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**HOUSE OF COMMONS  
OFFICIAL REPORT**

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**Friday 15 March 2019**

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## House of Commons

*Friday 15 March 2019*

*The House met at half-past Nine o'clock*

### PRAYERS

[MR SPEAKER *in the Chair*]

### Speaker's Statement: New Zealand Terror Attacks

**Mr Speaker:** In respectful memory of the 49 people who horrendously lost their lives in the terrorist attack in Christchurch, New Zealand, and of the apparently dozens who were injured in the attack on the two mosques, as well as in solidarity with the people of New Zealand and Muslims around the world, I humbly suggest to the House—I know that both sides of the House are on the same page as me in this regard—that we hold one minute's silence at 11 am. I think that some colleagues will want to say something about this matter now, before we get on to today's business, sitting in private or any of that. I therefore call Minister Ben Wallace.

**The Minister for Security and Economic Crime (Mr Ben Wallace):** Let me say to the House on behalf of the Government that we send our sincere condolences to the victims and people of New Zealand for their loss, and that they have our offer of any assistance required to deal with this repugnant attack. The UK stands shoulder to shoulder with New Zealand against terrorism, and we will not falter in our commitment to uphold the values of tolerance, religious freedom and democracy that we both hold so dear.

Later today, the Home Secretary and I will be speaking to police counter-terrorism leaders and the security services to discuss what further measures we can take to protect our mosques and communities from any threat here in the United Kingdom. No one should be in any doubt that our police and security services treat all threats the same and all terrorists the same. No matter what community, religion or background they come from, a terrorist is a terrorist, and we shall deal with them exactly the same.

**Mr Speaker:** I thank the Minister for the clarity and passion with which he has addressed the House. Colleagues will not be surprised to know that I intend to write to my opposite number in New Zealand, and I know that I will be able to do so conveying the sympathies of the House and the collective outrage of the House at this bestial slaughter.

**Wes Streeting (Ilford North) (Lab):** As the co-chair of the all-party parliamentary group on British Muslims, I thank you, Mr Speaker, for what you have just said. I also thank, most deeply and sincerely, the Security Minister for what he said about reassuring our own Muslim community in this country. Any of us who understand the Muslim community will understand why what has happened in Christchurch will be felt deeply by Muslims in this country and right across the

world, but we do not have to be Muslim to understand their loss, and their sense of grief and fear; we just have to be fully paid-up members of the human race.

Mr Speaker, I warmly endorse what you and the Security Minister have said. Through you, may I express our solidarity with the Prime Minister of New Zealand, all the people of New Zealand and Muslims right across the world? In the wake of Islamophobia and anti-Muslim prejudice not just in this country but right across the world, let us say plainly and simply that we are not blind to what is going on; we have been here before on many different fronts and in the face of many different types of prejudice.

Let me also say, I think on behalf of the whole House, to the people of New Zealand: you are not alone in confronting hatred and prejudice. We understand what happens when people are bystanders to hatred and prejudice, so we walk alongside you and with you. Being a good ally is not just knowing when to stand with or beside you; sometimes it is knowing when to stand in front of you, when there is a battle to be fought.

It is time for all of us in this House, across the country and around the world to think about the hatred and prejudice facing not only Muslims but lots of minorities, and to understand what it genuinely means to be an ally and never to be a bystander. As we have seen painfully in Christchurch, this is where hatred and prejudice lead, but this is not necessarily how it needs to end.

**Mr Speaker:** This poisonous barbarity will not prevail; I think we are all clear about that. I deeply appreciate the words of the Minister and the hon. Member for Ilford North (Wes Streeting). In saying what they have said, and doing so in the way in which they have, they have spoken for millions—if not hundreds of millions—of people around the world. I think colleagues will understand that there is a particular piquancy about me calling the hon. Member for Christchurch (Sir Christopher Chope).

**Sir Christopher Chope (Christchurch) (Con):** May I, on my behalf and that of my constituents, express our sympathy and solidarity with the citizens of our twinned city of Christchurch in New Zealand? This grotesque manifestation of religious hatred is beyond comprehension, but as the Minister intimated, it requires us all to redouble our efforts to promote the virtues of tolerance and religious freedom as the best weapons against the outrage of terror.

**Mr Speaker:** I am very grateful to the hon. Gentleman.

**Thangam Debonnaire (Bristol West) (Lab):** I stand in solidarity with all those who have spoken, and I thank you, Mr Speaker, for your words. I have the great honour and privilege of representing a constituency where there is a large faith community of many faiths. I want to say to the Muslims in my constituency, as Jacinda Ardern said this morning to Muslims in New Zealand: we are you, and you are us, and this hatred is not us; it is not for us. I know the pain that my Muslim constituents will feel. The thought that people could walk into a place of prayer and face this is unbearable. It will give my constituents comfort that you have extended your thoughts to them, Mr Speaker, and that

the Security Minister is attending to this. I wish to add my thanks to him and ask him to do everything he can to ensure that those in mosques across this country feel safe not just today but forever, and that they are welcome, because they are us and we are them.

**Mike Kane** (Wythenshawe and Sale East) (Lab): On behalf of the Labour party and Opposition Members, I wholeheartedly concur with the Minister and all Members who have expressed their deepest sympathies to those in New Zealand. As you said, Mr Speaker, we should all stand shoulder to shoulder with the Government of New Zealand, the people of New Zealand and Muslims there, here and across the world. The Jewish theologian Martin Buber said that solidarity cannot be found in a mosque, synagogue or temple, but is found in the space between people. It is the duty of all of us, in every legislature across the planet, to reduce the space between people so that the great Abrahamic religions can operate in peace together across the world.

**Mr Speaker:** Thank you.

**Tim Loughton** (East Worthing and Shoreham) (Con): I beg to move, That the House sit in private.

*Question put forthwith (Standing Order No. 163), and negatived.*

#### ROYAL ASSENT

**Mr Speaker:** Before we proceed with the first piece of business, I have to notify the House, in accordance with the Royal Assent Act 1967, that Her Majesty has signified her Royal Assent to the following Acts:

Supply and Appropriation (Anticipation and Adjustments) Act 2019

Organ Donation (Deemed Consent) Act 2019

Parking (Code of Practice) Act 2019

Stalking Protection Act 2019

Children Act 1989 (Amendment) (Female Genital Mutilation) Act 2019

Northern Ireland Budget (Anticipation and Adjustments) Act 2019.

**Sir Greg Knight** (East Yorkshire) (Con): On a point of order, Mr Speaker.

**Mr Speaker:** What a magnificent tie the right hon. Gentleman is sporting.

**Sir Greg Knight:** I am obliged, Mr Speaker. You just announced that my Parking (Code of Practice) Bill is now an Act of Parliament. It will bring fairness to motorists around the country when they park in private car parks. I want to place on record my thanks and appreciation to Members on both sides of the House who gave the Bill their support, thus enabling it to become law.

**Mr Speaker:** That is entirely proper. I congratulate the right hon. Gentleman on his success. I note what I have always known: that he is a real House of Commons person. He always has been, and he remains so.

## Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill

*Consideration of Lords amendments*

### After Clause 1

#### EXTENSION OF CIVIL PARTNERSHIP

9.44 am

**Tim Loughton** (East Worthing and Shoreham) (Con): I beg to move, That this House agrees with Lords amendment 1.

**Mr Speaker:** Said with alacrity and buoyancy. With this it will be convenient to take Lords amendments 2 to 6.

**Tim Loughton:** First, I echo the comments made by you, Mr Speaker, and all other Members on the senseless and brutal murder in New Zealand. New Zealand might be one of the furthest countries from the United Kingdom, but at times like this we stand shoulder to shoulder with our close cousins in all communities in New Zealand and express our sincere condolences and sympathy after this terrible tragedy.

Said with alacrity indeed, Mr Speaker, because today is quite an exciting day. In fact, it is so exciting that I got halfway to my office in the Commons this morning before I realised that I had non-matching jacket and trousers on and had to return. I have quite a nice tie on, and I am taking it personally that I was not singled out for such an accolade, too.

**Mr Speaker:** It is an admirable tie.

**Tim Loughton:** Thank you so much, Mr Speaker. Having made the journey back home, I eventually got to my office to realise that I had left my mobile phone in my jacket that I had taken off, so things can only get better today.

We have before us technical amendments. The Bill has had a long journey. It had its First Reading on 19 July 2017—those heady days when we had a relatively stable Government and could get legislation through the House. Today is a culmination of that, with ping-pong, which I hope will be solely ping and leave no pong.

Members will remember that when my Bill left the Commons last year, it contained my last-minute amendment obliging the Government to bring in the legislation on civil partnerships within six months of the Bill achieving Royal Assent. Curiously, although the Government at that time were not supportive of it, when it came to the possibility of a vote, a rather curious new parliamentary term was coined by the Immigration Minister, who said that the Government were not “actively” opposing my amendment. Hopefully that has now transmogrified into the Government supporting it.

While the wording of clause 2 has changed since the Bill left this House, I want to assure Members that the intention of the clause—to create equality between same and opposite-sex couples in their ability to form a civil relationship—remains. I amended my Bill on Report, before it left this House, to give the Government the ability to extend civil partnerships to opposite-sex couples, rather than just review the possibility of an extension. The Government, although slightly belatedly, came to

support the principle of opposite-sex civil partnerships, perhaps spurred on by the Supreme Court judgment in a case last June. I accept that there were technical deficiencies in the drafting of my original amendment.

Since then, I have worked with the Government and the noble Baroness Hodgson of Abinger, to whom I pay great tribute. She guided the Bill through the Lords as a private Member's Bill virgin, as she described herself, but did so skilfully and with great deftness, steering it on an even course so that it is back here with us today. Baroness Hodgson was able to correct those deficiencies and improve the drafting of the Bill. She then tabled and successfully moved the revised clause 2 and related changes in Committee in the other place, despite some rather indulgent attempts by certain peers in the other place to add their own agendas to the Bill, which were, alas, defective and would have had the result of scuppering the whole Bill. I pay tribute to the way that Baroness Hodgson steered those through potentially choppy waters to avoid the Bill being holed below the water line.

Lords amendments 1 and 2 replace my earlier version of clause 2. The new clause now requires the Secretary of State to amend by regulations the eligibility criteria of the Civil Partnership Act 2004 so that two people who are not of the same sex may form a civil partnership. The Bill requires that these changes be made so as to come in no later than 31 December. That will mean, as we have agreed with Ministers in the other place, that the legislation needs to be in place by 2 December, because notification of a clear 28 days is required before a ceremony can actually take place. There was an undertaking that civil partnerships would be available before the end of 2019, and I look forward to a series of invitations to civil partnership ceremonies on new year's eve.

**Sir Christopher Chope** (Christchurch) (Con): Many congratulations to my hon. Friend on steering this Bill through so successfully and on getting his timing absolutely right so that it could incorporate the decision of the Supreme Court. May I ask him whether he is concerned about the fact that subsection (1) of the new clause says:

“The Secretary of State may, by regulations”

thereby indicating a certain discretion, but subsection (2) says that if he exercises that discretion under subsection (1) then he “must” do so before 31 December? Is my hon. Friend suspicious that the contrast between “may” and “must” in subsections (1) and (2) could be used by the Government to undermine what he has just asserted?

**Tim Loughton**: I know my hon. Friend is always vigilant, rather than suspicious. Having sat through many Committees over many years in this House arguing the toss over whether the word “may” should be replaced by the word “must”, I have to say that I am not concerned about the wording of the Bill. I have had many conversations with the Ministers responsible, and the Government are absolutely committed to delivering on the undertakings in this Bill. It had to be put together in such a way to give some leeway to Ministers to be able to produce the right legislation at the right time. That involved a degree of discretion, which I know my hon. Friend and others in both Houses were concerned about. A number of undertakings were therefore added to the Bill and were given orally, not least a sunset clause, so that this clause, which I know my hon. Friend has had concerns about in the past, could not be

used for other purposes as something of a Trojan horse. I entirely appreciate his observation, but I do not share his concern that this will not actually be produced. I think it will be produced in a fairly short space of time. Goodness knows, we tried for long enough to get mothers' names on marriage certificates.

