesto commitment that guarantees the same cash total until 2022—indeed, our farmers have more certainty than farmers in the EU. I welcome the efforts that have already been made by DEFRA, which is working closely with the Treasury on arrangements for future funding. We are committed to offering multi-annual contracts to farmers under the environmental land management scheme for the delivery of public goods.

My hon. Friend the Member for Gordon also mentioned gene editing. As somebody who studied for a degree in agriculture a whole generation ago, when gene editing and some of the more advanced methods of breeding crops were not known, I put on record that the Government disagree with the European Court of Justice's ruling on gene editing. We argued that gene-edited organisms should not be subject to GM regulations if the changes to their DNA could have occurred naturally or through traditional breeding methods. That remains our view, but the Court has decided otherwise, and its judgment is binding on the UK. We will be considering our future approach to regulation in the context of negotiations about the UK's future relationship with the EU.

We recognise the potential for advanced breeding techniques such as gene editing to make farming more productive and sustainable. We want to support innovation in that area, and ensure that any regulation is science-based and proportionate. We want the UK to be a leading player in developing the possible applications of new technologies, such as gene editing, building on the excellence of our science research base and our plant breeding sector. Ultimately, we want our farmers to have the best access to the tools available, so that they can remain competitive and boost productivity. The available evidence about the impact of current GM crops is variable, but it

indicates that such crops have delivered both economic and environmental benefits. For example, a meta-analysis published in 2014 concluded that, on average, the adoption of GM crops has increased yields by 22%, increased profits by 68% and reduced pesticide use by 32%.

Deidre Brock: Is the Minister therefore confirming that he supports the introduction of GM crops in England? Can he clarify his personal views on GM crops?

Mr Goodwill: At the current time, as a member state of the European Union, we must comply with its legislation. However, whatever decisions we make in the future must be based on the best available scientific evidence.

[Sir Gary Streeter *in the Chair*]

My hon. Friend the Member for Gordon raised the question of whether food is a public good. Food is a commercial good, and the prime purpose of British agriculture is to produce good food, fibre and fuel. Recognising that those products are integral to UK agriculture should be front and centre in all our policies. He also mentioned the displacement of CO_2. I have previously been involved with that topic as a Member of the European Parliament, when energy-intensive industries such as the metallurgical industry were being exported to countries with environmental standards that were not as good as ours.

I agreed with the hon. Member for Bristol East (Kerry McCarthy) more than I had thought I would when she got to her feet. Having served on the Environmental Audit Committee with her, I know that her views are to be taken seriously. Organic farming has a part to play. Under our new agricultural regime, we may look at how we can encourage farmers to innovate, and organic farming is one of those innovations. However, organic production should be demand-led, because we do not want to create surpluses of organic food that cause a collapse in the market and make the farms that produce such food un-economic.

The hon. Lady also talked about wildflower margins. As part of a mid-tier scheme on my farm, we are planting those margins, which are certainly a public good. The Government are in the process of designing an environmental land management system to ensure that farmers are rewarded for the environmental benefits they deliver, such as creating habitats for wildlife. Decisions about how public goods such as biodiversity, clean air and water are delivered will be in the hands of farmers and land managers, who may choose, for example, to lower their pesticide use through integrated pesticide management. We will pay for the public benefits that they deliver.

A number of Members, including the hon. Member for Bristol East, talked about improving soil. The question of how we increase the organic matter in soil is important. Indeed, my hon. Friend the Member for Gordon talked about minimum tillage, and the chemicals needed to ensure that we can engage in minimum tillage contribute to the amount of carbon we can store in our soils. Mixed farming, including livestock production, is particularly important, as manures are a vital source of plant nutrients and improve the structure and heart of our soils. That means keeping livestock, and ruminants in particular, as they are the only way in which we can utilise some of our upland soil and areas that are not suitable for intensive cereal or crop production as upland pastures.

My hon. Friend the Member for Taunton Deane (Rebecca Pow) is a champion of farmers and the rural environment, and she is right that soil is a public good. Some 300 million tonnes of carbon are stored in our upland peat areas. My hon. Friend the Member for Tiverton and Honiton (Neil Parish) chairs the Environment, Food and Rural Affairs Committee, to which I have given evidence before, but I look forward to appearing before him again. My hon. Friend the Member for Ayr, Carrick and Cumnock (Bill Grant) represents a great farming area. When I was studying agriculture at university, we went on a field trip to Ayrshire, and I am very jealous of its mild climate, brought to it by the gulf stream. It is clear that food production and the delivery of environmental objectives are not mutually exclusive; there is a synergism between those two goals, and we need to deliver them in parallel.

My hon. Friend the Member for Banff and Buchan (David Duguid) asked whether the pursuit of trade deals around the world will jeopardise our high standards, as did the Labour Front-Bench representative, the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard). I am clear that we will not lower our standards. Indeed, our very high standards and high-quality produce give those countries with which we engage in trade deals a lot to worry about. We will have a great opportunity to market that produce around the world, as is already the case for good products such as Scotch whisky.

Neil Parish: I am delighted to hear the new Minister's comments. Does he support the amendments to the Agriculture Bill that would maintain high standards for imported food, so that we do not import lower standard food through future trade deals?

Mr Goodwill: I hear what my hon. Friend says, and I will be looking at those amendments line by line—who knows, there may even be Government amendments tabled that will achieve many of those objectives. I was a member of that Bill Committee, so hon. Members can look at what I said at the time. I will aim to be consistent with what I said.

The hon. Member for Edinburgh North and Leith (Deidre Brock) talked about the intra-UK allocation of domestic support. On 16 October 2018, the Government announced a review of intra-UK allocation of domestic farm support funding that will run until the end of this Parliament, which will be in 2022—I hope. The review aims to ensure that all parts of the UK are treated fairly, and that individual circumstances are taken into account. Lord Bew will chair the review, supported by a panel drawn from England, Scotland, Wales and Northern Ireland. The review will look into intra-UK farm support allocations between 2020 and the end of this Parliament, in line with our manifesto commitment.

I thank the hon. Member for Plymouth, Sutton and Devonport for welcoming me, and I welcome him in return. He actually talked a lot of sense—indeed, the points he made were an oasis of sanity within Labour policy. I am confident that we can work together constructively to deliver a successful Brexit. If he really wants to help me with this, the first thing he can do is join me in the Lobby tonight, to ensure that we deliver a successful Brexit. The hon. Gentleman also mentioned forestry, and I look forward to working with Sir William Worsley, who has been appointed as the Government's forestry champion. He is one of my near neighbours in North Yorkshire, so I have visited him there and know that he has an amazing tale to tell.

[Mr Goodwill]

I thank my hon. Friend the Member for Gordon for securing the debate, and all those present for their contributions. The UK is a global leader in environmental management and scientific breakthroughs, including earth observations, sensors, big data, artificial intelligence and robotics. The agriculture sector can be transformed when we apply those strengths alongside our excellent reputation for producing food. The Government are committed to delivering a modern, tech-savvy and sustainable farming sector in England, with the protection of the environment at its core. The Agriculture Bill is paving the way for that shift, and I look forward to sharing further information and engaging with colleagues about our future policies in due course.

3.59 pm

Colin Clark: This has been an excellent debate. I think we now have 18 or 20 proponents of agriculture and modern farming, and I expect all hon. Members present to jump up in the Chamber to defend modern farming at every opportunity. I thank the Minister for his reply and congratulate him on his position—I am delighted that we have a hands-on farmer in DEFRA. It is important that we think through the implications of policies announced by Ministers and Government, as we have seen in Scotland and the rest of the United Kingdom.

Question put and agreed to.

Resolved,

That this House has considered the interdependence of modern farming and the environment.

Online Gambling Protection

4 pm

Richard Graham (Gloucester) (Con): I beg to move,

That this House has considered online gambling protection.

I am very conscious that today there are distractions elsewhere in the House. This debate on online gambling was never going to pull hundreds of Members away from the business of how, when and indeed if we are to leave the European Union. However, that was never the point of it. Today is a chance to update the record on where we are on online gambling, to recognise the damage being done in some very sad cases, where lives have been ruined, and to offer thoughts and float ideas on what is ahead, as well as behind us, and on the trends and direction of what is happening.

Given that the statistics show that 430,000 adults have a serious gambling issue, with 2 million more in danger of addiction and 55,000 children between the age of 11 and 14 already addicted, and with all those figures rising fast, it must be clear to us all that, yes, Houston, we absolutely have a problem. At a time when many in the country believe that Parliament and the Government are all-consumed by Brexit, it is even more important to show that that is not so. We can, and must, address an issue that will become one of the great challenges of our generation: how do we deal with online gambling?

There was a time when I thought that online gambling was a modest offshoot of the traditional bookies on the side of Cheltenham race course and Gloucestershire point-to-points. I thought they were flutters by computer for the technically savvy, but it is not so. In fact, online gambling has a higher percentage of problem and at-risk gamblers than any other type. When people log on to online gambling, they meet a plethora of sporting opportunities on which to gamble. How many throw-ins will there be in the first 15 minutes of an under-15 Azerbaijani football game? Nothing is too obscure to have odds attached to it. Not a single sport—I did not check Mongolian archery, but I am sure that someone, somewhere can offer odds—is without a gambling moment. With some 3,000 websites competing, there are plenty of options.

The size of the sector and its business is enormous, with annual industry gross profits of some £14 billion and tax receipts of £3 billion, 100,000 employees and some £200 million of advertising revenues. Is it, therefore, a huge UK success story? Yes, but even more no, because the dark side is horrific and growing. When some of those brave enough to talk about what has happened in their family do so, we really have to wonder whether we are doing enough to prevent addiction and disaster. I will give just one example: Martin Jones in Swindon, who talked to me this morning, explaining the story of his son, Josh, who eventually committed suicide in 2015 after years of fighting addiction. It is a truly tragic story, and there can be no doubt that the system is failing individuals and therefore us all.

John Howell (Henley) (Con): My hon. Friend makes a strong point. Is it not the case that online gambling has a predominant effect on the young, and it is the young that we need to protect in this situation?

Richard Graham: I do not think it is exclusively an issue for the young, as the figures show, but what is true is that the figures for young gamblers are rising faster than for any others. If we are to address the problem, my hon. Friend is right that we need to tackle the youth issue.