**Sandy Martin** (Ipswich) (Lab): Fairly shortly after being elected, I was approached by several opposite-sex couples who are determined to have a civil partnerships, and tens of thousands of people around the country would like to have such a civil partnership. Does the hon. Gentleman share my confidence that, were the Government to try to renege on it at this very late stage, such demand would be enough of an incentive to make sure the Secretary of State actually followed through on this?

**Tim Loughton**: As I will come on to say shortly, there have been some ups and downs with getting this Bill through. Back in October, on the civil partnerships clauses, the Prime Minister herself, in an article in the London *Evening Standard*, made it clear that Government policy was now firmly in favour of extending civil partnerships to opposite-sex couples. That was a clear undertaking, which was almost unanimously supported by Members of this House and very largely supported by Members of the other House. We have factored in the legislation in such a way that it can be brought in this year, which is really important and means it will also comply with the Supreme Court judgment. If there are people who have not entered into a civil partnership—presuming there are those who want it, and I know there are—before the end of this year, I shall be more than a little peeved, but I shall also be greatly surprised. That is not a problem I anticipate.

**James Cartlidge** (South Suffolk) (Con): I think this is an excellent Bill in principle, but I want to clarify one specific point. Subsection (2) of the new clause says:

“The Secretary of State must exercise that power so that such regulations are in force no later than 31 December 2019.”

Presumably, that does not stop them coming in earlier. Has my hon. Friend any expectation that they will do so?

**Tim Loughton**: That is a very good point. I appreciate my hon. Friend's support in saying that the Bill is very good in principle, but I also think it is very good in practice. If he remembers, the amendment that I added on Report said that the Government needed to implement this legislation within six months of Royal Assent. That was actually quite a tall order and, for all sorts of reasons, the Government were not as prepared as they might have been for this change in the law, which the Prime Minister finally gave her complete assent to in October. I was therefore content to let the six months slip, but the principle that it needs to happen by the end of the year is very important. As I will mention in a minute, a number of consultation exercises still need to take place to make sure that we get this absolutely right. Let us remember that this legislation does not give rise to the specific changes in the law; it enables the Secretary of State to bring in the changes that will enable opposite-sex couples to enter into a civil partnership. An awful lot of detail still needs to go with that, although I am glad to say that a lot of work has now been done by civil servants.

**Sir Greg Knight** (East Yorkshire) (Con): Will my hon. Friend give way?

**Tim Loughton:** Everybody wants to chip in, and of course I will give way to my right hon. Friend.

**Sir Greg Knight:** I am grateful to my hon. Friend, who has the second best tie in the House, for giving way to the person wearing the best tie. Subsection (6) of the new clause imposes a duty to consult. Who does he expect to be consulted, and is he in any way concerned that this consultation process may lead to a further delay?

**Tim Loughton:** I am going to come on to the consultation, but, absolutely, that cannot lead to further delay because we now have a timeline in the Bill. There is some detail still to agree—I absolutely appreciate that—but that should not prevent this new legislation from coming in before the end of this year. Again, my right hon. Friend is right to be slightly suspicious, and I am very grateful to him for taking the time to be here today. I am not sure how much longer he is staying, but I hope he does not get a ticket on his car—if he is parked on a line or somewhere on private property.

Subsection (3) of the new clause enables the Secretary of State to make other provisions by regulations if this is appropriate in view of the extension of eligibility. The current civil partnership regime is bespoke to same-sex couples, and this subsection enables the Secretary of State to ensure that a coherent scheme can be introduced for opposite-sex couples. Subsection (4) sets out some of the areas in which regulations will be needed, including matters such as parenthood and parental responsibility, the financial consequences of civil partnership and the recognition of equivalent opposite-sex civil partnerships entered into overseas.

Subsection (5) enables the Secretary of State to make regulations relating to the conversion of a marriage into a civil partnership and vice versa. At present, same-sex couples are able to convert a civil partnership into a marriage, and in implementing an opposite-sex civil partnership regime, the Government will need to consider what conversion rights should be given to opposite-sex couples. That is actually an important point about the practicalities of how this will be brought in. If hon. Members remember, the original Civil Partnership Act came in back in 2004-05 and then there was the Marriage (Same Sex Couples) Act 2013, but there was a delay between same-sex marriage becoming available and conversions from same-sex civil partnerships becoming available. Interestingly, however, according to the last figure I saw, only about 15% of same-sex civil partnerships chose to convert into a same-sex marriage after that became available.

**Kevin Hollinrake** (Thirsk and Malton) (Con): I congratulate my hon. Friend on bringing forward this very important Bill, which I fully support. I am very impressed by his prescience in introducing this Bill a year before the Supreme Court decided that this was a very good idea. He mentioned the power in subsection (3) of the new clause to make “any other provision”. Will he detail what kind of provision that might be in that particular part of the clause?

**Tim Loughton:** Is my hon. Friend talking about civil partnerships?

**Kevin Hollinrake:** Yes.

**Tim Loughton:** As I have mentioned, how one converts is one of them. My hon. Friend may be aware that the Scottish Parliament has been slightly ahead of us in that it has been making preparations to bring in opposite-sex civil partnerships, and it has launched a consultation. That is one reason why I have said that the Government here could actually get on with this rather more speedily, because they could take what Scotland has already done. However, there were some gaps in the Scottish consultation, including the whole thorny subject of conversions. That is why we need to make sure that we cover all those areas. As I know, because they have contacted me, a small number of people, who got married because that was all that was available, would be more comfortable with a civil partnership. On such details, it is perfectly reasonable to get some form of consensus. By and large, the principles in the Bill seek to emulate and reflect the Civil Partnership Act 2004 for same-sex couples.

10 am

We are trying to achieve complete equality for all couples in a marriage or a civil partnership, and it is right that those equivalent rights—although slightly differently interpreted—are available to those who wish to form whatever sort of partnership. Such rights could include replacing the existing right to convert a civil partnership into a marriage, or the creation of a new right to convert a marriage into a civil partnership. Regulations may also provide for the existing right to conversion, or any new rights, to be restricted or brought to an end in the future.

One suggestion is that the opportunity to convert a same-sex civil partnership into a same-sex marriage should be ended after a while because the full range of options is now available, and there should also be a window of opportunity for conversions the other way. We would then move on to a completely level playing field in which anyone can have a same-sex or opposite-sex civil partnership or marriage. The question of conversion will no doubt be of particular interest to many, and subsection (6) of the new clause requires the Secretary of State to consult before making any regulations on conversion. As my right hon. Friend the Member for East Yorkshire (Sir Greg Knight) said, it is important that everybody engages with this issue to ensure that we get it right, and I think this Bill will go through before such measures are finalised in Scotland.

**Sir Greg Knight:** My hon. Friend is generous in giving way. Subsection (4)(c) of the new clause refers to the financial consequences of a civil partnership. Has he received any assurance from the Government that such an arrangement will have no adverse financial consequences?

**Tim Loughton:** There are some financial consequences—mostly about private pensions—just as there were when civil partnerships were introduced for same-sex couples. That was accounted for in the Government’s previous consultations—my right hon. Friend may remember that there was a consultation on extending civil partnerships before the Marriage (Same Sex Couples) Bill, and again afterwards as a result of an amendment I tabled. The Government are aware of the financial consequences, which are not huge and are relatively insignificant, and

they have consulted on them. He need not worry that this Bill will be costly—indeed, I assure him that parts of it will save money.

Subsection (7) allows the Secretary of State to make regulations that protect the ability to act in accordance with religious belief. That could include, for example, ensuring that religious organisations are able to decide whether to host opposite-sex civil partnerships on religious premises, which should remain a decision for an individual religious organisation—I am not proposing any changes there. Subsection (8) enables the regulations made under the new clause to amend, repeal or revoke primary legislation, and amendments to clause 5 will ensure that those regulations are subject to the affirmative resolution procedure—I know that right hon. and hon. Members will be concerned about that. That will ensure that the regulations receive proper parliamentary scrutiny and are debated in this House and the other place.

Amendments 3, 4 and 5 make the necessary changes to the supplementary provisions for making regulations in clause 5, and amendment 6 changes the long title of the Bill to reflect the fact that clause 2 no longer relates to the publication of a report on civil partnerships, and instead relates to the extension of civil partnerships to opposite-sex couples—that is how it was when the Bill first started out, before the Government wanted me to change it. We are back where we were originally, but there has been a lot of good fun in the process.

Other clauses in the Bill that attracted widespread support across the House and beyond are completely intact, helped by various assurances given in the Lords by Baroness Hodgson and Baroness Williams, particularly about the consultation on moves to extend the power of coroners to investigate stillbirths. Other parts of the Bill add mothers' names to marriage certificates—that has not been available in England since 1834—enable coroners to investigate stillbirths where appropriate, and oblige the Secretary of State for Health and Social Care to review how we might register stillbirths before 24 weeks, which are technically referred to as late-term miscarriages. A working party has already started work on that. It has slightly ground to a halt since last autumn, but it will be obliged to report under provisions in the Bill. A lot of work still needs to be done on that difficult subject, about which hon. Members heard many emotional testimonies during the passage of the Bill.

Perhaps I may crave the House's indulgence before I conclude my remarks, because this will hopefully be the final hurdle for a Bill that started in this House on 19 July 2017, but had its genesis in amendments that I proposed to the Marriage (Same Sex Couples) Bill in 2013. This Bill has kept me awake for much of the past 20 months or so, and I wish to say some thank yous.

Even if I say so myself, this Bill is quite a remarkable achievement—*[Interruption.]* I am going to say so myself, and I really do not care: it is a remarkable achievement, and will be law in a few weeks' time. As I said at the outset of my remarks, this is the most greedy and ambitious private Member's Bill that I have seen in my 22 years in this House. It proposes not one but no fewer than four main changes to the law. It involves legislation involving not just one Department but four, and the engagement of not one but four Secretaries of State, three of whom unhelpfully got reshuffled when the Bill was approaching Second Reading, which meant that I had to start my difficult negotiations all over again in January 2018.

This is not a handout Bill, and it would not be happening had not various people supported putting all these clauses together. As I said, I made it so complicated because in my 22 years in this House of applying for the private Member's ballot each year—other than when I was a Minister—and failing to be picked, this was the first time my name came up, and no doubt it will be the last. I went for broke, and I think we have come up trumps.

We started in the Commons on 2 February 2018, not knowing whether the Bill would receive its Second Reading, and we had to make a number of last-minute compromises. We had a lot of help from Baroness Hodgson and Baroness Williams, and other organisations that have fought tirelessly for this Bill, such as the Equal Civil Partnerships campaign—its members are looking down from the Gallery very sedately and excitedly, ahead of the celebration that we will have later on—as well as other organisations, such as the Campaign for Safer Births, and I particularly pay tribute to Nicky Lyon, Michelle Hemmington and Georgie Vestey. A few other institutions were not quite as supportive, but we got the Bill through anyway and I will not name them.

**James Cartlidge:** I was pleased to speak on Second Reading, but I think one question was not covered—forgive me if it was. It will be interesting to see what happens to civil partnerships before we break up the fundamental partnership that we are currently debating, but what is the impact on nationality rights for those in civil partnerships compared with those in a traditional marriage? Is it the same, because that issue will be important in the coming months for those in a civil partnership with an EU citizen?

**Tim Loughton:** As I think I said rather unfairly to one of our colleagues who made a not-dissimilar slightly technical point on Report, nobody likes a smart-arse. *[Interruption.]* My hon. Friend and I are very good friends, Mr Speaker, and I am grateful to him because he raises a good point. I have had a number of emails from people who live abroad or who have had ceremonies in other jurisdictions, and part of the consultation and final details that need to be added to the Bill are on such matters. The principle is to replicate absolutely the rights and opportunities that are available for same-sex couples. If the Bill does not try to achieve complete equality, or as close to it as is physically possible, it will not have achieved what it tries to achieve. This is all about equalities and equal opportunities.

**Neil O'Brien (Harborough) (Con):** Having heard my hon. Friend's observations on my hon. Friend the Member for South Suffolk (James Cartlidge), I am loth to ask a question, but I wonder if he will reflect on the Lords debate on civil partnerships between siblings, and say how he feels about that.