Simon Hart (Carmarthen West and South Pembrokeshire) (Con): Does my hon. Friend agree that there is a very fine line between online gambling and online gaming? Some games require a degree of gambling. I draw his attention to the Digital, Culture, Media and Sport Committee's present investigation into the problems of addiction caused by online gaming, and the negative, in some cases devastating, effect that it can have on families.

Richard Graham: My hon. Friend is right. I welcome the report that the Committee is working on; it may show higher correlations between addiction to gaming and gambling than we previously knew, which would be extremely valuable.

What we are hearing is that Josh's case is not a one-off; hundreds commit suicide every year as a result of gambling. We do not know exactly how many—it is somewhere between 250 and 650 a year. That is a margin of error about life and death that would be completely unacceptable in any other sector. The implication that we just do not know whether 400 people committed suicide as a result of a gambling addiction or for other reasons is truly shocking. Were it, say, the construction sector or the armed forces, there would be a public inquiry about dereliction of duty.

The first thing that we have to do is radically to improve our knowledge of the facts, and to improve the research and data that is collected. The Gambling Commission, the regulator, is working on a series of partnerships with the police, the NHS, GPs and so on to improve the situation. I am sure that the Minister, who I know is very concerned about this matter, will show support for all that work. However, serious money is needed to do it effectively, and the current £8 million a year or so given by the industry as a percentage of turnover is, given their £14 billion of profit, frankly peanuts. No wonder we know so little.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): I congratulate my hon. Friend on securing the debate. Two or three really important facts are only just becoming known. One is that the big gambling companies give inducements to those who have the highest level of losses because those people make them their profits. I understand that they also do their level best eventually to get rid of those who are not in debt, and do not lose so much. They do not want them on their sites; they want those who lose, whom they can condition to it.

On the all-party parliamentary group, we have also discovered that gagging orders are being put in place to stop employees talking about what is going on. Companies are not supposed to give inducements to people who are already addicted, but it happens. Does my hon. Friend accept that that is a real problem?

Richard Graham: My right hon. Friend, who has done a lot of work on this subject, not least through the Centre for Social Justice, is right to highlight some shocking practices that have undoubtedly happened. In my own constituency, a friend of mine who is a taxi driver ran up £650,000 of debt with one gambling firm. I hope that all taxi drivers in Gloucester are well remunerated, but frankly none of them can afford such vast amounts of money. Part of it came from inducements—indeed, there was a lot of wining and dining of such a profitable customer. That is one of the intrinsic slight conflicts of interest within the sector. I am grateful to my right hon. Friend for mentioning that.

My first call today is for a serious contribution by the industry to fund vastly improved and independent research. Campaigners have been calling for it, the gambling review supported it and the industry expects it; William Hill has even called for it. I therefore ask the Minister when we can expect to see legislation in the shape of a statutory instrument to implement a levy of 1% of company gross profits as soon as possible.

It is not just research that will help us to prevent the rapid growth of what is fast becoming a social epidemic. As my hon. Friends have said, action is needed to protect the young. That means action on the astonishing amount of online gambling advertising on sports programmes. It is rampant. Fathers watching football or rugby at home and having a flutter with an accumulator on Raheem Sterling scoring a hat trick for Man City are unwittingly starting their children off with the idea that gambling is normal. We need to keep gambling adverts off TV sports programmes.

Ronnie Cowan (Inverclyde) (SNP): The difference between gambling and gaming has already been mentioned. Gambling companies seem to be using loot boxes as a pernicious practice to target children who are gaming and get them into the habit of gambling. It normalises the process, effectively grooming children as their next market. We could legislate to close that practice down, as Belgium, the Isle of Man and other places have done.

Richard Graham: The hon. Gentleman makes good points. I believe that he is working closely on the issue with my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith) in the all-party group. As he points out, such practices are rampant all over the country.

Three big companies—bet365, William Hill and Ladbrokes—have already agreed in principle to a whistle-to-whistle ban during live sports before the watershed, and after it for games that start before 9 pm. That is encouraging, but I believe that we must go further. My second proposal is therefore to ban all gambling advertising during live sport as soon as possible. Perhaps the Minister will confirm the point, but I do not believe that such a ban would need legislation, so I make it an ask of the regulator. I hope that the Gambling Commission's report, which is due at the end of the month, will include a clear recommendation for such a ban. It could then be implemented by the Advertising Standards Authority, perhaps with some encouragement from the Department.

I would like to go further still. I remember watching many John Player Sunday league games and Benson and Hedges knockout matches when I was a boy cricketer. It never occurred to me at the time that there was something odd about tobacco companies sponsoring sports games while encouraging spectators to smoke, but we later learned the high risk of smokers severely damaging their lives through lung cancer and creating a

[Richard Graham]

huge burden for the NHS. Gradually, we all came to understand that tobacco sponsorship of sports was odd and—more importantly—unacceptable, and it was banned in 2002.

The analogy is never identical, but it is relevant. Gambling is no more suitable a partner to sport than smoking, so my question to the House is how long the same journey will take us with gambling. How long will it be before we ban gambling advertising in sports altogether? If the research on the levy shows what I hope it will show, we have a real opportunity to do something about the problem. Thousands of lives are at risk, and we should move fast. I would like to see real consideration given, depending on the evidence, to banning gambling companies from sponsoring sports altogether.

That brings me to other measures to protect vulnerable gamblers—those who are most prone to addiction and least likely to be able to afford it. Like users of fixed-odds betting terminals, many online gamblers simply cannot afford their losses, as colleagues have said. Can we not build on Monzo and Barclaycard's encouraging start of allowing gamblers to put blocks on their debit cards against payments to gambling companies? The regulator is working well on the issue with financial industry bodies and financial services, and the Money and Mental Health Policy Institute is also playing a part. I encourage those organisations and the Minister to take the policy forward and get all banks to offer it as soon as possible.

Gamblers know that self-exclusion can be got round easily enough—in many cases, a slightly different name will suffice, as one constituent showed me—and once a company has someone's mobile number or email address, it pumps special offers at them day and night. My next ask is therefore that the Government endorse the Gambling Commission's initiative to persuade banks and other credit card issuers to disallow gamblers from using their credit cards altogether. It has been put to me that banks would never directly loan money to a gambler, so why do they do so indirectly?

Using blocking technologies such as Gamban can also help. It could be made mandatory for all gambling companies to have such systems, approved by the commission and paid for by the companies themselves. Ultimately, however, I sense that it will be artificial intelligence that provides the real breakthrough in technology—through facial recognition, for example—that enables the sector and companies to block most efficiently and the regulator to do its protection work even more effectively.

That work needs to be part of a strategy that includes the NHS implementing as soon as possible the five pages on gambling in its 10-year review—an important start—and creating more gambling clinics. London and soon Leeds is a start, but it will not be enough on its own.

I hope that all hon. Members agree that there is much to do. I believe that the Gambling Commission's report will be important; I encourage the Minister to give an oral statement as soon as the report is released, to highlight its recommendations and give the House a chance to debate the issues in more detail. In the meantime, I know that the Government are concerned about the issue and the Minister is committed to it, so I urge them to start the ball rolling as soon as possible with a statutory instrument to introduce a new 1% levy to fund research to give us the facts that we need to make the difficult decisions. I also urge them to move fast on the review's recommendations, which I hope will include much of what I have suggested today.

Ultimately, online gambling protection is about saving lives. If we can do things that achieve that, our time in this House will have been well spent.

4.15 pm

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Mims Davies): It is a pleasure to serve under your chairmanship, Sir Gary. I congratulate my hon. Friend the Member for Gloucester (Richard Graham) on securing this important debate.

We have to look at this in the round. My hon. Friend is absolutely right to raise his concerns, on behalf of his constituents and more broadly. We have to balance that with the fact that millions of people enjoy gambling responsibly. A day at the races—Cheltenham is on at the moment, as we know—an evening at the bingo or a regular bet on the football each week can be enjoyable, but we must balance that against the need to protect the most vulnerable people from gambling-related harm, wherever they gamble.

Hon. Members will be aware that online gambling is an area that I care deeply about and that I have already discussed with my hon. Friend. We have also met the all-party parliamentary group for gambling-related harm, alongside the Secretary of State; my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith) brings to the debate his expertise on the group's work and ongoing concerns.

It is absolutely right that we focus on ensuring that the regulatory framework for online gambling is robust. I am aware of concerns about the need to keep pace with technological advances, so I was particularly interested in the facial recognition idea that my hon. Friend the Member for Gloucester mentioned. I assure hon. Members that the Department will act where there is evidence of harm and will always keep the issues under review.

The Gambling Act 2005 provides the Gambling Commission with strong powers to ensure that all forms of gambling, including online gambling, are crime-free, fair and open and that they focus on protecting children and vulnerable people. Any operator that sells to customers in Great Britain must be licensed by the Gambling Commission and must comply with strict regulatory requirements. The commission has shown, rightly, that it will act where those rules are broken. For example, action against online casino operators resulted in penalty packages of almost £14 million last year.

The data held by online operators allows them to identify vulnerable customers and those at risk of harm. I note with caution the concerns raised by my right hon. Friend the Member for Chingford and Woodford Green about companies looking for losers and focusing on gambling losses. I will absolutely take those concerns away and look at them.

My right hon. Friend also mentioned gagging orders. The Gambling Commission's rules state that businesses should work with it to ensure that they are operating appropriately and should

"disclose anything which the Commission would reasonably expect to know."

We want to help the regulator to take robust action to guard against any breaches of the rules, so if the all-party group's work suggests that something is not being disclosed, or if hon. Members have anything to raise, I am keen to hear more. We want to see only responsible businesses in this sector. We want to ensure that people can have an open conversation about what responsible gambling looks like.

I was struck by Josh's story, which was told by my hon. Friend the Member for Gloucester. There is real concern about suicides related to gambling. As my hon. Friend points out, the number of suicides cannot be ignored. The Responsible Gambling Strategy Board has published a report on measuring gambling-related harms to focus on the need to commission more research on the risk of suicide, so that we can identify harmful behaviours and so that people who enjoy a flutter or a bet can start to recognise such behaviours in those around them.

We need to remove the stigma around addiction to gambling. If someone feels like it is controlling them, the potential risk, the awareness of people around them and the opportunity to get support are really important. We need to take the stigma away and be able to work with partners. I must thank the Gambling with Lives charity, which has helped to identify the role of education in preventing harm. The Government's review on gaming machines and social responsibility measures, which was published last May, set out a comprehensive package of measures to focus on safer and fairer gambling, and to ensure that this is paramount and at the heart of advertising and online operations.

We have heard about technological solutions. In December, Ministers at the Department for Digital, Culture, Media and Sport and I brought together the technology and gambling industries to explore the use of further technology in preventing harm and stress the importance of learning together. More recently, the Secretary of State and I met major banks that are working on interventions this summer and into the autumn, in order to discuss how they can react in a way that challenger banks have been able to, by allowing customers to block gambling facilities. I want to emphasise that technological solutions to help to protect vulnerable people from gambling-related harm are absolutely vital, and we should seek every opportunity that we can.

An example of a technological solution is the online multi-operator self-exclusion scheme, GamStop, which ensures that people who take the difficult step to self-exclude are fully supported. For the first time, people who self-exclude online can sign up once to be excluded from all operators in the scheme. It currently extends to over 90% of the market, and over 60,000 people have used the service so far.

Last week I met gamban, which is based in Southampton—I will be popping down to its offices. Its new blocking software is freely available via GamCare and prevents devices from being able to access gambling websites. This is where innovation and direct experience is helping to drive player protections, which is vital. To support such initiatives, the Gambling Commission is consulting on stronger customer interaction requirements. I met GamCare yesterday and was delighted to hear about its initiatives with operators, including providing training to industry staff on player protection and the "safer gambling standard" quality mark. Let us get this moving—it is new and something that GamCare is moving towards.

For over 20 years, GamCare has been on the frontline of service provision, and it has reflected on the change over that time. It has a helpline, which is open between 8 am and midnight, seven days a week. It is a freephone number—if anyone is watching or reads this in *Hansard*, the number is 0808 8020 133. When I met GamCare yesterday, I was struck by its results on getting people out of crisis and to a place where gambling is not controlling them and they are able to sort matters out. Once people have contacted the charity—it does not appear on itemised bills—the first step is to talk things through and get some help.

GamCare is running programmes for schools that are aimed at 11 to 18-year-olds, and is looking to develop new packages for 18 to 24-year-olds. I urge all operators to work with GamCare on this, so that we can educate people on the risks, what is healthy, and when and how to find help when it is needed. I intend to use the opportunities across Departments to ensure that we give advice to parents, so that protecting children is co-ordinated—that work is going on with GambleAware, which brings me to advertising and the charity's work.

A responsible message must now appear on all TV advertising for gambling companies for the duration of adverts. The Gambling Commission has introduced tougher sanctions for operators that break advertising rules. In addition, I am delighted to have worked with GambleAware to launch the industry-funded, multimillion-pound "Bet Regret" advertising campaign, which aims to help to start a conversation around risky betting behaviours and how to reduce them. In response to public concerns, the industry has announced the "whistle-to-whistle" ban on all TV betting adverts during pre-watershed live sport.

I agree with my hon. Friend the Member for Gloucester on the relationship between sport and gambling—both particular sports and as a whole. I have already challenged gambling companies on this. Everything is on the table with regards to responsible businesses coming forward and doing the right thing; otherwise, it is absolutely right that we should act. There are positive signs that the industry is stepping up to the challenge that we have set, but there is scope to go further. I want to see the industry meet GambleAware's donation target of £10 million by April this year. As I have said before, we want the voluntary system to work. If it does not, I do not rule out other ways of funding support, which could include a mandatory levy.

I am working closely with colleagues in the Department of Health and Social Care on the recently announced problem gambling clinic in Leeds. As we heard, the NHS long-term plan has a commitment to extend access to treatment. Public Health England has developed guidance for local authorities on gambling and is undertaking an evidence review. I have even spoken locally to my GP clusters about how, through social prescribing and local conversations, we can direct people to help. I have met the Minister for suicide prevention, who is clear that she will be working on gambling as a priority. Let me be clear on my position on the policy in this area: any life lost due to gambling is a tragedy, and we will work in every way that we need to in order to keep vulnerable people protected.

[Mims Davies]

From May, the Gambling Commission will bring in further changes to operators in order to include age and identity verification to allow consumers to ensure that they do not partake if they get free-to-play demo games. These changes will also include further protections for children and vulnerable consumers and will help GamStop to be more effective. The Gambling Commission recently launched a call for evidence on gambling online with credit. The Secretary of State and I are very keen to look at this, and we have already raised it with banks. It will help to develop a comprehensive picture, including the prevalence of using credit cards for gambling, and the associated risks.

We are aware of immersive gaming, an issue that was raised with regards to "skins gambling" and loot boxes. The Gambling Commission has made it clear that unlicensed gambling with in-game items known as skins is illegal, and it will take tough action. It prosecuted operators in 2017, making it the first regulator in the world to take such action. Loot boxes currently do not fall under gambling law where in-game items are acquired and confined to use within the game and cannot be cashed out, but we will continue to look at that. I am aware that the Digital, Culture, Media and Sport Committee is also looking at this area.

I thank hon. and right hon. Members for taking part in this debate and ensuring that the Government hears very loudly that gambling online should be fair and safe. It is something that we all take seriously. We have delivered some important changes to online gambling regulation and will continue to review the protections and take action where it is needed. My hon. Friends have spoken passionately on this issue, and it is clear that that is our aim. The Government intend to work with the industry to bring it to the table, and to work with colleagues to ensure that vulnerable players are protected.

Richard Graham *rose—*

Sir Gary Streeter (in the Chair): You do not get a comeback on a 30-minute debate, I am afraid.

Question put and agreed to.

Automatic Enrolment: Lower Earnings Limit

4.30 pm

Mhairi Black (Paisley and Renfrewshire South) (SNP): I beg to move,

That this House has considered the lower earnings limit for automatic enrolment.

I am very grateful to have been granted time for this debate, especially during a rather chaotic week. It serves as a reminder that although all eyes are on Brexit, a number of massively important issues still need to be dealt with; that is the day job for some. One of those problems is the low earnings limit for automatic enrolment.

I want to make it clear that we support automatic enrolment. It has had a lot of positive impacts, as I am pretty sure all hon. Members agree. An estimated 10 million workers have been enrolled in workplace pensions by more than 1.4 million employers. That is an estimated £18.4 billion a year extra in workplace pensions due to auto-enrolment. Opt-out rates have been lower than expected, and participation by eligible 22 to 29-year-olds has increased. There are obvious moves in the right direction but, as with most things relating to pensions, the devil is in the detail.

The first issue is the delay in scrapping the limit. I have a problem with the lower earnings limit, and I am glad that the UK Government agreed to scrap it eventually, but I cannot understand why it is taking so long. All we have been told is that no changes will take effect until the mid-2020s. TUC research shows that a delay of six years in scrapping the limit could cut a saver's pension pot by £12,000. That is for workers with annual earnings of £10,000, and it includes missed contributions and investment growth on funds. An employee who earns £10,000 would get more than double the amount of employer pension contributions when the limit is scrapped. The UK figures show that that would mean an extra £2.6 billion a year going into workers' pensions, including £1 billion more from employers. If we are serious about creating a culture that recognises our ageing population and the problems relating to pensions that are on the horizon, and if we want people to save persistently throughout their lives, the low earnings limit cannot continue. It does not make sense.

The positive impacts of auto-enrolment are evidence that it is working and that things are moving in the right direction. We should be trying to include everyone in auto-enrolment. Those who are paid the least are the very people we should be looking out for the most, because they are the most likely to slip through the cracks. Their pension pot, no matter how small it is, is probably the only useful capital they have in retirement. Will the Minister give a concrete guarantee, rather than a vague timescale, about when the limit will be scrapped?

The second issue is that those on the lowest incomes are the most likely to lose out as a result of an increase to the lower earnings limit. For the lowest earners, £6,136 is a large proportion of their earnings. If employers do not include that amount in people's earnings when calculating pension contributions, pension savings will be affected considerably. Worryingly, the changes will predominantly affect women in multiple part-time jobs, as the rise means that less of a low earner's salary attracts pension contributions. The TUC has rightly

pointed out that there is no mechanism to include those working multiple jobs with earnings below £10,000 in auto-enrolment.

The Pensions Policy Institute calculated that if income from multiple jobs was taken into account, a further 80,000 people could be saving for retirement. That breaks down to 60,000 women and 20,000 men. Once again, the Government are not responding fast enough—or, arguably, at all in some cases—to women's concerns about their pensions. That is a theme that I have seen since I was elected.

Those concerns have been raised previously. Baroness Drake put it perfectly when she said:

"we are designing a private pension system that does not work for women who work part-time."—[*Official Report, House of Lords,* 10 February 2014; Vol. 752, c. 201.]

I would argue that women do not have an adequate state pension to rely on at the moment. Ultimately, this increase is contradictory to the apparent aim of scrapping the limit altogether.

The third issue is that as the gap widens between the personal allowance and the lower earners limit, low earners are in a pension lottery through no choice of their own. The Treasury has said that the personal tax allowance will rise to £12,500. However, under the net pay method, pension contributions are deducted before tax is calculated, and savers' tax relief is based directly on their marginal rate. That means that savers who earn less than the £12,500 tax threshold do not receive the 20% relief that they would through their employer if they were in a relief-at-source scheme. This issue affects more than 1 million people who earn more than the earnings trigger of £10,000, but less than the personal allowance of £12,500. As auto-enrolment brings in more lower-paid earners, the number caught in the net pay trap is likely to increase.

I am grateful for the fact that Her Majesty's Revenue and Customs has said that it recognises this issue and is looking at ways to resolve it. It has said that one of the possible routes is a digital answer. I only hope that it is within closer reach than the so-called digital answer to the Irish border question. It would be helpful if the Minister could update us and say what conversations he has had with colleagues in HMRC about potential fixes.

On top of that, there are rumours that the UK Government will reduce tax relief on pension contributions in the upcoming Budget. Will the Minister give us a concrete commitment that that will not happen under this Government? Has he sought confirmation from the Chancellor that the inconsistency between the net pay schemes and other schemes will be corrected before the spring statement?

I have made these comments in this Chamber and elsewhere quite a few times. Pensions are a mess just now, and anything we can do to get more people saving has to be seen as a positive. The evidence so far suggests that auto-enrolment is a positive, so I ask the Government to stop dragging their heels and get this in motion.