**Tim Loughton:** My hon. Friend, who attended previous debates as assiduously as my hon. Friend the Member for South Suffolk (James Cartlidge), raises a good point. I think it is the noble Lord Lexden who has a private Member's Bill in the Lords, and, in the past, other Members in this House have tried to change legislation so that a formal civil partnership would be available to sibling couples, typically two sisters who have lived together in a jointly owned property over many, many years. When one dies, the other is faced with a large inheritance tax bill and all sorts of other things that are

[Tim Loughton]

clearly disadvantageous. I have a great deal of sympathy with that, but my response—Baroness Hodgson spoke to Lord Lexden and others about this—is, first, that the Bill is not the place to address that situation, because it is essentially a financial matter.

The Bill is about families and partnerships; that situation is about fair financial treatment between blood relatives who are committed to each other. If it were to be addressed in a finance Bill or a similar measure, I would have some sympathy for it. I think it should be judged on that basis. I am talking about couples who come together and may have children. I know there are some special circumstances, for example where a couple of sisters may be looking after a niece or nephew of a deceased sibling. It is complicated, but essentially it is a matter of financial unfairness and I would like to see it dealt with in financial legislation.

**Julian Knight** (Solihull) (Con): On that specific point about financial matters, does my hon. Friend therefore think that that should also apply to pensions and the passing on of pension rights?

**Tim Loughton:** Again, that is a good point. As the law is framed at the moment, they would not qualify. Some generous schemes might recognise that there was a dependent relationship, but those issues need to be looked at in greater detail, with the wisdom and scrutiny of officials and Ministers from the Treasury and the Department for Work and Pensions. I would certainly suggest that the Government, or any other Member whose name comes up in the private Member's Bill ballot, look at the issue separately. Private Members' Bills cannot be used for financial matters, so there might be a problem there, and that is why this Bill would not be the most appropriate vehicle to deal with it.

Hundreds and hundreds of mothers and fathers of potential civil partners have written to me and other hon. Members in support of the Bill on its long journey. There have been some heart-rending accounts, particularly from those who have suffered the trauma of stillbirth. I have to say that at times the progress of the Bill has been in spite of the Government, rather than with their support, although I think they have come to realise that the Bill always was the best and the speediest vehicle to deliver civil partnerships and marriage certification with mothers included, especially after many abortive attempts.

If I could just single out one Minister it would be the Under-Secretary of State for Justice, my hon. Friend the Member for Charnwood (Edward Argar). He wanted to be here today. He has a lot of skin in the game with many of the issues in the Bill that he has championed in this House. He has gone above and beyond. He stepped in to bash heads together in Departments to find a way through and he has done a lot of work within his own Department on preparing for the power to go to coroners to investigate stillbirths. When the Bill becomes law, I think there will be a short space of time before it is put into effect. I pay particular tribute to him and give him my thanks for all the help he has given in some uncertain waters that we have charted on the Bill's journey.

Lastly, I would like to thank the officials. A number of officials have also suffered sleepless nights. They have pulled their hair out and sent me emails at some

very antisocial hours as they battled to ensure we got this through the Lords in particular. It is invidious to single them out, but if I could just mention Ben Burgess in the House of Lords, whose quiet but skilful diplomacy in convincing certain Members of their lordships' House that less is more kept the Bill on an even keel. I would also like to mention the redoubtable Linda Edwards from the Home Office, whose combination of energy, cajoling, diplomacy and forthrightness has been the absolute making of the Bill. I am convinced that without her guiding it through as the lead official in her role in the Home Office, we would not be where we are today. I pay tribute to them.

It has been a long journey. I first raised this issue in 2013 via an amendment on civil partnerships during the passage of the Marriage (Same Sex Couples) Bill. It would have prevented an awful lot of angst if at that stage the Government had agreed to full equality by agreeing to amendments, which were supported by many Members on both sides of the House, to bring about equal civil partnerships for opposite-sex couples. The genesis of the Bill is even longer than Brexit, but unlike with Brexit today we will have closure and a reason to celebrate.

**Mr Speaker:** I am extremely grateful to the hon. Gentleman—in fact, now probably right hon. Gentleman.

**Tim Loughton:** I very much doubt it.

**Mr Speaker:** Well, if he isn't, he jolly well ought to be. I feel sure that it is only a matter of time.

10.15 am

**James Cartlidge:** It is a great pleasure to stand up as an anointed smartarse and talk on this important subject.

Before I do so, I want to echo all the words that have been spoken today about what has happened in New Zealand. It is a terrible, terrible tragedy. If I may say, Mr Speaker, as the Foreign Secretary's Parliamentary Private Secretary, it is possible—I hope this is not the case and I have no information—that, given the links between our two countries, family members will be worried about loved ones who may be abroad. As always, the consular service is there and available. I am sure all colleagues know that there is a private number they can use if constituents who are concerned about family members in New Zealand contact us. Let us hope that that is not the case.

It is a great pleasure to speak in support of the Bill and I very much agree with the principle behind it. When I spoke on Second Reading, I said that if there was one question that it raised in principle—this goes to the core of the amendment we are discussing—it was whether, in effect, this was a commitment-light choice; we were saying to people that they could have a civil partnership if they did not want to make the full commitment of, shall we say, a conventional marriage. I reflected on that and came to the conclusion that, on the contrary, civil partnerships were a way for people who, for many reasons, would not have wanted to go down the traditional route, to show commitment to a far greater degree.

One very real case reinforces that and underlines the point of the Bill, which I think will have huge use and ramifications for our society. It is the case of a councillor in Babergh District Council in my constituency. It is her



personal testimony and it just so happens that she is also my parliamentary researcher. She is Councillor Harriet Steer and she has given me this testimony to share with my hon. Friend. She will be getting married in May. She says:

“We would have chosen a civil partnership if the option was available to us. The main reason being that traditional marriage carries a lot of archaic rhetoric that does not sit comfortably with us as a couple, or with me as a woman and Gustaf as a Swedish man brought up to believe fully in equality. This in no way diminishes our desire to commit ourselves to the relationship and each other.”

This is key. She goes on to say:

“We want to cement our commitment for a number of reasons, including that if we were to have children, they would be part of a committed family structure. I have grown up with the security of knowing that my parents are committed to one another and our family, and that provides a level of security that I would wish to afford to our children in the future. It is also a celebration of the fact that we have spent nearly a decade with each other, and provides legal benefits to the relationship. For example, if I were in an accident I would want Gustaf to decide what happens rather than my parents, as he will have a much clearer idea of my wishes.”

She concludes:

“A civil partnership would provide us with the elements of a traditional marriage that we are seeking without the heavily sexist sentiments and history. It would not diminish our commitment to the institution that we are joining but result in a better fit.”

**Neil O'Brien:** Does my hon. Friend agree with his researcher that marriage has sexist connotations?

**James Cartlidge:** I am reading out her personal and passionately held views. I certainly would not make any judgment on them. The interesting thing is that when my researcher passed me this note, she said that she was discussing the Bill last night with friends. She is in her mid-20s. They all said that they would prefer this route than marriage. I think that that is profoundly interesting.

**Victoria Prentis (Banbury) (Con):** I have heard equally powerful testimonies from those who are the product of broken marriages and who come to the idea of marriage with a lot of baggage. Is that something my hon. Friend recognises?

**James Cartlidge:** That is an excellent point. Frankly, whatever form the legal joining takes, we cannot legislate for humanity's various ways of working positively and negatively and interacting with one another. There will be breakdowns in civil partnerships just as in traditional marriages. I hope that having this structure means that more people bring more stability for their children and to their lives in a way that they find amenable. I think that this is a historic moment and that this option will become very common. I do not know what assessment or predictions have been made of the likely take-up—who can possibly say?—but I think that this change will have a very significant impact.

**Julian Knight:** My hon. Friend is making a very powerful speech and it is really interesting to hear the thoughts of his parliamentary assistant, who feels similar to me. Does he agree that people of faith—I am a person of faith—also have to have strength in their faith to understand others who do not have that faith and perhaps to allow them complete equality under the law?

**James Cartlidge:** My hon. Friend makes an excellent point. In reading this real-life testimony and talking about the potential impact of the new structure, I can imagine that there would be those who say, “Well, hold on a minute. What about religious marriage? What about commitments through historical, established ways?” but the point is that the Bill is no threat. It just provides a different way for people who do not have those views. As my hon. Friend rightly says, a part of faith—particularly of the Christian faith and, I imagine, all other faiths—is that we tolerate people who take a different view. Indeed, the vile act overnight goes against all religions, precisely because it goes against the principle of religious tolerance.

**Kevin Foster (Torbay) (Con):** I completely agree with my hon. Friend that all true followers of a faith would absolutely abhor what happened last night. No religion calls for blood, slaughter and murder in that way.

Turning to the Bill, a comment was just made about the idea of marriage versus civil partnership, but many people who have a religious faith have a very different view of marriage from those who do not have faith and get married. It is not just the idea that people in a marriage have one set of views compared with those in civil partnerships. Those entering into marriage will have varied views. I view it as an act of union before God, whereas those getting married at a local register office may take a very different view. It is about what it means to the couple and the individuals concerned.

**James Cartlidge:** That needs no further comment—it was brilliantly put, as always, by my hon. Friend. I look forward to hearing from him today, as we so often do on private Members' Bills.

**Kevin Hollinrake:** My hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) referred to the principles that lie at the heart of the Bill and this particular part of it in terms of equality, as did my hon. Friend the Member for Solihull (Julian Knight), but there is something else as well. My hon. Friend the Member for South Suffolk (James Cartlidge) read out the note from his constituent—I think he said she was a councillor—and she used the words, “We would have chosen”. Is not the principle choice and freedom? Today more than ever we should absolutely make sure that we reinforce that principle at the heart of the Bill.

**James Cartlidge:** My hon. Friend makes an excellent contribution and he is absolutely right. It is interesting that the Bill brings not only choice, but responsibility. We are not talking about some sort of libertarian agenda. The Bill provides a chance to have a choice and also to bring greater stability to people's lives and for the children that they may have, so that is a very good point.

I want to make one more point about my researcher, Councillor Steer, whose testimony on this important matter I read out. It is fair to say that she is not a Brexiteer and that she sees certain advantages in marrying a Swede—although, of course, that is not the reason. I raised that point in intervening on my hon. Friend the Member for East Worthing and Shoreham, the promoter of this very good Bill, because it is important and will bring focus in future to what happens on someone's nationality if they have a civil partnership as opposed

[James Cartlidge]

to a marriage, and so on. However, there are finer legal minds in the Chamber today to comment on these matters, and I will leave that to them.

On timing, it is interesting that my researcher would have chosen the option under the Bill. The sooner that it can be available, the better, because there really are people on whose lives the Bill would impact and who would choose to go down this route. It is satisfying to know that the very latest that the provisions may be used is new year's eve. I imagine that if that is when there is the first civil partnership under the Bill, there will be quite a party.

Finally, I note that amendment 1 refers to the "financial consequences" of civil partnership. In my experience, there is a lot of complexity around inheritance tax regulations, pensions and so on, and I hope that others may be able to clarify the implications of some of those points. I am very happy to support the Bill. Not only is it a very good Bill in the areas that it covers, such as marriage certificates and others, but I think it will be historic and in future standard practice by which people cement commitment and show their love for each other in a way that is no more or less worthy than any other.

**Victoria Prentis:** It is a great pleasure to follow my hon. Friend the Member for South Suffolk (James Cartlidge), who spoke very passionately. I echo what he said at the beginning of his speech: it is relevant, when, on Fridays, we consider important, life-changing events, that we think about people around the world recovering in the aftermath of a horrific attack in New Zealand. I think today about my constituents going to Friday prayers at our two mosques in Banbury. That will be a difficult and worrying experience for people all around the world and it is right that we should think of them.

This is the third time that I have risen to support the Bill. We could view it as hatched and matched, and now is the time to dispatch it to the wider world. I am very glad to see that the Lords considered it in such detail and to be here today for its return to the Commons. I appreciate the Bill's far-reaching scope, but it has come a long way since it was introduced by my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton)—my good friend. It is customary on Fridays for us all, at this point in the dispatching process, to praise to the skies the hon. Member who has brought the Bill to its dispatching moment, but as he did that so well himself, I do not know that I need to add much, apart from to congratulate him on ultimately getting dressed this morning and to thank him for the persistence and good humour with which he has involved very many people in both Houses in the production of the Bill.