4.37 pm

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): I am grateful to you for calling me to speak in this important debate, Sir Gary. I congratulate the hon. Member for Paisley and Renfrewshire South (Mhairi Black) on securing it.

Since October 2012, the Government have placed new duties on employers to ensure that their workers are automatically enrolled and contributing to a workplace pension. The duties ensure access to workplace pensions for workers who were not previously in a workplace pension scheme, who earn more than £10,000 and are above 22 years old.

The automatic enrolment into workplace pension schemes has broadly been a success. Ten million workers have now been enrolled into workplace pension schemes by more than 1.4 million employers. That means that 84% of eligible employees were participating in workplace pension schemes as of 2017—a nearly 30% increase since 2012. An estimated additional £18.4 billion a year will now go into workplace pension schemes because of automatic enrolment. I am also pleased that 79% of young workers aged 22 to 29 were participating in workplace pension schemes as of 2017, alongside 84% of women. The increase in workplace pension scheme participation among private sector workers is also welcome. There has been a nearly 40% increase between 2012 and 2017.

Despite initial concerns, opt-out rates from automatic enrolment into workplace pension schemes stood at 9% in 2017. That is significantly lower than initial Department for Work and Pensions estimates of 25% and highlights that employers and workers recognise the benefits of participating in workplace pension schemes. The initial success does not mean that more progress cannot be made. An estimated 12 million people are still thought to be under-saving for their retirement. Workers who earn more than £10,000 per year are automatically enrolled but end up losing out because their contributions are calculated from the bottom of the qualifying earnings band. Non-eligible workers who earn £10,000 or less a year in each of their jobs do not qualify for automatic enrolment, even if their combined earnings exceed £10,000.

Some eligible workers who earn at or just below the lower earnings limit in each of their jobs are not necessarily entitled to an employer contribution, even if they opt into a workplace pension scheme. Those earning less than £10,000 are missing out.

Young workers—particularly those aged 18 to 21—do not benefit from automatic enrolment because the lower age limit is set at 22. Employers are not required to automatically enrol workers whose earnings are below £10,000. There are other issues around automatic enrolment of those with multiple jobs and fluctuating earnings, and of the self-employed. I can add zero-hour contracts to that, because they often mean earnings of less than £10,000.

Those issues must be addressed if we are to encourage greater participation in workplace pension schemes and greater savings for retirement. We need to look at solutions to those issues, such as lowering the age limit from 22 to 18, as well as automatically enrolling low-income workers by calculating pension contributions from the first pound earned, rather than using the current lower earnings limit.

It is vital that we get right the system of auto-enrolment of workers into workplace pension schemes in the light of the Government's attacks on pensions over recent years. There have been increases to the state pension age; suggestions from the Chancellor that the state pension may no longer be ring-fenced from spending cuts after 2020; threats to benefits that our pensioners enjoy, such as the free TV licences for the over-75s; and the disgraceful treatment of the WASPI women, who I fully support in their fight for justice.

[Hugh Gaffney]

The policy of automatic enrolment for workplace pension schemes began under the last Labour Government, was implemented by the coalition Government and was supported by the SNP in its 2015 manifesto. We all want to ensure that workers can save for retirement, and that they have all necessary support to do so. That is why it is important not only that we commend the success of the scheme up to now, but that we make real progress on outstanding problems with automatic enrolment. I urge the Government to tackle those issues. Let us deliver for the working people on low pay in this country. Let us give them some dignity in retirement.

4.42 pm

Angela Crawley (Lanark and Hamilton East) (SNP): It is a pleasure to serve under your chairmanship, Mr Streeter. I congratulate my hon. Friend the Member for Paisley and Renfrewshire South (Mhairi Black) on securing this debate, and I thank the hon. Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney) for his contribution.

I am a firm believer in workers' rights, but with Brexit on the horizon, it feels like even the most basic rights are no longer guaranteed or a priority. It speaks volumes that we are having this debate in this Chamber while the Brexit debate takes place in the main Chamber. It is important to recognise where the Government are taking positive action. Although it is not perfect, the attempt at auto-enrolment was one way for the Government to recognise the huge issues with the current pensions system. It has meant that eligible workers are automatically enrolled on a pension scheme, with the employer obliged to pay towards their employee's pension.

In reality, however, it will allow pensions contributions to be paid at set limits and with set criteria, which the Government have set out in a phased timeline. The Government have made no firm commitments on when exactly the conclusion of that timeline will be, and in reality, it does not quite meet the mark of what is required for people to truly be able to plan for financial retirement.

If the Government were to scrap the lower earnings limit, as my hon. Friend outlined, that would allow pension contributions to be paid from the first pound of every worker's salary. Currently, employers do not have to include the first £6,032 that an employee earns when calculating pension contributions, so if the Government removed the lower earnings limit, that would mean a significant increase to the employee's pension pot.

As was outlined earlier, that would account for an extra £2.6 billion a year going into workers' pensions, including £1 billion more from employers, according to the Government's own figures. The Government released detailed plans to scrap the lower earnings limit in 2017, but have given only a vague commitment to take action on it in the mid-2020s. When does the Minister envisage that that will happen? 2023? 2024? 2025? 2027? Rather than the vague timescale that the Minister has set out previously, can he give a concrete guarantee about exactly when the lower earnings limit will be scrapped? To put that into perspective, research by the TUC outlines that a six-year delay could cut a saver's pension pot by £12,000—based on the 2022 figure rather than the 2028 figure—which would make a sizeable difference to the affected individuals.

I will address some of the key flaws and primary concerns of the issue. The lower earnings limit trigger provides eligibility for the auto-enrolment programme. When it was introduced, it was set at £5,035 a year, and then increased to £7,457, which resulted in the exclusion of 600,000 workers, of whom 78% were women. After increases over the years, the earnings trigger was frozen at £10,000 in 2015-16 up to the current period of 2018-19. That resulted in the exclusion of an additional 40,000 workers, of whom 30,000 were women, notwithstanding the fact that increasing the lower earnings limit to £10,000 excluded 170,000 workers, of whom 120,000—69%—were women. I hope that that illustrates to the Minister, who I am sure already knows this, my key concerns—as spokesperson for women and equalities—about the problems this poses for women.

Mr Jim Cunningham (Coventry South) (Lab): A whole raft of evidence, relating particularly to young or middle-aged women, shows that the Government are not hitting the mark on these matters. The WASPI women issue has run for many years and, if we consider the last economic crisis, women took the brunt of it: £14 billion was taken from women, through various tax measures, to deal with the crisis. Does the hon. Lady agree that it is about time that something was done about that?

Angela Crawley: I wholeheartedly agree. The Government have been remiss in their responsibilities to address those epidemic concerns that have increased during their stewardship in government.

I will turn to the concerns that I have outlined, including those of women, low-paid workers and the WASPI women, on whom the Government have a shambolic record. Low-paid workers, including those who have multiple jobs that do not meet that threshold, are more often than not below the earnings threshold and do not therefore meet the criteria for auto-enrolment. There is no mechanism for auto-enrolment for the self-employed.

Another group of individuals has also been completely forgotten in this programme. There is a duty to enrol for those aged between 22 and the state pension age. Those in the six-year gap between the ages of 16 and 22 will therefore be adversely impacted by that decision. The Government acknowledged that problem, but addressed it by saying that many people in that age group tend to move jobs a lot, so it is not administratively worthwhile to account for them in the programme.

What do the Government say, however, to a young person who goes into a full-time permanent job at 16? Are they not entitled to pension contributions? The UK Government have said that they will lower the age to 18 by the mid-2020s. Can the Minister tell us exactly when that will happen?

The contribution is currently set at £6,032, going up to a threshold of £46,350. That has been on a phased increase since 2012. In reality, the minimum recommendation that is currently estimated for pension savings is 15% to 18%. If the Government were to remove the lower earnings limit, it would add £2.6 billion to the annual pensions pot. That would still account for only 8% of the estimated required pension savings. That means a shortfall of 12%, on average, for each individual of working age in the UK. The Government have to address that.

The Minister himself, however, has admitted that 8% is not a sufficient contribution for a long-term retirement, and the Government's own figures suggest that approximately 12 million people are under-saving for retirement. I hate to take words out of the Minister's mouth, but he will probably point to the pensions dashboard to support better planning for retirement. However, for women, low-paid workers, those in multiple low-paid jobs, those aged from 16 to 22 who are in full-time permanent employment, the self-employed, and those on zero-hours contracts who fall below that threshold, can the Government say that they are serving them? For society as a whole, does the existing lower earnings limit sufficiently

"support better planning for retirement",

to use the Government's own words? The Government record on WASPI women alone proves that, more often than not, the evidence is that in most instances the most vulnerable in society are an afterthought.

The Parliamentary Under-Secretary of State for Work and Pensions (Guy Opperman): I hesitate to interrupt the hon. Lady's flow—but I am also allowing her to take a sip of water. Of course I will cite the pensions dashboard, which I am sure that the SNP very much support and in reality will make a significant difference, but there is also the Single Financial Guidance Body, which was set up under legislation passed last year. It is there specifically to cater for the vulnerable and to assist those who require greater ongoing access to pension advice. I hope that she will accept that such matters, passed on a cross-party basis, are evidence of ongoing assistance to people she and I genuinely care about.

Angela Crawley: I thank the Minister for that intervention. He might well remember that the SNP supported the concept of a pensions dashboard, but the Government rejected a number of key amendments in which we argued for the protection of vulnerable individuals. We are singing from the same hymn sheet about our ambitions and aims, but the fact of the matter is that the Government have the responsibility to introduce the scrapping of the lower earnings limit and the introduction of auto-enrolment pensions contributions, at the very least for those aged 18 and over, and at present they have not made a commitment to do so. He must act on his own words.

Women are often the primary parents or carers for loved ones. They are often the ones who take career breaks and part-time or flexible work to fit in with their responsibilities. They also live longer and work more hours to make ends meet. They are the most likely to be impacted by this Government's decisions and will bear the long-term impact of the changes. Why is the Minister delaying, and to what end? Is he hoping to kick the issue further down the road so that this Government do not have to deal with it, and a future Government will, or will he give a cast-iron commitment today that he will do something to address the issue on lower earnings limits and for each of the vulnerable groups that I have mentioned?

Ultimately, ensuring that every pound earned by every worker counts towards their pension should be an ambition that we all strive for. If the estimated savings of a pension ought to be 15% to 18%, the Government's ambition to reach 8% already falls short. The whole low-paid workforce should predominantly be recognised for their hard-earned contributions. I hope that the Government will answer the questions that my hon. Friend the Member for Paisley and Renfrewshire South and I have asked today, and that they will commit to deliver on this policy.

4.53 pm

Neil Gray (Airdrie and Shotts) (SNP): It is a pleasure to take part in this debate with you in the Chair, Sir Gary.

I congratulate my hon. Friend the Member for Paisley and Renfrewshire South (Mhairi Black) on securing this debate and once again leading the agenda in this place on pensions matters. Frankly, as the youngest Member of the Commons, she is an example and a role model to speak so well with authority and eruditeness on an issue that more young people should embrace and engage with. As I approach my 33rd birthday, I include myself and my peers in that youthful bracket—

Guy Opperman *indicated dissent.*

Neil Gray: We are going for consensus in this debate, Minister, so we should continue on that ground.

The SNP supports and has always supported auto-enrolment but, as my hon. Friend the Member for Paisley and Renfrewshire South highlighted, we remain critical friends. Only last month, I raised the delay in scrapping the lower earnings limit threshold when the Minister brought the relevant statutory instrument to the Floor of the House. My hon. Friend mentioned a number of benefits if only the Government would scrap the threshold, and during the SI debate the Minister said that auto-enrolment was a success story. I agree, but we could make it so much more successful if we only got on with it.

I hope that we can build on what my hon. Friend rightly said in arguing for the lower earnings limit to be scrapped and that, in summing up, the Minister will provide us with a clear and concrete timetable for the UK Government to meet and achieve their policy promise. I would also appreciate him clarifying whether implementation of the commitment to scrap the lower earnings limit will require a submission to the comprehensive spending review and, if so, is that being prepared by his Department?

I am sorry that I do not have more contributions to the debate to sum up. It is obviously an important debate and I am sorry that no one other than the Minister—I look forward to hearing from him—and his Parliamentary Private Secretary, the hon. Member for Gordon (Colin Clark), managed to drag themselves away from the unfolding Brexit mess going on in the main Chamber.

I am grateful to those who have contributed to the debate, including my constituency neighbour, the hon. Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney), for being present and for his speech. He also spoke in favour of the Government's policy being implemented, and he rightly reiterated much of the information and statistics that my hon. Friend the Member for Paisley and Renfrewshire South provided to the House in her speech. He was also right to refer to the age restrictions; he mentioned the WASPI women, and I am sure he would agree that no one outside the WASPI campaign has done more to raise the profile of those women, argue their case, or represent them in this place than my hon. Friend.

[Neil Gray]

My hon. Friend the Member for Lanark and Hamilton East (Angela Crawley) made a powerful, fact-based speech. She was right to say that the delay in implementing the policy in full is preventing people from being able to plan adequately for their future. I know that is not the Minister's intention, but he must acknowledge that the longer that the delay is allowed to continue, the more that will be the case. She was also right to ask whether a 16-year-old working the same full-time job as a 26-year-old colleague should continue to be discriminated against by not receiving pension contributions when their colleagues do.

In conclusion, I once again congratulate my hon. Friend the Member for Paisley and Renfrewshire South. She was right to say that things are moving in the right direction and that that is what we want to see, but we want greater and swifter action. The delay, the problems with making progress on realising the pensions dashboard, the WASPI women issues, and the lack of a concrete pensions policy all highlight, in our view, the need for an independent pensions commission. In summing up, on an otherwise troubling day for the Minister and his colleagues in Government, I hope that he will bring some joy and set out a clear, concrete timetable for scrapping the lower earnings limit. I look forward to hearing from him in that regard.

4.58 pm

Jack Dromey (Birmingham, Erdington) (Lab): It is a pleasure to serve under your chairmanship, Sir Gary.

I pay tribute to the hon. Member for Paisley and Renfrewshire South (Mhairi Black) for initiating the debate. I strongly agree with her that however central Brexit is to the future of our country, we run the risk of issues of immense importance and concern to the general public not being properly addressed here. I therefore commend her for bringing forward the debate.

The Minister will forgive me if I say what I have said on previous occasions: auto-enrolment is a testament to the previous Labour Government. I played a bit part in the process by chairing the policy commission that led to the appointment of Adair Turner. It was his genius and the team he brought together that ultimately produced the proposals for auto-enrolment. That was at a time when there were great strengths in the pensions system, such as many more defined-benefit schemes than, sadly, there are now. However, it was clear then, as it is now, that millions of people were simply not covered, or not covered adequately, by the existing pensions arrangements, so auto-enrolment was an important step in the right direction.

I welcome the fact that there has been continuity of policy. There is also cross-party consensus about the importance of auto-enrolment and of building on it at the next stages. There is no question but that a better pension landscape has been created; 10 million more workers are estimated to be newly saving, or saving more as a result of auto-enrolment into master trusts. That has led to an additional £17 billion and rising of pension savings put away, mostly by lower-income workers. We welcome the Government's direction of travel, yet to be delivered on in practice, for those who are 18 and over; but I support the representations made that however welcome the direction of travel, it has to be acted on urgently at the next stages. I, too, look forward to the Minister's response.

Although auto-enrolment is a landmark achievement, it is not a perfect system. Over and above the issue of the age threshold, there are other issues that crucially need addressing. First, the threshold for which workers are automatically enrolled is simply too high. In previous debates we have referred to the statistics, which speak for themselves. Department for Work and Pensions statistics show that 37% of female workers, 33% of workers with a disability and 28% of black and minority ethnic workers are not eligible for master trust saving through auto-enrolment.

Secondly, auto-enrolment does not cover the self-employed or workers in the gig economy. The Government are undertaking pilot projects, and we support that crucial initiative. Sadly, because of the nature of work as a whole, female workers, workers with disabilities, and black, Asian and minority ethnic workers are over-represented among low earners, the self-employed, those with multiple jobs and carers.

On the gig economy, we strongly believe in, have argued for and will continue to press for the redefinition of those employed as workers, to make them eligible for auto-enrolment. The problem is that self-employment and bogus self-employment are increasingly prominent in the modern economy. Figures released last year suggest that the number of self-employed workers in the UK rose by 23% between 2007 and 2017, from 3.8 million to 4.7 million. That represents a shift in the nature of the world of work and the way in which the British economy works. The self-employed represent about 15% of the workforce, and 91% of businesses say that they hire contractors. Of course, there are many people for whom self-employment is their employment of choice, and who welcome it, but too many are increasingly conscripted into self-employment against their will, with no alternative. That is why it is so important that we change the definition of employee.

To return to pensions, the latest figures from the Office for National Statistics show that only 19% of the self-employed are saving into a personal pension. The Government need to address that as a matter of urgency. The pilot projects are a step in the right direction, but the sooner they are completed and action is taken, the better. It is wrong to combine decreased security in the world of work with decreased security in retirement as a consequence of bogus self-employment.

The Minister mentioned that more workers have access to a pension pot; that is welcome, but the public's awareness of and knowledge about their pensions need to increase at the same time. He made reference to the Single Financial Guidance Body, established as a consequence of the Act of Parliament passed last year. That was an important step in the right direction. The SFGB is rightly tasked with ensuring that more of the public are properly educated about their financial issues, including their pensions. Crucially, the new body needs to be adequately resourced, but it is a strong step in the right direction. The almost parallel move towards a pensions dashboard is welcome, but urgent action must be taken to bring it into being, although the steps thus far are welcome.

The hon. Members for Paisley and Renfrewshire South, for Lanark and Hamilton East (Angela Crawley) and for Airdrie and Shotts (Neil Gray) spoke about the lower earnings figure; we first raised that important issue in Parliament back in 2014. We proposed lowering

the automatic enrolment earnings trigger to the same limit as the threshold for paying national insurance—£5,773 at the time. That would have brought 1.5 million more workers into saving for their retirement. Two thirds of the extra savers would have been women; that would have gone a long way to tackling the 37% of women who are not automatically enrolled into saving.

Not bringing lower earning workers into auto-enrolment risks leaving a ticking time bomb for the state to deal with when those workers retire. Scrapping or lowering the lower earnings limit for auto-enrolment and reducing the minimum age to 18 will introduce many more savers into auto-enrolment, and will welcome workers into saving for their pension as soon as they start work. The earnings trigger and the lower limit are crucial issues, and we hope that the Government will act on them. We look forward to the Minister's response.

In conclusion, a number of issues have arisen from this debate. Auto-enrolment is a strong step in the right direction, but we always ought to see such steps as the first, and not the last, word.

5.6 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Guy Opperman): I congratulate the hon. Member for Paisley and Renfrewshire South (Mhairi Black) on securing the debate. It is a fair and legitimate comment that some hon. Members are a little distracted by other matters taking place in the House of Commons, but I make the point that although we may have our differences on Brexit and all the difficult issues that are being debated in the main Chamber, the House is still debating and considering other matters, such as legislation on female genital mutilation, which was passed on a cross-party basis last night, and auto-enrolment, which is crucial to the long-term retirement future of all our constituents from all different backgrounds.

I genuinely welcome the debate. When I saw it on the Order Paper, I felt pleased to have the opportunity to debate auto-enrolment and to address this particular issue. The hon. Members for Paisley and Renfrewshire South and for Lanark and Hamilton East (Angela Crawley) have raised the issue in a series of parliamentary questions. I answered those questions at reasonable, but clearly not sufficient, length on 20 and 21 February, and I will attempt to address them in more detail today.

It is right to celebrate, as other hon. Members have done, the fact that in the constituency of the hon. Member for Paisley and Renfrewshire South, 6,000 men and women are benefiting from auto-enrolment. Thanks are due to the 1,130 employers that have genuinely stepped up to the plate and are in the position to make that contribution through their payroll deduction to employees up and down her constituency.

I should also say that it is a pleasure to serve under your chairmanship, Sir Gary. Given that I have a little time, I make the point that in your Devon constituency, you have 6,000 employees who are benefiting on an ongoing basis, and 1,350 very good employers that should be thanked.