Looking around the Chamber, I see my hon. Friend the Member for Solihull (Julian Knight), who I remember had a very emotional debate in Westminster Hall when we first arrived in this place about mothers' names on marriage certificates. I think that he, like me, would like to pay tribute to our other right hon. Friend the Member for Meriden (Dame Caroline Spelman), who has worked particularly hard on that issue, which really is irritatingly long overdue.

In all seriousness, I pay great tribute to my hon. Friend the Member for East Worthing and Shoreham, who has worked hard, even if he knows it himself. I

wish all parts of the Bill well. It has had cross-party support and I hope that we can come to an agreement today so that it can get through its remaining stages and receive Royal Assent before the end of the parliamentary Session. I also hope that Members in the Chamber continue to push. We may have achieved consultations and we may have got the Government to agree to look at things, but we want to deliver on all the Bill's promises, so that dispatching means fruition rather than the sadder meanings of the word.

The focus of amendments from the Lords centre around extending civil partnerships to other couples. We have moved from a position where the Government were going to undertake unspecified work on how that could be done to putting an obligation on the Minister for Women and Equalities to prepare a report on the subject. We find ourselves today with a real commitment to bring in the necessary regulations before the end of the year. This is a great example of how Back-Bench MPs can work with Government to bring about change, and it is possibly also an example of why we think that a deal is better than no deal.

I also welcome the reassurance in subsection 7 that the decision to host an opposite-sex civil partnership on religious premises will remain a decision for individual religious organisations. I know that the Bishop of Oxford made an extremely thoughtful contribution when the matter was discussed in the other place last week.

10.30 am

As I have said previously, other measures on the registration of stillbirth and mothers' names on marriage certificates are long overdue. Members will know that I represent the all-party parliamentary group on baby loss, which I am glad to say is also very well represented in the House of Lords by a number of grandfathers, who have spoken to me passionately about how they too have suffered when a baby has died. Members of both Houses feel very passionate about this, and fully understand why these changes were needed, but also needed to be consulted on and dealt with extremely sensitively. When the law comes up against personal feelings, particularly death, it is important for us to go slowly and consult slowly, but to achieve progress in the end.

**Kevin Hollinrake:** I had the great privilege to take a couple of private Members' Bills through the House myself, one of which my hon. Friend strongly supported. When I explained those two Bills to the public, their reaction was "Why do those provisions not already exist?" Surely the same applies to this Bill: all three of its provisions should have been introduced long ago.

**Victoria Prentis:** I thank my hon. Friend for his intervention. I am forever indebted to him for his sterling work on parental bereavement leave. That is, of course, something else that we should have thought about earlier, but the fact is that we used not to talk about baby loss, or indeed death, in the way that we are now beginning to be able to. I think that the conversation about death is one that we need to have in a grown-up way.

I am proud to support my hon. Friend the Member for East Worthing and Shoreham again today. He has done sterling work, and we should all support him.

**Julian Knight:** Thank you for calling me so early in the debate, Mr Deputy Speaker. Let me add my comments to those of other Members about the tragedy—the abomination—that has been unfolding in New Zealand overnight. As one who represents a very diverse community in Solihull, I have seen at first hand just how disgusting religious intolerance is: not so long ago, a pig's head was left at a mosque. I shall be writing to and communicating directly with leaders of the Muslim community in Solihull. We really must stamp out this religious intolerance.

I pay tribute to my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton), who has been very modest during the debate. He is noted for that. [*Laughter.*] I pay tribute to him for the way in which he has persevered relentlessly with the Bill, in the face of some opposition at times, for the way in which he has worked across parties, and for the way in which he has put his case. All that has been an example of true, fine parliamentary activity.

I am sure that I speak for the great majority of Members when I say how pleased I am to see this important Bill making such fine progress. As my hon. Friend said, it is an ambitious Bill. It tackles several social wrongs at once, and does so with great precision and attention to detail. Many of its provisions, especially those updating the law on marriage, are long overdue, and will do much to bring that ancient institution into line with the evolving values and mores of British society today.

The absence of mothers from marriage certificates is an absurd anachronism which, my hon. Friend tells me, has persisted for 182 years; I had thought it was 150. That is utterly ridiculous. I join my hon. Friend the Member for Banbury (Victoria Prentis) in paying tribute to my good friend, my right hon. Friend the Member for Meriden (Dame Caroline Spelman), who is another fine parliamentarian and a superb neighbour, for the work that she has done.

As I have mentioned before, I have personal experience in this regard. The stark reality is that 90% of single parents are women, and I myself was raised by my mother from the age of 10. She worked two jobs and raised me single-handedly, which probably equates to a third job. She worked herself to a standstill, and between the ages of 14 and 18 I had to become a young carer because of all that hard work. She had worked for British Telecom, and in a bar at night; she would start at 8 am and finish at 11 pm. I was lucky enough to keep a good relationship with my father over the years, but my mother raised me, and I was appalled to find, when I got married in 2014, that as far as the official documents were concerned, she might as well not have existed. But she mattered, of course, and that was entirely unjust. I am delighted and relieved that this glaring oversight will be corrected in the very near future.

**James Cartlidge:** My hon. Friend is making a powerful and personal point, and we all admire him for his bravery in doing so. Does he not agree that one of the great powers and privileges we have in Parliament is the ability to correct historic injustices that we have experienced directly, so that others may not suffer the same fate?

**Julian Knight:** I thank my hon. Friend. He is a very compassionate and good friend of mine, and he is absolutely correct. I just wish we could have done this

sooner, but we are here now, getting it done, and that is thanks to my hon. Friend the Member for East Worthing and Shoreham.

I am pleased that the Government are taking the opportunity provided by the Bill to review the way in which we record marriages in this country. The fact that the alternative means of achieving some of these important reforms via secondary legislation, which would involve reissuing tens of thousands of paper records, was found to be so extraordinarily inefficient, time-consuming and expensive has shone a spotlight on how analogue the marriage registration system still is. I know that some of this officialdom has become part and parcel of the wedding ritual, and I hope that the process of signing the register and receiving a certificate can remain for those who want it, but there is no doubt that moving towards a secure, streamlined and centrally accessible marriage register is a logical step forward.

The second important change ushered in by the Bill is the opening of civil partnerships to heterosexual couples. As I said earlier, I am married and I am pro-marriage. It is an ancient and precious institution, which offers happiness and security to millions of people in this country. As a Conservative, however, I recognise that institutions only survive to become ancient and precious if they are able to adapt to social change. As I also said earlier, people of faith must have strength in that faith, and must understand and adapt. There is no doubt that public attitudes towards marriage, in both its legal and its religious dimensions, have evolved since the law was last updated.

I am a person of faith, although sometimes it is quite a fragile faith, but an increasing number of my fellow citizens are not, and I quite understand why many of them would be uncomfortable at the prospect of marriage. Even a civil ceremony carries the weight of a long and deeply religious history. I recognise, too, that after decades of rising divorce rates, there are doubtless many people who have experienced marriage, either personally or close at hand, and decided that it is not for them. The fact that I myself did not marry until I was nearly 40 may be an indication of the long-term effect that a marriage breakdown can have. None of that should for one moment be taken to imply that those people's love for, and commitment to, their partners is any less than the love and commitment felt by those who do decide to get married, but the law as it stands assigns an inferior legal status to their relationships.

My hon. Friend the Member for South Suffolk (James Cartlidge) mentioned financial implications. It is important to align inheritance tax and pension rights so that heterosexual civil partners have the same rights as those of the same sex. That should not be left to the discretion of trustees in private pension schemes. My hon. Friend the Member for East Worthing and Shoreham raised the question whether pensions could be passed to siblings. It would be a matter for the trustees, but I know of very few who do that at present.

I had hoped for a change in the way in which heterosexual couples in civil partnerships are treated in more sensitive circumstances, such as those involving hospitals. On Second Reading, I spoke of my personal experience when I lost my partner in a road traffic accident in 1999. I will not go over that particular story again, but I will say that I had to almost beg my way into a ward where the woman I loved was dying. That was not right, and I really hope that no one else will have a similar experience.

[Julian Knight]

As for the law governing stillbirths, I am glad that the Bill deals so sensitively with what must be an unimaginably painful topic for so many. It is never right when arbitrary officialdom intrudes to compound the grief of a bereaved family, let alone when it stands in the way of a proper investigation of a child's death. It is quite right that the law will be changed so that coroners are able to investigate stillbirths; that is an important extension to unborn children and their parents of rights due to every living person.

**Kevin Hollinrake:** Some time ago, when I was taking the Bill I referred to earlier through the House, one of my constituents contacted me to say that their son was born after 23 weeks and six days and sadly passed away two days later, but had that not happened they would never have been able to register the baby. What a massive difference between those two positions. It cannot be right that this will not have been possible until the Bill has been brought into effect.

**Julian Knight:** I could not have put it any better myself; that is absolutely the right approach and the right thing to say, and we are correcting that wrong in this place today.

As well as allowing for official investigation, the Bill opens the door to providing official recognition to babies who are born dead before the current deadline, allowing their parents to name them and have their birth officially recognised. That is a very positive step forward to say the least, and I deeply hope it will provide some comfort to those poor parents of stillborn children. Of course there may be some for whom such matters are the very last thing they want, and I hope and trust that their rights and feelings will be properly accounted for in the implementation of any new system and that it is done in the most sensitive way possible.

This is an exemplary Bill: rather than trying to deliver big changes through broad wording and aspirational intentions, it bundles together a number of detailed, well considered changes that will deliver real, tangible change in several important areas. It will bolster marriage and the alternatives to marriage, and afford long overdue recognition to both mothers and unborn children. I hope the entire House will join me in supporting its swift progress on to the statute book.

**Kevin Foster:** It is always a pleasure to be called to speak by you, Mr Deputy Speaker, and to see you in the Chair. This is a welcome chance to say something about this Lords amendment, but first I wish to join other Members in reflecting on the events in New Zealand yesterday. Having visited New Zealand and its Parliament last year, I saw how often throughout history our two nations have stood together. It is worth remembering that at the moment when this nation faced its greatest peril in 1940 there were Kiwis who travelled thousands of miles to come here and defend our democracy; they literally stood on the shores of Britain ready to meet a Nazi invader had they ever managed to cross the channel. So we stand in solidarity with them in facing the fascists today in the way that we defeated the fascists of the past.

This Bill is very welcome, and particularly the new clause being inserted into it. People should have a choice about what type of relationship and legal partnership

is right for them. As I alluded to in an earlier intervention, when I got married in June 2017 it was a religious sacrament; that was part of being united together. It was a very special experience—we had the mass straight afterwards, as that was the first thing we wanted to do as a married couple. But that is not everyone's choice, and it is not everyone's view on marriage.

There are different religious faiths and different religious communities, including in the Christian faith. There are very different views across the spectrum of Christian opinion, for example on divorce and remarriage. There are those who have annulment as the only option and those who recognise civil divorce in a religious context.

**Sir Greg Knight:** Does my hon. Friend agree that it is good that the Bill imposes on the Minister the duty to consult and that people should be consulted before we change the law? Does he also think this Bill will have any impact on landlord and tenant relationships and the rights of a civil partner?

**Kevin Foster:** I thank my right hon. Friend for his intervention; I was a great fan of his private Member's Bill, which I am delighted to hear now has Royal Assent.

On the impact this Bill might have on the rights of landlords, we should be clear that we are not creating a new legal concept here: civil partnerships have now existed for some time and courts are familiar with dealing with them, so I would expect any rights accruing under tenancies through being a civil partner in a same-sex situation to transfer in exactly the same way to a civil partnership between persons of a different sex—a mixed-sex couple. I do not see why it would extend, or for that matter contract, the rights that have already been created effectively under law by allowing civil partnerships between same-sex couples. I would expect the courts to view them as exactly the same—I think that is the thrust of the Bill—in the same way as civil partnerships, when they were created, had much of the legal history of civil marriage attached to them. That was a large part of the argument used at that time, when it was felt that it was the right step for Parliament to legislate for civil partnerships.