It is embarrassing how often I agree with the hon. Member for Birmingham, Erdington (Jack Dromey), but he is right that this is a cross-party success story that, in my view, all political parties have got behind. I will turn to the points of the hon. Member for Paisley and Renfrewshire South in a second, but the hon. Member for Birmingham, Erdington is right to say that the process was started under a Labour Government with the Turner commission. It was then brought forward under the coalition, when my position was held by a Liberal Democrat, Steve Webb, late lamented of this House—although I think we took his seat, so he is not that lamented.

More particularly, I am the latest in a long line of pensions Ministers and Secretaries of State for Work and Pensions—including the right hon. and learned Member for Camberwell and Peckham (Ms Harman), who is married to the hon. Member for Birmingham, Erdington—who have brought forward these very positive changes. They were developed by the coalition Government, and we have expanded on them.

The key issue in relation to this is the automatic enrolment review of 2017, which, as Members can see, is not a small document. It addresses the issues and was independently commissioned by the Government. A number of experts took a great deal of evidence and addressed what should be done in considerable detail.

In answer to the questions asked by the hon. Member for Paisley and Renfrewshire South, the issue is not whether we will lower the earnings limit; we will do that. Nor is it whether we will lower the age limit from 22 to 18; we will do that. The question is when. I accept that there is a legitimate and real debate to be had in this House when legislation is brought forward as to when those changes should take place. I do not want anyone to be in any doubt: there is no question but that our policy, as set out in the 2017 review, made clear in the House previously and confirmed today, is to bring the age limit down from 22 to 18, and to bring the threshold down to the first pound earned.

I accept that there will be pressure today, as Members have made clear, to do this much sooner. I take the point that the SNP, individually as Members of Parliament and collectively through their shadow Minister, is urging the Government to act sooner. There is a serious point that the House needs to consider; we all celebrate the successes of auto-enrolment but it would be naive and wrong to say that it is an utterly done deal yet.

Neil Gray: We accept and are grateful for the Government's continued commitment to scrapping the lower earnings limit and reducing the age limit. We welcome that commitment today. It is not just the SNP and the official Opposition who have been putting pressure on the Minister. The Minister has put pressure on himself, because he committed that this would be done by the mid-2020s. Is that still likely? If so, my previous question stands: where is the timetable for that to be achieved?

Guy Opperman: I will give a long answer to the hon. Gentleman's question, but I promise that I will answer it. Some 1.4 million employers have met their duties and are now offering members of staff a pension as a right. That is a significant change for those employers, and a significant burden for them. Raising the threshold, from 2% to start with, up to 5% last year and going up to 8% in April, is a significant burden. We are not talking about just the bigger employers, who can cope with it much better and have advanced payroll systems. Some of them have been paying over the odds from the word

[Guy Opperman]

go and, to their great credit, some companies up and down the country immediately went to 5% or above. There are two key impacts that need to be assessed. We have only just got the information about the April 2018 increase and the opt-outs that took place then. The hon. Gentleman will be aware that there was just under 1% opt-out out because of the increase to 5%.

One of my main jobs in this position, which, contrary to popular belief, I actually asked to do and enjoy doing, is to take the 1.4 million employers and the 10 million employees in this country up to 8% with the minimum number of opt-outs, and the minimum impact on the economic outlook of the country. The harsh reality is that there will be a significant change to the deductions made from individuals' pay packets, but also to the burden on businesses, whether they are large FTSE 100 businesses or coffee shops or corner shops in our local communities. Dealing with how things go this April is one of the most important, if not the most important, job I have, given the massive impact of this on all our communities. We have only just raised the threshold to 5%. We have the most important rise—a double jump—this April. It would be wrong if the Secretary the State and I, and the wider Government, talked about changing the basis for auto-enrolment before assessing how the 8% rise had gone.

This is quite a complicated process; it will genuinely take the best part of 9 months to go through all the data and get a definitive understanding of where we are on the 8%. At best, I will not know the degree of opt-outs until Christmas. It seems utterly wrong for me to seek to change the nature of the legal basis until I have a real understanding of the impact of the 8% increase.

Mhairi Black: The Minister says that we have to wait for more evidence. As I said in my speech, the DWP assumed that roughly 25% of those eligible would opt out, and the 2017 average was 9%. The Minister has talked about getting updated figures, but the participation among 22 to 29-year-olds increased from 35% in 2012 to 79% in 2017. The evidence already suggests that we are heading in the right direction and that the changes are working. Further to that, the logic of the lower earnings limit being set was that some people will not earn enough to get value for money out of their pension towards the end. Would it not be an easier answer just to pay people more, and to introduce a real living wage?

Guy Opperman: We are getting slightly off topic, but I am very happy to make the point that in 2010, when the coalition came into government, the living wage—the minimum wage as it was then—was £5.80. It is now £8.21, going up to £9, as the hon. Lady will be aware. I am happy to have a discussion about the tax threshold, which means that individual members of our communities have a huge amount more in their pockets. The tax threshold was £6,500 in 2010. It is now going up to £12,500, which will make a massive difference to the individual take-home.

All those things are good things. There is also the benefit of free childcare. We have gone from having no free childcare available whatever, up to 15 and 30 hours. It depends on how one values childcare, but taking it even on a very low basis, individual low earners would have the benefit of 30 hours a week free childcare, in those circumstances where that applies. If they have 30 hours a week childcare, that is a benefit of £150 a week minimum. I have worked it out on a £5 basis, but other statistics could give the rate.

My point is that if one looks solely at individual earnings on a long-term basis, taken in isolation that is one thing, but we also have to look at the impact of the rise in wages. It may not be as high as the hon. Lady would like, but she is making my point, so I will stop being partisan and saying, "Aren't we doing well on the living wage, the tax threshold and childcare?" Park that for a moment. Some of those matters are burdens on individual employers.

The harsh reality is that the corner shop in the hon. Lady's Paisley constituency, or the coffee shop—forget about the big employer—is now paying a considerably larger wage bill, because the low earners who were previously on the minimum wage are now on the living wage. The larger employers are also potentially paying the apprenticeship levy, and in April will pay up to 3% on auto-enrolment. The engagement that took place in the 2017 review indicated that time should be allowed before we reassess the way ahead. I am absolutely sure that there should be consideration of that. I accept that there is pressure on that.

I will try to address the other couple of points that the hon. Lady made, before moving on to some of the other questions. She asked about the reduction of pensions tax relief and the difference between net pay and relief at source. It is entirely right to raise those matters; she will understand that they dealt with by the Chancellor and the Treasury.

The idea that I have full control over the spring statement or the Budget, as the hon. Member for Airdrie and Shotts (Neil Gray) suggested, is something that I think we all understand is not the case. I do not have advance sight of the spring statement, but if he wishes to push for my promotion, I would be very keen for that—not that I want to be promoted, because I actually enjoy this brief.

The reality of the situation is that there is clearly a difference between relief at source and the net pay arrangement. It is acknowledged; there is no question but that something must be done on an ongoing basis. HMRC and the Treasury are aware, and there is ongoing discussion with them on that particular point.

While I am dealing with the Treasury, the question was raised about where we are in relation to long-term tax relief on pensions. Again, that is a matter for the Chancellor, but although I accept that there was some discussion about it in some comments made before the last Budget, hon. Members will be aware that there was no fundamental change to the tax relief on pensions.

I have rather disregarded my speech, but I will go back to a couple of key points. First, hon. Members will be aware that we debated this matter briefly in January, and the House debated and then agreed that the lower and upper limits of the qualifying earnings should be aligned with the national insurance earning bands in 2019-20, at £6,136 and £50,000 respectively. Not only does that provide stability and harmonisation on an ongoing basis, but we maintained the earnings trigger at £10,000, meaning a real-terms decrease due to anticipated

wage growth, which brought an additional 40,000 savers into automatic enrolment, three quarters of whom were women.

I will address a couple of the other points raised. The hon. Member for Lanark and Hamilton East, whose constituency I know very well, having ridden at the Overton point-to-point far too many times—not very well; I did not win there—will be pleased to know that there are 14,000 individual employees in her constituency who benefit from the automatic enrolment. She specifically raised the issue of somebody aged between 16 and 22 who was earning but not able to get access to a pension. It is not often known—I have the great delight of telling the House this and urge the hon. Lady to tell others—that that individual aged between 16 and 22 can opt into an automatic enrolment pension with their employer. They have the ability to do that. Similar comments apply to the self-employed; they can opt in and be addressed on an ongoing basis.

The hon. Member for Airdrie and Shotts called for a pensions commission. With respect, we had that: it was called the Cridland report, an independent pensions commission to which all political parties, including the SNP, along with trade unions and the Labour party, made submissions. Whether they agreed with it or not, it was definitely the case that they made submissions.

On the self-employed, the reality is that we are continuing to expand in a great deal of detail the trials that are going on. We are considering the Taylor review, and it is my strong view that we should expand that more. I am certainly pressing to ensure that the self-employed have greater access to a pension.

Angela Crawley: I thank the Minister for enlightening me on his experiences of his jockey career in my constituency; I am sure that will be a treat for my constituents to learn. Going back for a second to the point about 16 to 22-year-olds and the opt-in, ultimately there is an emphasis on young people opting into that process and no requirement for the employer to contribute to their contributions. Does he agree that even if the Government bring forward this change for 18-year-olds and make it mandatory for employers to contribute, "mid-2020s" is a vague definition? I would be keen to hear exactly how the Minister defines "mid-2020s", and when 18-year-olds can be guaranteed to get the same matched back from their employers.

Guy Opperman: The hon. Lady will understand that there is a big lead-in time between the passing of a parliamentary Act—this applies particularly in pensions—and when that Act kicks in. The reality is that I cannot give a definitive date today, nor do I intend to do so. I do not believe it would be appropriate to do so. I am not just giving what some would describe as a politician's answer; I am giving my strong belief, which is that, until we have got through the 8%, we should not make a decision, because the impact on employers and employees needs to be measured on an ongoing basis. There is no dispute between us in any part of the House, I believe, that this needs to be done; the only question is when that process should take place.

I am keen to try to address the points of the hon. Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney), who has 10,000 employees in his constituency who have had the benefit of auto-enrolment. He raised individual points in relation to the state pension. I make the point that the state pension is up more than £1,000 in real terms since 2010. There is no evidence for his assertion that the state pension could not be afforded post 2020 as per the Chancellor. That is simply not the case. It is most definitely not the indication from the Chancellor, and it is definitely not Government policy whatsoever. We have committed to the triple lock.