At that time, of course, there was not the option of a legal union for a same-sex couple, hence civil partnerships were created. The intention was to provide much of the legal status of marriage without actually having a civil marriage. Of course, the law has moved on and we now have same-sex marriage, allowing the option of civil partnerships for mixed couples. But I would not necessarily see anything that a landlord should fear from the Bill, other than the same things they would be used to dealing with for a same-sex couple who have entered into a civil partnership.

10.45 am

**Kevin Hollinrake:** My hon. Friend will be aware from his legal background that marriage or civil partnership affords both members of a couple additional rights to a position where they are just cohabiting. It may well be the case that some people are more comfortable in a civil partnership, and through the Bill they can effectively grant each other greater rights in case there is ever the need for them due to any unforeseen circumstance.

**Kevin Foster:** I agree, and as always my hon. Friend brings his expertise in that industry to the Chamber. Yes, this does create tenancy rights, and again I do not

see any reason why extending this to mixed-sex civil partnerships would have any different impact on the landlord-tenant relationship from that which same-sex couples and civil partnerships have had.

This Lords amendment is very welcome, and I want to reflect briefly on one of the points made by my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton): that this does not force a religious organisation to offer civil partnerships. If a Church decides it wishes only to offer marriage in a sacramental sense, it still has that choice. This is not about taking away anyone's right or ability or forcing someone to offer something they do not wish to offer; it is about extending choice to those who currently do not have it.

I appreciate that not everyone wants to get married in church; that is not the right option for everyone—although for me it was. Not everyone necessarily wants to have the institution of marriage, given what some people foresee as its historical position. I personally profoundly disagree; I believe it is about a unique partnership that puts two people together for life, and that is very special.

My mother passed away in 2014, but my father would still see himself as married to my mother today, five years after her death. My grandparents were together for 57 years prior to my grandmother's death. For them it was something that was unique and very special, and it signified what they meant to each other. I accept that for my family that was achieved through religious marriage in church, whereas for others it would be through the choice of a civil partnership which they feel better reflects their lifestyle or the choices they wish to make. I do not see why now in the 21st century the law should not allow them that opportunity. No one is not going to be able to get married because this has passed; it just gives people a choice.

**James Cartlidge:** We are used to this tradition of Friday speeches. The whole point is that we are giving a new right, not taking any away from people.

**Kevin Foster:** I thank my hon. Friend for his intervention. I could not have put it better myself. This is about new rights, new choices and new abilities for people, to reflect the different lifestyles and relationships of today.

The Bill will also help to deal with the idea of the common law spouse. Too many people think that they have some sort of status as a common law husband or wife, right up until the point when tragic circumstances occur and they suddenly discover that they have virtually no status at all. In fact, they have the same status as a mate they know down the pub. That is when things start to go wrong, but the Bill should help to reduce the number of such occurrences.

**Victoria Prentis:** I cannot emphasise enough how critical it is that we get the message out that there is no such thing as a common law spouse and that it confers no rights at all. What more does my hon. Friend think we can do to get that message across? This is what I was referring to, slightly facetiously, when I said that deals are better than no deals.

**Kevin Foster:** My hon. Friend is absolutely right to say that we need to get the message out there. Ironically, people think that it is somehow easier to be a common law wife or husband, when it is actually easier to be viewed as married in a religious sense than it is in the legal sense.

There is a story that I will not go into in too much because it involves the last week of my mother's life, and there are difficult memories, but I will mention it briefly. My mum was in a hospice, and a little blessing service was held, at which Hazel and I were present. It was referred to in some of the coverage that our engagement ring was my mother's ring, which she gave to Hazel that day. Had the priest run through the vows there that day, Hazel and I would have been a married couple in the Christian religious sense. Under the law, the marriage would not have had any legal status because we would not have complied with the terms of the Marriage Act 1949; we would not have posted banns, given notice or obtained a special licence. However, in a Christian sense, we would have been a married couple, had she run through the vows that day. People forget that it is easier to be viewed as married in a religious sense than it is in a legal sense. And, as my hon. Friend says, there is no such thing as a common law wife or husband in the legal sense.

**Sandy Martin:** Will the hon. Gentleman give way?

**Kevin Foster:** I will in just a moment.

My hon. Friend the Member for Banbury (Victoria Prentis) asks how we can get this message out there. We are doing it through debates such as these, but we are also creating an option for people who want to have a legal relationship but not necessarily a religious one. Agreeing with the Lords amendments today is certainly a good way of doing that, and we must ensure that, as the legislation is brought in, the Government conduct a clear information campaign to make people aware that this will be a partnership with legal status, rather than just living together and hoping that that will count.

**Sandy Martin:** The hon. Gentleman has just answered the question I was going to ask. However, does he agree that getting the message through to all the people who believe they have a common law marriage that they need to do something about it is possibly one of the most effective parts of what we are doing here today?

**Kevin Foster:** I thank the hon. Gentleman for his welcome intervention. I hope that that is indeed the case.

Some of this grows out of the time when it was very difficult to get divorced. It was expensive, and the legal system reflected a different era. This is about simplifying the options. It is also about same-sex couples. Sadly, for too many years they were denied the opportunity to have their relationships—often close, loving relationships that had lasted for many decades—recognised under the law, whereas an opposite-sex couple could quite easily get married purely for convenience or to avoid certain tax liabilities. We have rightly moved the law forward in that regard to give people options and opportunities. People now have a choice if they do not necessarily want to see themselves as married but want a form of legal recognition for their relationship.

Sadly, there have been too many cases over the past 30 or 40 years involving same-sex couples who have had a close and loving relationship, and when one of them passes away, the relatives have suddenly developed rather Victorian attitudes to such relationships when they realise that there might be a few quid in it for them. Those relatives often launch legal actions that the deceased

[Kevin Foster]

partner would certainly not have wanted to see, because they would have wanted their property dealt with in a very different way. We must get the message across that there is something about being married or being in a civil partnership that gives people legal recognition and puts their status and wishes beyond doubt.

**Sir Greg Knight:** My hon. Friend is making a number of powerful points. Does he agree that there is a case for the Government pursuing a publicity campaign in the wake of this Bill on the issues that he is talking about?

**Kevin Foster:** Yes, absolutely. There may well be a case for having a publicity campaign to advise people of the details of the legislation and to ensure that they are aware of the option it gives them to become a statute law partner rather than a common law partner. This would apply to people who are in a long-term relationship, and who have perhaps bought a property together, but who do not want to get married. As the hon. Member for Ipswich (Sandy Martin) said, relatives are often very supportive of such relationships until they discover an old legal case that might give them the chance to get some money after one of the partners has died. I hope that the Government will look at what information can be made available. This could also apply to venues that have in the past advised that they could accommodate only civil marriages. Perhaps they could now also offer civil partnerships to opposite-sex couples looking to be joined together. I hope that the Government will look at how these matters could sensibly be promoted.

The Lords amendment is welcome, particularly because it gives the opportunity to convert a civil partnership into a marriage. I do not think that that will be an issue for the Bill. I am also pleased that the Lords resisted the temptation to table amendments relating to the role of the clergy. As the hon. Member for East Worthing and Shoreham said, it would have taken the Bill in an unwelcome direction and perhaps endangered its passage through this House if we had had to send it back to the Lords just to deal with such an amendment. It is unlikely that such an amendment would have received the support of a majority of Members in this House. We made it clear when the provisions relating to same-sex marriage came in that there would be a protection there. I sometimes debate whether there really needs to be a complete ban on one particular religious group, in relation to same-sex marriages on Church of England premises. Perhaps in future years we might look at providing a choice, but I accept that this was about giving reassurance and a firm commitment on choices relating to religious rights and opportunities.

I shall bring my remarks to a close in time for the minute's silence that we will all wish to participate in. I noted the point about siblings with a close relationship who live together, but I do not think that this is the time to legislate for that. That relates more to financial matters than to loving relationships, and it might be confusing to legislate for it here. We have made it very clear that civil partnership is similar to marriage in its legal effect. For good reason, we also have criminal offences—for example, relating to people being married to two people at the same time. Again, extending the law into this area would create confusion and we might have to ask whether we should exempt that. I understand

the points that have been made on these matters, but as I said to the hon. Member for Ipswich, I think we need to consider how we would deal with them via the tax system.

The Bill is long overdue, and very welcome. I was genuinely saddened that I could not put my mother's name on my marriage certificate, but this legislation will allow me to do that. I urge the House to concur with the Lords in their amendment.

**Mr Speaker:** Order. I am extremely grateful to the hon. Gentleman. As I announced earlier, and it was supported by colleagues across the House, I propose that we hold a minute's silence at 11 am. That silence will be held in respectful memory of the 49 people who perished in the terrorist outrage in Christchurch, New Zealand, in respectful memory of those who were injured as a result of those atrocious acts, and in solidarity with Muslims in New Zealand and throughout the world. This barbarity, this evil, this depravity will not prevail. We will stand up to it, and it will be defeated.

11 am

*The House observed a minute's silence.*

**Mr Speaker:** I thank colleagues and everybody attending our proceedings today for that demonstration of support and solidarity. As I indicated earlier, I will write to my opposite number in New Zealand conveying the sympathies and the sense of outrage felt in this House. Nothing will bring back those who have perished; I hope simply that what we have said and done today will offer some modest succour to those who are having to live with the daily reminder of the evil that has been perpetrated. Wherever we are and whatever our ethnicity or faith, by virtue simply of our common humanity we resolve, because we can do no other, that this sort of behaviour will not be tolerated or go unpunished. It will never prevail for it is, in simple terms, fascist conduct. Wherever they are in the world, people who think that "might is right"—that if you are bestial enough, you will get your own way—will have to be disabused of that notion. It will not happen.

**Neil O'Brien:** I start by agreeing with your extremely wise words on the evil that was done in New Zealand, Mr Speaker. I also send my thoughts to my constituents at Oadby mosque as they gather for their Friday prayers. I want them to know that they should not be afraid and that we will always protect them. The evil done in New Zealand will not be allowed to happen here, and the ideas that it represents will not prevail in this country. I was recently at Oadby mosque for Visit My Mosque Day, learning things such as how my name is written in Arabic. It was wonderful to see everyone, and the thought that someone on the other side of the world could inflict an act of such wickedness on people just like them going about their daily basis is abhorrent.

I rise to speak with some trepidation, because this Bill does two wonderful things—some of the best things that we will do in this Session—but it also does one thing that I do not agree with. I will say why I do not agree with it, but I am somewhat cautious because I am surrounded in this place by good friends and great fountains of wisdom who take a different view.

First, starting with the things that I do agree with, the inclusion of mothers' names on marriage certificates is a wonderful improvement. When I got married up in

Northumberland in the wilds of College Valley, I was amazed that we were unable to put my mother's name on the certificate. It seemed implausible that that should still be the case, and the unbelievably powerful speech from my hon. Friend the Member for Solihull (Julian Knight) underlined why that reform is so important.

Secondly, the opportunity to commemorate the life of unborn children is another hugely important reform that will offer some closure to a large number of people. I congratulate my hon. Friends the Members for Banbury (Victoria Prentis) and for Colchester (Will Quince) on their work raising the issue of baby loss in this House. They have been tireless champions, and this Bill from my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) is another step towards achieving an important objective. Someone may not realise how often this happens until it happens to them; they then find out that other people have had similar experiences.

**Victoria Prentis:** It is important while discussing this issue that we pay tribute to the hon. Member for Washington and Sunderland West (Mrs Hodgson), who has spoken passionately about her experiences.

**Neil O'Brien:** My hon. Friend is right to add that.

As I said, this Bill does two wonderful things with which I completely agree, but I will now talk about my dog in the manger. There is no point in having a Parliament if we cannot have disagreements in it, and this is the whole point of the exercise. I start my remarks on this by putting on the record my support for equal marriage for gay people. I always have done, including when that hugely important reform was made. Despite the fact that this country has made a huge amount of progress, there is still a large amount of discrimination against gay people, and it is easy not to notice it if one is heterosexual. For example, I read not that long ago about a man who was kicked to death by a gang of wicked people in Trafalgar Square—the centre of our capital city—just for being gay.

I was a strong supporter of equal marriage for gay people because it marked another step towards just treating gay people like everybody else. I support the goal of equivalence for heterosexual and homosexual couples, but I would rather achieve it in a different way. I thought that civil partnerships were a useful stepping stone towards equal marriage for gay people, but now we have got there, I would prefer simply to have equal marriage for heterosexual and homosexual couples.

When this Bill was previously debated in Parliament, two different arguments were made for having two different types of marriage, and I use “different types” advisedly. The first argument was that a lesser type of marriage was being created—a sort of “try before you buy”—but that argument was strongly objected to by other supporters of the Bill, including the hon. Member for Rhondda (Chris Bryant), who said that the two types of marriage were equal. There was no consensus on that argument, and it has not been one of the main arguments made today.

The second argument is that marriage is in some way a religious, paternalistic or sexist institution. Some Members have alluded to that with references to people getting in touch with them to say that that is how they feel about marriage, which is why they would like a civil partnership instead. It is important to note that the Lords made a

clear, adamant distinction between religious and civil marriage and that this House cannot regulate religious marriage. As my hon. Friend the Member for Torbay (Kevin Foster) pointed out, the two are completely different. We cannot put a window into men's souls, and it was important during the passage of the legislation for equal marriage that we made the huge distinction between civil and religious marriage, which continues in this Bill. There is no question of religious ministers being forced to do anything, but they are welcome to choose to do so if they want. That is the right balance.

Several Members have described how people have suggested to them that marriage is a religious or sexist institution, but if there is anything sexist about it, we should change that and ensure that it is not. It would surprise my wife if I told her that she had agreed to take part in a patriarchal or religious institution. We are both atheists, and we were not allowed Madonna's “Like a Prayer” as a wedding song because it is religious, so we missed out on that opportunity because of the important distinction. One of the reasons why I do not agree with this measure is that I do not want to endorse that argument. If people feel like that, they are wrong. We must do everything we need to do, because they are wrong. Let us change it if there is a problem, but the onus is on those who want the change to make the case for it.

I believe that a single institution would be better for equality. It would be a simpler story. Gay people can get married and straight people can get married. We can all get married—simple. There will not be different types of things for different types of people. I am nervous, as the House can tell, about some of the arguments made for extending civil partnerships, not least this “try before you buy” argument about it being a softer thing. I find that particularly concerning.

I have put my concerns about this measure on the record, and my eloquent hon. Friend the Member for South Suffolk (James Cartlidge) is right that this will be a popular measure and that a lot of people will take it up. I think it will be widely used, and he is right about that, but I am concerned.

**James Cartlidge:** Forgive me if I am wrong, and I imagine that it would be hard to measure, but many of the people who go down this route would not have got married. This is an additional choice, rather than something that removes a choice. We should open our eyes to the fact that people see this as something different that suits them, and we should embrace it as a positive new development.

**Neil O'Brien:** That is probably the strongest argument for it, but my hon. Friend has already said that his constituent was going to get married in the absence of this measure. I am nervous about the argument, “I would prefer something else because I feel that marriage is sexist.”

**Tim Loughton:** I completely respect my hon. Friend's view, but the reality is that there are 3.2 million opposite-sex cohabiting couples who have no protections within the law, and half of them have children. One of my local registrars is running a waiting list for people waiting for this legislation. There is a lot of demand for it, and it can only bring about greater family stability, greater

[Tim Loughton]

commitment and greater benefits in safe, healthy, loving upbringings for those children. That is why this is really important.

**Neil O'Brien:** We will find out in due course when we pass this Bill whether that is the case. My fear is that the dissolution rate may be higher if people believe that civil partnerships are a softer institution.

**Tim Loughton:** I assure my hon. Friend that where there are different options—in France for example—the divorce rate among those who are conventionally married is rather greater than it is for those who have entered an opposite-sex civil partnership, so the data does not support that assertion.

**Neil O'Brien:** At the moment, the dissolution rate for civil partnerships in the UK is higher than for marriages. Of course my hon. Friend is correct that it is not a good example, because there are a lot of other pressures on gay people. We will not know, in the unique circumstances of the UK, who is right until we do it, and I hope he is right.

I have said my bit on this subject, and today we will be passing some measures that I hugely welcome, that put right some of the issues raised by my hon. Friend the Member for Solihull and that give comfort to grieving families, who are much larger in number than is often realised in this country.

**Kevin Hollinrake:** It is a pleasure to speak in this debate. I congratulate my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) again on introducing this important Bill. He said that this was about complete equality, and the Bill is about some basic principles, including equality, fairness, choice and freedom, which I believe in very much. The UK has a proud record in all those areas, and there are many examples of equality that we have championed, whether it be disability, equal pay, same-sex marriage—I was not in this place when the House voted for same-sex marriage, but I certainly would have supported it—race and, most importantly today, religion.

All our thoughts today are with the loved ones of those connected with these horrendous crimes in New Zealand. Everyone who believes in peace and peaceful co-existence just does not understand what could possibly drive someone to perpetrate these terrible, terrible acts.

11.15 am

I support all the provisions in this Bill, whether on extending civil partnerships to opposite-sex couples, including mothers' names on marriage certificates or registering stillbirths. As I said earlier, when we try to explain what we are doing to the public, their natural reaction is to ask why we have not done it already and why it is not already on the statute book.

I pay tribute to my hon. Friend's prescience. He said that he initially introduced a Bill in 2013, and it was not until five years later that the Supreme Court said that the prohibition of opposite-sex civil partnerships was discriminatory. I congratulate him again on bringing this forward.

One question I have for my hon. Friend or the Minister is about whether the timescale is realistic. There seems to be an awful lot to do between now and 31 December 2019, when the regulations have to be brought into force. I have introduced a couple of private Members' Bills myself, and it seems to take years to bring such things into full effect. There is a lot of work to do, but I am sure that my hon. Friend has worked through them with officials and Ministers to make sure that this Bill can be implemented.

I also pay tribute to my hon. Friend's prescience in identifying my hon. Friend the Member for South Suffolk (James Cartlidge) as a smartarse—he is an extremely clever man, and his thoughts on this stuff are always right on the money. On registering mothers' names on the marriage certificate, 90% of single parents are women and it seems unthinkable that their name cannot be on a marriage certificate. This therefore has all sorts of implications for marriage certificates.

There are other Bills to consider today, so I will briefly discuss the registration of stillbirths, which was addressed at length in my private Member's Bill on parental bereavement. I have a number of constituents, including the one I mentioned earlier, who had a baby at 23 weeks and six days. If those babies had not survived for two days, the parents would never have been able to register the birth. It is right that the law is changed.

**Tim Loughton:** My hon. Friend is not correct. If a child is born before 24 weeks with signs of life, the birth will be registered. If a child is born before 24 weeks with no signs of life—what we would define as a stillbirth—the birth will not be registered. That is the actual position.

**Kevin Hollinrake:** My hon. Friend has cleared up that point. Nevertheless, this is an important part of the Bill.

Thank you for the opportunity to speak in this debate, Mr Deputy Speaker. I congratulate my hon. Friend yet again on introducing this Bill, which I fully support.

**Karen Lee (Lincoln) (Lab):** I associate myself and my hon. Friends with the comments about the terrible events in New Zealand. I am sure everyone's prayers and thoughts are with those involved.

I congratulate the hon. Member for East Worthing and Shoreham (Tim Loughton) again on introducing this important Bill, and I am grateful for the great work of our colleagues in the other place to improve it further. The Opposition are pleased to see that the duty to investigate deaths in certain circumstances will be extended to the death of newborns of any age, including those who die immediately after birth.

My sister had a baby who was stillborn, and I know at first hand just how traumatic it is. I know the huge sense of grief, loss and emptiness. People think that, because a parent did not know the baby, it is somehow different, but it is not—it is really not.

As I have previously indicated in the Chamber, the UK has a woefully high number of stillbirths for a western country. I have worked in reproductive services in the NHS, and I have seen at first hand how traumatic stillbirths can be for mothers. We need to do more to support mothers and to prevent stillbirths. We agree that stillbirths that occur before 24 weeks should be formally acknowledged and registered, but I reiterate



that by no means would we want to see such a measure used to undermine abortion rights and a woman's right to choose.

I spoke in an earlier stage of the Bill in this House, and I remain proud that civil partnerships were a landmark policy introduced by Labour. My party has fought for the equal rights of LGBTQ+ people, and it was our Civil Partnership Act 2004 that paved the way for same-sex marriage. This Bill should be the final step in creating equality in the formal recognition of relationships, but while I am pleased that we are nearly there, it is obvious that we have not quite arrived.

Times have changed since the days when Labour Members cautiously did not push to further extend civil partnerships during the passage of the 2004 Act for fear of losing it altogether. I remember we were met with much hostility, but we were on a mission to ensure some level of equality as quickly as possible, and we achieved just that. With changing times, however, must come a change in how we approach matters of equality.

We welcome the Government's willingness on suitable amendments to draw up appropriate regulations for equal civil partnerships by the end of 2019, but I must share the concern of my colleagues in the other place that they may be using consultations to drag their feet. We cannot wait any longer. I agree on the importance of gathering information, but it should not be used as a delaying tactic. The measures in the Bill are long overdue, and we will do a disservice to all those we are meant to represent if we do not get on with the job of ensuring equality.

On marriage more generally, I echo the concern of Members in the other place about the failure to deliver equal marriage for all citizens in the UK—namely, in Northern Ireland. I also reiterate the concerns about humanist marriages. The Government held a consultation in which more than 90% of respondents were in favour of legally recognised humanist marriages. Surely there is nothing inconclusive about such a response. Further, in 2015, the Law Commission reported that failing to grant humanists the same rights as religious people in marriage was fundamentally unfair. With the Northern Irish Court of Appeal ruling in June 2018 that there is a human right to a humanist marriage, I hope that Ministers will get on with the job of ensuring that humanist marriages are also recognised in England and Wales.

It is disappointing that the Government, having joined us in passing same-sex marriages, have previously made excuses for not expanding civil partnerships to all couples. One of these was inconclusive consultations. This is precisely why we accept them hesitantly. Some voices still suggest that we abolish civil partnerships altogether. This would definitely be a step backwards. It is our job as lawmakers to give further protections to our constituents, not to claw them back. The institution of marriage is not for everyone, and it is wrong to prevent those who want their relationship recognised in the eyes of society and the law from having it so recognised. It can put them and their families in legally challenging situations.

In conclusion, we in the Opposition support the Bill, as we have done throughout its passage. We ask only that the Government act to expedite these measures, which clearly have the support of the British public.

**The Minister for Security and Economic Crime (Mr Ben Wallace):** I am grateful to my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) for

his thorough explanation of clause 2 as it now stands in the Bill. I also pay tribute to him and his co-promoter, Baroness Hodgson, who guided the Bill so expertly through the other place, for their commitment to the vital issues that the Bill seeks to address, including the extension of civil partnerships to opposite-sex couples.

The Government are very supportive of clause 2 and the policy intentions behind it. I would like to answer the concern voiced earlier about the difference between “may” and “must”. Clause 1 confers a power to make regulation, but clause 2(2) imposes an obligation to exercise that power by 31 December 2019. I hope that sets at rest those concerns arising from this long and often held debate about “may” and “must”.

I thank my hon. Friend and Baroness Hodgson for the open and receptive way in which they have worked with the Government, officials and others to improve the drafting of the clause. As my hon. Friend outlined, clause 2 now requires the Secretary of State to make regulations to extend civil partnerships to opposite-sex couples by no later than 31 December 2019 and empowers the Secretary of State to make other provisions in view of the extension of eligibility.

There remains much work for the Government to do before then. There are some complex implementation issues that will need to be considered in the coming months, including the formation, dissolution and voiding of civil partnerships; considering what religious protections should be put in place; the implications for private sector, state and public sector pensions; other financial entitlements, including tax credits, capital gains tax and housing benefit; international recognition of relationships formed here and abroad; the consequences for a civil partnership of one partner seeking a gender recognition certificate; a series of devolution issues; conversion rights between civil partnerships and marriages and vice versa; checking the many thousands of existing references to civil partnerships across the statute book; and drafting the necessary amendments, scrutinising and laying the regulations, and scheduling time for debates in Parliament. This is because the Civil Partnership Act 2004 is bespoke to same-sex couples and simply amending that legislation will not give opposite-sex couples the necessary rights, protections and entitlements.