I am conscious that I need to wrap up very shortly. The reality is that, for women, pensions enrolment has gone from 40% to 80% by reason of auto-enrolment; enrolment in the private sector has risen from just over 40% up towards 80%; 22 to 29-year-olds have dramatically improved enrolment to above 75% from a very low base; and low earners from the £10,000 to £20,000 bracket have gone from 20% enrolment up to nearly 70%.

At the same stage, we are doing things such as the pensions dashboard, on which I hope to report back to the House within a matter of weeks. We are doing the Single Financial Guidance Body, which is now up and running, with the former chair of StepChange, Sir Hector Sants, in charge. We are also pioneering things like the midlife MOT, which has a public sector angle, with what we are doing at the Department for Work and Pensions, but is also private sector-led as well, to get a greater engagement. We are also doing simpler statements for those with private sector pensions. It is my intention that all private sector businesses that provide pensions will be giving a simple two-page statement to all their customers. Whether that is done on a voluntary basis or by statute is a matter to be decided.

It is definitely the case that we are, I believe, in glorious agreement about what the position is going forward. It is not the case that there is much dispute between us. I accept that this is something that we will have to return to in the future. For the moment, I cannot give the definitive date that the hon. Member for Lanark and Hamilton East seeks, but I am very happy to continue the debate as we go forward.

5.27 pm

Mhairi Black: Just very briefly, on the Minister's end point there, it would be very useful if he could at least tell us whether the scrapping or lowering of the limit will be phased in, or whether it will be a blanket switch-over one night. Some detail on that would be much appreciated.

The thing that makes me quite uncomfortable in this speech and in this debate is that one of the key arguments here is that women will again bear the brunt of this. I am actually glad that we cannot get through any debate on pensions without someone mentioning WASPI, because, if anything, WASPI actually shows exactly the kind of reputation that the Government are gaining with regard to pensions. To see problems such as this being pointed out to the Government and there being no real answer as to how they are going to support women, who are yet again bearing the brunt of the worst that is happening, is quite depressing. I hope that is something that the Minister will reflect on.

I am grateful, finally, to my hon. Friend the Member for Lanark and Hamilton East (Angela Crawley) for pointing out that if people can work at the age of 16, they should be able to contribute to their own pension. I do not see why the age reduction should stop at 18. If

[Mhairi Black]

people can start working at 16, they can start saving for a pension, especially if it is at the point where their employer does not actually have to contribute.

Again, I am grateful to everybody—all six of you—for attending the debate. This is a very important issue, and I hope that we have given the Minister food for thought.

Question put and agreed to.

Resolved,

That this House has considered the lower earnings limit for automatic enrolment.

5.29 pm

Sitting adjourned.

Written Statements

Tuesday 12 March 2019

TREASURY

ECOFIN 12 March 2019

The Chancellor of the Exchequer (Mr Philip Hammond): A meeting of the Economic and Financial Affairs Council (ECOFIN) will be held in Brussels on 12 March 2019. The UK will be represented by Mark Bowman (Director General, International Finance, HM Treasury). The Council will discuss the following:

Early morning session

The Eurogroup President will brief the Council on the outcomes of the 11 March meeting of the Eurogroup, and the European Commission will provide an update on the current economic situation in the EU. Ministers will then discuss the location of the InvestEU Investment Committee secretariat.

Excise duties

The Council will be invited to agree a general approach on the directive on general arrangements for excise duty (recast), the regulation on administrative co-operation of the content of electronic registers, and the directive on the structures of excise duty on alcohol and alcoholic beverages.

Digital services tax

The Council will be invited to reach a political agreement on the EU-wide digital services tax proposal.

InvestEU

The Council will hold a follow-up policy debate on the location of the InvestEU Investment Committee secretariat.

Current financial services legislative proposals

The Romanian presidency will provide an update on current legislative proposals in the field of financial services.

European semester

Following a presentation by the Commission on its 2019 country reports, the Council will hold an exchange of views on the implementation of country-specific recommendations focusing on investment in member states.

EU list of non-co-operative jurisdictions for tax purposes

The Council will be invited to adopt Council conclusions revising the December 2017 EU list of non-co-operative jurisdictions for tax purposes.

Status of the implementation of financial services legislation

The Council will discuss the status of the implementation of financial services legislation.

Coalition for climate action

The Finnish Finance Minister will update the Council on plans to launch the coalition for climate action in the context of the World Bank and International Monetary Fund spring meetings in April.

[HCWS1403]

DEFENCE

Armed Forces Pay Review Body: Reappointment

The Parliamentary Under-Secretary of State for Defence (Mr Tobias Ellwood): On 20 December 2018, I announced that my right hon. Friend the Secretary of State for Defence had appointed Vice Admiral (Retired) Sir David Steel as the next ex-military member of the Armed Forces Pay Review Body (AFPRB). His appointment was due to commence on 1 March 2019 and run until 28 February 2022. However, Vice Admiral (Retired) Sir David Steel has subsequently been unable to take up this position. A further recruitment campaign will be launched in due course by Department officials.

To provide the AFRPB with important continuity during this interim period, I am pleased to announce that I have invited Rear Admiral (Retired) Jonathan Westbrook to continue to serve as a member of the Armed Forces Pay Review Body for a further 12 month term of office, commencing on 1 March 2019, and he has accepted. This extension has been conducted in accordance with the guidance of the Office of the Commissioner for Public Appointments.

[HCWS1402]

EDUCATION

New Model in Technology and Engineering

The Minister for School Standards (Nick Gibb): My noble Friend the Parliamentary Under-Secretary of State for the School System (Lord Agnew), has made the following written ministerial statement:

It is the normal practice when a Government Department proposes to make a gift of a value exceeding £300,000, for the Department concerned to present to the House of Commons a minute giving particulars of the gift and explaining the circumstances; and to refrain from making the gift until 14 parliamentary sitting days after the issue of the minute, except in cases of special urgency.

The Department for Education intends to provide a 50-year lease of the former Robert Owen Academy site (Blackfriars Street, Hereford) to the New Model in Technology and Engineering (NMiTE). The lease is valued at £900,000 and will be subject to a premium of only £1,000. The sub-lease therefore represents a gift to NMiTE worth £899,000.

The NMiTE aims to secure university status and is supported by national and local government, the University of Warwick, and industry, to transform engineering education in Britain. They are in receipt of grant funding from the Department for Education to support their start-up and development. NMiTE will invest substantially in the site to bring it back into use and deliver specialist higher education.

We believe this lease represents good value, supporting the development of the new organisation aiming to secure university status and avoiding the vacant site holding costs that the Department for Education would otherwise have to bear.

The Treasury has approved the proposal in principle. If, during the period of 14 parliamentary sitting days beginning on the date on which this minute was laid, a Member signifies an objection by giving notice of a parliamentary question or a motion relating to the minute, or by otherwise raising the matter in the House, final approval of the gift will be withheld pending an examination of the objection.

[HCWS1404]

FOREIGN AND COMMONWEALTH OFFICE

British Council: 2019 Tailored Review

The Minister for Asia and the Pacific (Mark Field): I am announcing today the publication of the recent tailored review of the British Council, an arm's-length body of the Foreign and Commonwealth Office.

The British Council was established in 1934 and awarded a Royal Charter in 1940. It builds relationships and understanding between the people of the UK and other countries, and makes a significant contribution to promoting the English language, education and British culture overseas. It is a key soft power lever.

As a non-departmental public body (NDPB) sponsored by the Foreign and Commonwealth Office (FCO), the British Council 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 full report can be read on gov.uk:

https://www.gov.uk/government/publications/tailored-review-of-the-british-council.

This review involved consultation with a broad range of stakeholders across the UK and beyond, including British Council staff, the board of trustees, over 700 stakeholders and heads of mission. It provided an opportunity to better understand the British Council's contribution to the core business of the FCO, HMG, and the interests of a wide range of stakeholders across the UK and overseas, as well as assessing the British Council's performance, and readiness to respond and adapt to future challenges.

The review concluded that the British Council fulfils an important and unique role, remaining a world leader in its field. The British Council's operating model is effective, however work is needed in order to strengthen evidence of this effectiveness, and how it provides value for money for the taxpayer. It also notes that more needs to be done to remain fit for purpose, including improving organisational effectiveness and increasing financial resilience. Overall, it made 29 recommendations including:

> The FCO's single departmental plan should include a high-level British Council objective;
>
> The British Council should have clear criteria for deciding when it will develop its own products, and publicise this to the English language and education sectors;
>
> The British Council should continue its current model of growing its commercial surplus to support cultural relations activities; and
>
> The British Council's activities should focus on its core strengths of promoting English language, education, and British culture.

The review has also recommended that the FCO and the British Council strengthen their strategic dialogue and co-ordination. The British Council should also strengthen its reporting of impact, while ensuring that it operates with the appropriate level of independence. A joint implementation plan is being developed by the FCO and British Council, with most of the recommendations expected to be implemented by mid-2020.

Copies of the review will be placed in the Libraries of both Houses.

Attachments can be viewed online at: http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-03-12/HCWS1401/.

[HCWS1401]

WORK AND PENSIONS

Employment, Social Policy, Health and Consumer Affairs Council

The Minister for Employment (Alok Sharma): The Employment, Social Policy, Health and Consumer Affairs Council will take place on 15 March 2019 in Brussels. I plan to represent the UK.

The Council will be invited to agree a partial general approach on a regulation of the European Parliament and the Council that continues the European globalisation adjustment fund (EGF).

Under the European semester agenda item, the Council will adopt the joint employment report for 2019, along with conclusions on the 2019 annual growth survey, and the Commission will present its country reports for 2019. The Romanian presidency has chosen the social dimension of Europe post 2020 as the theme for debate.

Under other business, the presidency will give updates on six current legislative proposals: a regulation establishing a European labour authority; revision of the regulations on the co-ordination of social security systems; revision of the directive on carcinogens and mutagens (third batch); and directives on work-life balance, on accessibility requirements for products and services and on transparent and predictable working conditions.