It is also important that we take the views of the public and stakeholders on many of these issues to ensure that we exercise the regulation-making powers to create a new civil partnership regime that works for opposite-sex couples, that is fair and that is human rights compliant. Previous experience suggests that we are likely to receive thousands of responses to the consultation, and we will need to allow time to consider these and for the Government to respond.

That said, the Government are committed to changing the eligibility requirements for civil partnerships by the end of the year. This is very much an end date, rather than a target, and we are working to implement the new regime at the earliest opportunity. Our aim is that by the end of this year opposite-sex couples will be able to register and form civil partnerships. I hope that hon. Members will support my hon. Friend's amendments, which will enable the Government to make the necessary changes so that opposite-sex couples will finally be able to express their commitment to each other in the way that best suits them.

[Mr Ben Wallace]

Throughout this debate, many colleagues across the House have contributed and paid tribute to my hon. Friend and the good work that the Bill is trying to do. I am grateful to my hon. Friends the Members for Torbay (Kevin Foster) and for Harborough (Neil O'Brien) and especially to my hon. Friend the Member for Solihull (Julian Knight), who gave a moving account of his mother and the desire to see her name on his marriage certificate. I am also grateful to my hon. Friends the Members for Banbury (Victoria Prentis), for South Suffolk (James Cartlidge) and for Thirsk and Malton (Kevin Hollinrake) and to the Opposition Front-Bench team.

The Government have no intention of dragging their feet. It will come as no surprise to you, Mr Deputy Speaker, that this is not a normal part of my portfolio as Security Minister, but I asked in preparation for this debate what exactly would take time to implement.

**James Cartlidge:** Does my right hon. Friend agree that this measure will bring security to a great many people?

**Mr Wallace:** I think we all need stability these days, and this will definitely add to that. Stability in our relationships is incredibly important. We all aspire to that as a good basis for our society. Strong personal relationships will lead to a strong society, and I fully endorse the aims of the Bill.

I rarely attend private Members' days, but it is nice at this time—with the awful goings-on in Christchurch and the goings-on outside in this divided country—to see a succession of Bills, especially this one, that are about doing some good in people's lives, which is what everyone across the House wants to do. I am incredibly pleased to have been a part of that in these few short hours. It is easy to forget that Members of Parliament, who are denigrated and now targeted and ridiculed at both ends of the political spectrum, more often than not do good things together to make people's lives better, and I pay tribute to my hon. Friend who has steered through both Houses a Bill that will make a difference for the good to many people's lives.

*Lords amendment 1 agreed to.*

*Lords amendments 2 to 6 agreed to.*

## Holocaust (Return of Cultural Objects) (Amendment) Bill

*Bill, not amended in the Public Bill Committee, considered.  
Third Reading*

11.30 am

**Theresa Villiers** (Chipping Barnet) (Con): I beg to move, That the Bill be now read the Third time.

As I will set out, the Bill seeks to address one of the consequences of the holocaust, still felt some 70 years or so after the events in question. As we prepare to reflect in this debate on the horrors to which hatred, prejudice and extremism can lead, I join others in expressing my shock and revulsion at what happened in New Zealand overnight. There is something deeply evil about attacking people in their place of worship. That the individuals responsible apparently planned, organised and even filmed this atrocity shows a truly appalling and stomach-churning degree of barbarity and callousness. I extend my support, sympathy and solidarity to everyone who has been injured, bereaved or harmed as a result of this terrible crime. I send my sympathies to all who are anxious and afraid as a result of what has happened, perhaps even including some of my own constituents.

**Wes Streeting** (Ilford North) (Lab): I say to the right hon. Lady, as the co-chair of both the all-party group on British Jews and the all-party group on British Muslims, that Islamophobia and antisemitism are fellow travellers. She spoke powerfully about the events in Christchurch, and everyone in the House will share those sentiments. I do not plan to speak in this debate because I am conscious that there are other private Members' Bills to be considered, and I know how frustrating it is when we cannot get on to business on which there is consensus, but I wish warmly to congratulate the right hon. Lady, because the progress of this Bill, from where it started to where we are now, has been no mean feat. It would not have happened without her hard work, perseverance and determination, and without cross-party support, so on behalf of my constituents, I thank her most warmly and sincerely.

**Theresa Villiers:** I warmly thank the hon. Gentleman for what he said. He is so right: today of all days is an opportunity for everyone in this House to stand up and condemn antisemitism, Islamophobia, and racism and prejudice in all their forms. [HON. MEMBERS: "Hear, hear!"]

As the hon. Gentleman just outlined, the Bill has enjoyed strong cross-party support at all stages in Parliament, including from the Government and the Opposition Front-Bench team. I thank them for that support, and I thank right hon. and hon. Members who took part in the debates on Second Reading and in Committee, and who supported the ten-minute rule Bill with which I started this process.

The objective of this two-clause Bill is to ensure that the 17 national museums listed in section 1 of the Holocaust (Return of Cultural Objects) Act 2009 are able to return to its rightful owners property that was lost, seized, stolen or looted during the Nazi era. Clause 1 will achieve that by removing section 4(7) of the 2009 Act. That provision is a sunset clause that will otherwise remove the 2009 legislation from the statute book on 11 November this year.

The 2009 Act is still needed. It started life as a ten-minute rule Bill introduced by Andrew Dismore, who was then the MP for Hendon. As colleagues will be aware, it is rare for the ten-minute rule Bill procedure to deliver a change in the law, but in that instance Andrew Dismore's persistence prevailed. I very much hope that this Bill, which also started through the ten-minute rule process, will succeed in rescuing the legislation that Andrew managed to get through Parliament 10 years ago. Hopefully, this ten-minute rule Bill will come to the rescue of a previous one.

The 2009 Act addressed a problem that had arisen in relation to a number of our national museums such as the V&A, the National Maritime Museum and the National Portrait Gallery. As set out in its second and final clause, the Bill covers England, Wales and Scotland, but not Northern Ireland. Some of the institutions specified in section 1 of the 2009 Act are located in Scotland so, as the House has been told, a legislative consent motion has been secured from the Scottish Parliament.

The governing statutes of the 17 institutions listed in the 2009 Act mean that they could not restore property seized by the Nazis to its owners or their heirs, because the legislation underpinning their rules forbade them from giving away items in their collection, except in limited and specific circumstances. This restriction operated even when the institution in question believed that the claim had merit and wished to return the item to the heirs of the original owner.

The problem is illustrated by a case considered in 2008 by the Spoliation Advisory Panel established by the Government to consider claims of this nature. It considered a dispute over two pieces of porcelain from a Viennese collection, one in Fitzwilliam Museum and one in the British Museum. The panel recommended the return of the one in the Fitzwilliam, but felt it could not do so in relation to the other because of legal restrictions in the British Museum Act 1963. A similar problem had arisen in 2006, when the British Museum was unable to return four old-master drawings to the heirs of Dr Arthur Feldman, from whose collection they had been looted by the Nazis in March 1939.

The 2009 Act resolved the problem and enabled property from national museums to be returned, if that was recommended by the Spoliation Advisory Panel and approved by the Secretary of State for Digital, Culture, Media and Sport. The 2009 legislation is supported by the museum community, which has warmly welcomed the intention to remove the sunset clause through this Bill.

A significant proportion of Europe's cultural treasures went missing during the Nazi era. As time passes and memories fade, there are likely to be fewer claims, but there continues to be a strong moral case for keeping the 2009 Act on the statute book. At a major conference on spoliation in September 2017, the UK Government reaffirmed their determination to live up to the commitments made 18 years previously at the Washington conference on looted art. At that historic conference, 44 countries pledged to work for the restoration of property seized during the Holocaust era.

As several Members said during debates on the Bill, the evil of what happened in the Holocaust is unique in human history. Millions of people had their lives cruelly cut short in the greatest crime in human history. Millions more lost friends and relatives; sometimes their whole

family was wiped out. Sadly, there is nothing we can do to reverse those appalling losses, but we can at least keep open the hope of the return of lost treasures, when they are identified in our museums, galleries and libraries.

**Neil O'Brien** (Harborough) (Con): My right hon. Friend is again making an incredibly powerful speech. I do not understand why a sunset clause was put into the original legislation. She is quite right that we must remove it with this Bill, which I hope will pass, but why was such a clause put into the legislation in the first place?

**Theresa Villiers:** It is not entirely clear. The debates on the 2009 legislation did not seem to indicate a great problem of instability. I can only assume that there was concern that the legislation might have a destabilising effect on the collections in our national museums, but although a number of cases have been determined as a result of the operation of the 2009 Act, the reality has been that such cases have been relatively small in number. If there were fears about uncertainty, instability and provoking claims, they have not materialised in practice.

I commend the Commission for Looted Art for its excellent efforts in trying to secure fair outcomes in cases of this nature. The commission shared with me comments and thoughts from a number of families involved, some of which I read out in my speech on Second Reading. I found those comments deeply moving, and what came across clearly from them was the emotional value of being reunited with an object treasured by a loved one who died in the Holocaust, and that a lost relative had held in their hands and valued—for example, books owned by a much-loved grandmother; a painting given by a claimant's grandparents to his parents; or a favourite painting that used to hang on the dining room wall of a family home. The Nazi regime engaged in systematic confiscation, looting and theft from Jewish people.

**Rachel Maclean** (Redditch) (Con): I am fascinated to hear my right hon. Friend's argument and wonder what her response is to some of the opponents of this Bill who claim that the routes available are available only to the rich and that, sometimes, when objects are returned from museums, that deprives the general public of an opportunity to see these priceless works of art. I would be fascinated to hear her thoughts on that.

**Theresa Villiers:** My response is that this legislation opens the way for all who have reason to believe that an object owned by their family member is in one of our national institutions. It is not confined to helping people from a particular family background. It really is important for people at all levels to have the chance—the opportunity—to retrieve an item of property that once belonged to one of their relatives. In response to those potential critics that my hon. Friend has mentioned, I think that I would continue to make the case that it is right and proper and fair that if an item was seized by the Nazis, it should be returned to its rightful owners or to their heirs.

**Bob Stewart** (Beckenham) (Con): May I ask my very good friend whether the Bill has any provision for the people who looted this treasure, took it away and then presumably sold it on, or possibly gave it away, because they were acting illegally? Personally, when I have come

[*Bob Stewart*]

across looted churches and mosques, I have been involved in securing that property and making sure that treasures are kept there until someone responsible can take possession of them. I am concerned that these people seem to have got away with just stealing this stuff.

**Theresa Villiers:** I am grateful to my hon. Friend for that intervention. No, I am afraid that the scope of this Bill is defined and narrow and relates to specific circumstances to enable our national museums to return looted property. However, there are provisions within the criminal justice system and the system of international law that are aimed at bringing to justice those responsible for crimes committed during the Nazi era.

The goal of those behind the holocaust went even beyond mass murder and mass killing. The evil men and women responsible also wanted to wipe out all traces of Jewish culture in Europe, and confiscation of property was a significant part of that repulsive project, so returning books and artworks covered by the legislation is not really about their monetary value. It is about restoring to people a tangible physical link with a lost loved one, and it is about the conservation of memories and culture that the Nazis wanted to eliminate.

My Chipping Barnet constituency is home to a number of holocaust survivors. I pay tribute to all of them for their courage and dignity and for the work that so many of them do to recount their stories to try to ensure that we never ever forget what happened. We owe it to them to enable this small recompense—the return of cultural property—to continue.

**James Cartlidge** (South Suffolk) (Con): I am very grateful to my right hon. Friend. This is a very, very good Bill. I was brought up in her constituency, and, like Mr Speaker, born in Edgware. Many of my friends and neighbours were of the Jewish faith. Some of them had been in concentration camps, or had family members who had perished there. Fundamentally, there should be no sunset clause on the memory that we keep permanently as a society of that terrible outrage, so that we never forget it and therefore repeat it.