The presidency will also provide information on its recent conference on an EU framework on national strategies for Roma inclusion. The Commission will present information on the tripartite social summit which will take place on 20 March, and the Chairs of the Employment Committee and the Social Protection Committee will present the committees' work programmes for 2019.

[HCWS1400]

Universal Credit: Managed Migration Pilot

The Secretary of State for Work and Pensions (Amber Rudd): Universal credit is a vital reform. It overhauls a legacy system which trapped people out of work. The next stage, managed migration, will move claimants of legacy benefits on to universal credit without a change of circumstances. As we have previously committed, the Department will pilot this approach, following the passing of an affirmative statutory instrument, from July 2019; starting with small numbers with no more

than 10,000 claimants. This is expected to take around 12 months. We will report on our findings to Parliament and bring forward legislation for the wider roll out of managed migration. We will, as planned, complete full roll out of universal credit by the end of 2023.

I am updating Parliament to announce that we have selected Harrogate in North Yorkshire to be our initial site for the managed migration pilot.

Harrogate has a mix of benefit claimants with a varying range of needs, in both rural and urban areas. Harrogate has also had universal credit since 2016 which is earlier than many other places. In that respect it does very much reflect the situation we will face across the country as we begin the broader process of moving people from the old system to the new universal credit system. This means the lessons we learn here will be directly applicable to places that start moving claimants from the old system to the new system in 2020 and beyond who will have started with UC in 2017 and 2018.

We will take a careful approach to delivering managed migration. Claimants will be informed of their move in advance, receive full information and support from the Department to move, including through home visits where appropriate.

We do not intend to stop anyone's benefit during the pilot. In the pilot phase, our intention is to learn how to effectively assist people on to universal credit and to develop processes to deliver that help. This is particularly important for vulnerable and hard-to-reach claimants, who the Department will help to move across to the new system.

Managed migration will open up the world of work for thousands and deliver financial support for those whose circumstances have not changed. The process will eventually provide over £3 billion total transitional protection for 1.1 million families. Transitional protection will be available and we will help people who need it access discretionary payments which could be used, for example, to pay the equivalent of the two-week run on. Eligible claimants who received the severe disability premium under the legacy system will receive transitional payments as a result of the regulations bringing them into effect.

The Department is working with stakeholders to develop our approach to managed migration, with support for the most vulnerable in at the forefront of our minds. We will continue to do this as we deliver.

[HCWS1399]

Petitions

Tuesday 12 March 2019

OBSERVATIONS

EDUCATION

Levels of pay in Further Education

The petition of residents of the United Kingdom,

Declares that while participation in full-time education has more than doubled over the past 30 years, it is reported that spending per student in further education is 8% lower than in secondary schools; further that colleges over the last decade have dealt with an average 30% cut to funding as costs continue to increase; further that this has resulted in a drastic drop in learning opportunities available to students, fewer teaching hours and support for young people, and staff pay; further that the situation is not sustainable and ultimately impacts on student performance; further that 547 staff and students from Darlington College have signed a similar petition to the government regarding further education funding.

The petitioners therefore request that the House of Commons urges the Government to provide fair funding for further education and fair pay for college staff in the interest for student performance and educational outcomes.

And the petitioners remain, etc.—*[Presented by Jenny Chapman , Official Report,* 30 January 2019; Vol. 653, c. 792 *.]*

[P002311]

Observations from the Minister for Apprenticeships and Skills (Anne Milton):

Further education providers have a vital role to play in making sure young people and adults have the skills they need to get on in life. We are aware of the financial pressures in the further education sector generally which is why we are currently considering the efficiency and resilience of the sector and assessing how far existing funding and regulatory structures meet the costs of delivering quality further education.

We have protected the base rate of funding for all 16 to 19-year-old students until 2020 and plan to invest nearly £7 billion this academic year to make sure there is a place in education or training, including for apprenticeships, for every 16 to 19-year-old.

In addition, we have announced extra support for key priorities. We will provide additional funding to support institutions to grow participation in level 3 maths—an extra £600 for every additional student—with two payments of £600 if, for example, they are studying A level maths over two years. The first of these payments will be made in 2019-20. We have also approved significant restructuring funding for colleges. From 1 April 2016 to 31 January 2019, the total allocation of restructuring facility funding in England is approximately £470 million—the total spend so far is approximately £290 million.

Through the Adult Education Budget (AEB), we continue to provide full funding for adult learners who need English and maths skills to undertake a range of courses in GCSEs, Functional Skills and stepping stone qualifications from entry level to level 2. We have also announced a new statutory basic digital skills entitlement from 2020 to ensure adults can study for specified qualifications in basic digital skills free of charge to get the skills and capabilities they need to get on in life and work. We also recognise the vital role that community learning plays within AEB provision by providing accessible routes for adults to progress, and we fund this in a way that enables providers to meet the needs of disadvantaged learners. The Department has also taken the steps through Parliament to devolve the responsibility for adult education to metropolitan mayors, which is intended to allow for greater alignment of funding for this kind of provision to local need.

We will be looking hard in the forthcoming spending review at how to ensure adequate funding is available for further education, including adult skills, throughout the next spending review period.

EXITING THE EUROPEAN UNION

The delivery of Brexit

The Humble Petition of the residents of Wellingborough, Northamptonshire and the surrounding areas,

Sheweth,

That the Petitioners believe that the Brexit that they voted for should be adhered to by Her Majesty's Government. This includes, ending the free-movement of people from the EU and control immigration, stop sending billions and billions of £s each year to Brussels, make our own laws in our own country, judges by our own judges.

Wherefore your Petitioners pray that your Honourable House urges the Prime Minister to take in account the concerns of petitioners and deliver a Brexit which people voted for.

And your Petitioners, as in duty bound, will ever pray, etc.—*[Presented by Mr Peter Bone , Official Report,* 6 February 2019; Vol. 654, c. 362 *.]*

[P002401]

Observations from the Parliamentary Under-Secretary of State for Exiting the European Union (Kwasi Kwarteng):

The referendum on EU membership in 2016 was the biggest exercise of democracy in this nation's history, and the British people voted to leave. The deal the UK has agreed with the EU is one that respects that result: free movement will end, the UK will stop paying vast sums of money to the EU, and jurisdiction of the Court of Justice of the European Union (CJEU) will stop. On top of this, the deal protects jobs and the Union, and gives citizens and businesses certainty; it prepares the ground for an unprecedented free trade deal with the EU that recognises the development of an independent UK trade policy; it removes us from EU programmes like the Common Agricultural Policy and the Common Fisheries Policy, granting us control of our waters as an independent coastal state.

As we leave the EU, free movement will end and we will introduce our new skills-based immigration system. This will include visa-free travel for short-term visits, including for tourists and business travellers. As set out in the Government's recent White Paper, The UK's future skills-based immigration system, we want the democratically elected representatives of the UK to be the ones to decide who comes into this country. Ours will be a fair immigration system based on people's skills, rather than their nationality.

As well as ending free movement, the deal ends the UK paying vast sums of money to the EU and removes us from the EU budget. This will allow us to invest in domestic priorities, including the NHS, and will see all parts of the UK benefit from extra funding. There are of course areas where it makes sense for the UK and the EU to continue to pool resources, where we will deliver more together than we could alone. These include science and innovation, culture and education, and overseas development and external action.

In leaving the EU, the jurisdiction of the CJEU will end. After the implementation period, all laws in the UK will be passed by our elected officials in Belfast, Cardiff, Edinburgh and London. There will only be specific and limited circumstances where the jurisdiction of the CJEU applies, for instance where we choose to participate in an EU agency.

The Government are committed to leaving the EU with a deal that honours the result of the referendum, while protecting our economy, security and our precious Union. The Government are working with MPs and EU leaders to secure this deal, and the Prime Minister has urged MPs to listen to the British people to get this issue settled and to work with the Government to do just that.

Ministerial Corrections

Tuesday 12 March 2019

JUSTICE

Joint HMI Prison and Probation Report

The following is an extract from a statement to the House on 24 January 2019.

Rory Stewart: As right hon. and hon. Members will have seen in the media, the inspectors highlighted cases in which sex offenders were placed in hotel accommodation. The first thing I want to say is that this is something we will work very hard to avoid in future, and I will explain how we will do that shortly. This is a very small number of cases. Every year, over 10,000 people are released from prison under that form of supervision, and of those only 54—sometimes it is 55 or 56—will end up in some type of emergency accommodation. Of those individuals, only a very few—perhaps half a dozen—will end up in hotel accommodation.

[Official Report, 24 January 2019, Vol. 653, c. 370.]

Letter of correction from the Minister of State, Ministry of Justice:

Errors have been identified in the statement I made to the House.

The correct wording should have been:

Rory Stewart: As right hon. and hon. Members will have seen in the media, the inspectors highlighted cases in which sex offenders were placed in hotel accommodation. The first thing I want to say is that this is something we will work very hard to avoid in future, and I will explain how we will do that shortly. This is a very small number of cases. **So far in 2018-19,** over 10,000 people **have been released** from prison under that form of supervision **and 49 offenders have been placed temporarily in some type of emergency hotel or B&B accommodation.** Of those individuals, **around half were sex offenders**.

FOREIGN AND COMMONWEALTH OFFICE

Kurdistan Region in Iraq

The following is an extract from a debate in Westminster Hall on the Kurdistan Region in Iraq on 6 March 2019.

Harriett Baldwin: As colleagues have noted, since 2014 the UK Government have committed over a quarter of a billion pounds-worth of humanitarian support to Iraq, including to the Kurdistan region. That money has provided vital food, shelter, medicines and clean water to millions of people. In addition, we have committed over £110 million to Iraq since 2015 to help to stabilise the liberated areas and to enable internally displaced persons to return to repaired homes, with rebuilt water supplies and restored electricity networks.

[Official Report, 6 March 2019, Vol. 655, c. 458WH.]

Letter of correction from the Minister for Africa.

An error has been identified in my response to the debate.

The correct response should have been:

Harriett Baldwin: As colleagues have noted, since 2014 the UK Government have committed over a quarter of a billion pounds-worth of humanitarian support to Iraq, including to the Kurdistan region. That money has provided vital food, shelter, medicines and clean water to millions of people. In addition, we have committed over **£103 million** to Iraq since 2015 to help to stabilise the liberated areas and to enable internally displaced persons to return to repaired homes, with rebuilt water supplies and restored electricity networks.

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