**Theresa Villiers:** I wholeheartedly agree with that sentiment.

I would like to close my speech today, as I did on Second Reading, by reading out the thoughts of a family involved in one of these types of cases, not necessarily one directly determined under the 2009 Act, but one that expresses very clearly the underlying principle that we are considering today. Speaking of some paintings that were returned to them, one successful claimant told the Commission for Looted Art:

“They mean so much because these paintings symbolise that lost pre-war world and provide the last link with lives which were utterly destroyed or irrevocably transformed by the Nazis. The objects reflected the character and taste and personality of their owners. Stealing them was another form of taking the people themselves. It’s the meaning of these looted works of art that is central to why restitution is so important. In stealing property, the Nazis made no distinction between rich and poor. They took from both equally and they took everything. And by taking every part of people’s lives, the Nazis were also taking the evidence that people had once lived. So restitution is one way of restoring the dead to the living. That the restitution of looted artworks remains an issue almost 70 years after the war attests to that significance—and not to their financial value.”

Today’s horrific news from the other side of the world shows the horrors that hatred and extremism can lead to even in the modern world. At a time when antisemitic incidents are rising, it is more important than ever to stand up against all forms of hatred, racism and Islamophobia. This Bill is one way in which this House can do that.

Supporting this Bill provides a way to signal that we will not tolerate antisemitism or other forms of hatred, that we will always condemn it and that we will seek to root it out wherever we find it. Supporting this Bill is a way to demonstrate that we will never let the lessons learned from the holocaust to be overlooked or forgotten. Supporting this Bill is a way to show the respect that we bear for holocaust survivors who held on, suffered unimaginable trauma and survived against the odds, and I commend it to the House.

11.46 am

**Rachel Maclean** (Redditch) (Con): It is a huge pleasure and a privilege to follow my right hon. Friend the Member for Chipping Barnet (Theresa Villiers), who has promoted this Bill. She has spoken movingly and with great authority and knowledge about this horrific act of barbarity that has affected her constituents, and, of course, the many people who suffered under the horrendous acts of the Nazis.

I fully support this Bill—this very simple Bill—and my right hon. Friend has outlined why it is needed. As she said, we can see that particularly on a day like today, when we have woken up to the awful news of what happened in Christchurch.

**Bob Stewart:** My hon. Friend talked about the Nazis, but we must also remember that a lot of stuff was taken from the national museum in Iraq and other places. This Bill, I hope, covers that sort of looting as well—I think that it does.

**Rachel Maclean:** I thank my hon. Friend very much for his intervention. In fact, I was going to mention that as a theme in my speech, but I defer to my right hon. Friend the Member for Chipping Barnet, because I do not believe that that is in the scope of this Bill. Perhaps there is scope for future legislation in this House.

I will confine my comments to the importance of the Bill’s achievements, as well as paying tribute to the work of the Spoliation Advisory Panel. I understand that the panel has managed to return 23 objects to their rightful owners. My right hon. Friend kindly took my intervention earlier, which I made because I wanted to clarify some of the criticism that I have come across while doing my research ahead of today’s debate. I certainly do not share the opinion that it is wrong to reconstitute these articles to families who have lost them or have been deprived of them, but I wanted to ensure that we had properly scrutinised this legislation, because that is our role as Members of Parliament.

My right hon. Friend explained very well that losing an article that is so precious to the memories of a family means losing an object that underpins the memories that are passed down through generations. It is therefore absolutely right that descendants with living memory of these articles and artefacts, who have been deprived of them, are able to go to the panel and have their claims examined in a proportionate way, resulting in the restitution of those items to their rightful owners. We live in a free

society that is underpinned by the rule of law and justice. It is extremely important that we uphold those principles, because they are the basis of a free society in which people can get rightful restitution when they have been wrongfully deprived of their own property, even if that happened in the past.

It is right to address the question of what happens if an article is in a museum and has a wide audience, but these are difficult decisions that have to be weighed up carefully. I am reassured that the panel is an expert one, and that it would of course take such matters into account. At the end of the day, I think all reasonable people would agree that it is absolutely right to return stolen property to its rightful owner. I am proud that the UK, which has been supporting the panel, has been an international leader in responding to the challenges associated with these kinds of claims.

So why is it right to revoke the sunset clause? When the Holocaust (Return of Cultural Objects) Act 2009 was introduced, I think that it was initially felt that 10 years would be enough time as the evidence may have deteriorated after a longer period, making it too difficult to address claims. I am sure that the Government have reviewed this issue during the consultation and decided that it is right to allow this important Act to continue its work, because there are still descendants for whom these artefacts are in living memory.

**Kevin Foster** (Torbay) (Con): Does my hon. Friend agree that this law would simply remove a statutory time bar so that the whole system does not fall? There will still be the need to prove a case and provide evidence, which may be more difficult as the years go on, and it is less likely that relatives will be found. Without this Bill, a claim would fail purely because this law had fallen after reaching its sunset date.

**Rachel Maclean:** My hon. Friend makes the point that the Bill is, in a sense, a technicality. It is therefore right that we pass it today to allow this important work to continue.

It is important that we all take a little time today—when we have more time than normal, given the heated debates that we have in this place—to reflect on why it is so important again to raise the issue of the Holocaust. I am sure that many colleagues attended Holocaust Memorial Day commemorations just recently; I attend the event in Redditch. It was a fantastic day of commemoration not only of the holocaust, but of acts of hate that occur in all societies and cultures. In fact, my hon. Friend from—sorry, I forget his constituency.

**Bob Stewart:** Beckenham—the centre of the world. All roads lead to Beckenham.

**Rachel Maclean:** I think they lead to Redditch; but from there to Beckenham. My hon. Friend reminded me that this problem is not just confined to the Nazi period. In fact, when one culture attacks another, it comes for the cultural artefacts first, because the most effective way of trying to wipe out a civilisation is to destroy memories and stories that people tell about a culture and its people. It is evil and barbarous, and we must turn our face against it.

The days of commemoration in our local communities are so important, because we have to continue to talk about the holocaust, including with young people. We

may have seen off the Nazis, but we are now seeing how important it is to see off other forms of hate that target people because of their ethnicity, their race, who they worship, who they love and who they live with. We have to stand firm against that in our communities and schools. I am proud to pay tribute to a local school just over the border from my constituency that is attended by many young people. Studley High School is a beacon school for the Holocaust Educational Trust, and it was an absolute honour to be there and see the students performing a fantastic piece on Holocaust Memorial Day.

I am delighted to support this Bill and I very much hope to see it passed today. Thank you for allowing me to contribute to the debate, Mr Deputy Speaker.

11.54 am

**Victoria Prentis** (Banbury) (Con): It gives me great pleasure to speak in this debate and to follow such powerful speeches. I pay tribute to my right hon. Friend the Member for Chipping Barnet (Theresa Villiers) for the enormous amount of work that she has done. I was not able to speak on Second Reading, but she has made moving speeches on both occasions.

It is perhaps appropriate that on a Friday, we are talking about religion and its effect on our legal lives and our family lives. As I said in the previous debate, this is a very sad day for the world, as we have seen a horrific Islamophobic attack—it is a modern attack, and the unpleasantness of the filming as well as the planning really gets us where it hurts. It is good that occasionally we in this House can talk about religion and its effect on the way we live our lives, the way we love and the way we die. It is appropriate that we are talking about holocaust artefacts on such a day, though it is of course very sad.

As my right hon. Friend said, the Nazis wanted to annihilate a whole race, and getting at their possessions was a particularly pernicious way of doing that. Obviously, mass murder is the worst thing that can be done, but there are other means of annihilation, such as the non-registration of births.

**Bob Stewart:** I totally agree with my hon. Friend, but I want to reinforce the fact that the Nazis stole from anyone they did not like. Although they took mainly Jewish property, they also took property from other people; it is not just Jewish people.

**Victoria Prentis:** I accept what my hon. Friend says. One reason I became involved in the all-party parliamentary group against antisemitism is my family's Romany heritage. That is not something we talk about often, but it gives us a link in some small way to the horrors of what happened in Nazi Germany. I am also involved with the APPG for Gypsies, Travellers and Roma. It is important to think about what is done to races as well as individuals. Today, we are broadly talking about Jewish artefacts. The Nazis wanted to destroy the religion by destroying its possessions as well as its people. That is why it is important that, 70 years on, we are still thinking about this.

Possessions are very important to us. I have a ring that belonged to my granny, which she wore every day. I do not wear it every day, possibly because, as a jeweller once said to me, my lifestyle is slightly more hands-on than that of my granny. I do not think it would survive the wear and tear of the life of a Member of Parliament, but I enjoy wearing it, and it makes me feel close to her.

[Victoria Prentis]

Even more precious personally, though certainly not in terms of money, is a coral necklace owned by my daughter that was passed down to her after being owned by seven generations of my husband's family. We have a portrait of the lady to whom it first belonged. It is a rough and ready portrait, doubtless done by a jobbing painter, of a little girl wearing this very same coral necklace, with a cat. This is a lady whose name I do not even know, but I know that we feel close to her because of that artefact. Things mean a great deal to people, and that is moving for members of my family. The connection is very real, but it is so much more so when we know that that ancestor was murdered and that we can never meet their children—say, those of our great-aunt—because they never existed.

This Bill is on an issue that really gets us where it hurts. The Holocaust (Return of Cultural Objects) Act 2009 is clearly still needed. These artefacts are all over the place. When a race or group of people are destroyed, so many papers and documents get destroyed, and the people who would have inherited many of those artefacts are not born, so it is very difficult to prove ownership. People alive today may not even be aware that they have ownership of these articles, but it matters, and it is important, so I commend this Bill.

11.59 am

**Julian Knight (Solihull) (Con):** I pay tribute to my right hon. Friend the Member for Chipping Barnet (Theresa Villiers), who is respected and acknowledged throughout this House as a champion not just of her own constituency but of communities across the UK, and the Jewish community in particular.

There can be few if any constituencies in the whole of our country that are not affected by the shadow of the holocaust. In Solihull, we hold a remembrance service every year. Not too long ago, I was privileged enough to hear a holocaust survivor address pupils at Tudor Grange School in Solihull about what she and her family have gone through. I am sure that every other Member has had similar experiences and that they are aware, as I am, that we are increasingly among the last people who will have the opportunity to do so. Too soon, the last of those who lived through the camps will pass on, and the opportunity to hear their stories at first hand will pass with them.

As the atrocities of the Nazis start to depart from living memory, it is more important than ever that we renew and live up to our promise to the Jewish people, the Roma and the other victims of the holocaust: never again. This is especially true in the light of the growing plague of antisemitism running rampant in this country right now. I never thought in my lifetime in this great country that I would have to utter such words. It really is unimaginable, but it has come to pass once again. I am horrified to read online the testimonies of many Jewish people who are, for the first time, feeling apprehensive or even afraid about their future in this country. It is simply an absolute disgrace, and I believe that every single one of us has a duty to do everything we can to combat antisemitism and racism in all its forms and to make this country safe and welcoming to people of all communities. The horrors of the holocaust can never be undone, but that just makes it all the more important

that we do everything we can to deliver justice and redress for the remaining survivors and their descendants. I am therefore very pleased that my right hon. Friend has introduced this Bill and that the Government are giving it their full support.

I understand why the drafters of the original Bill chose to insert a sunset clause. They were doubtless conscious of the important role the institutions named in the 2009 Act play in preserving cultural artefacts both for the nation and for humanity. They were right, too, to recognise that over time the evidence base for claims could only grow thinner, and they were acting in accordance with the views of a majority of respondents to the original 2006 consultation. However, it is clear that they were mistaken in their belief that a single decade would be enough to resolve any outstanding claims.

In fact, although the number of new claims is falling, I understand that there remains a huge amount of work yet to be done when it comes to tracing the origins of possibly looted artefacts. Anne Webber, the co-chair of the Commission for Looted Art in Europe, has said that relatively little of the relevant provenance investigatory work has in fact yet been undertaken. Furthermore, any worries about the potential for our great museums and galleries to get bogged down by a succession of increasingly difficult to resolve claims must surely be assuaged by the fact that not only have new claims been less frequent in recent years, but the museum community itself is strongly supportive of my right hon. Friend's campaign to lift the sunset clause.

It is only just that we continue to offer redress to the relatives and descendants of those whose treasures were plundered by the Nazis for as long as we are able to do so. There may in future come a time when as much has been done as can be done to verify the provenance of individual pieces and the window of opportunity for returning them to their rightful owners has finally closed, but it is clear from the testimony of Ms Webber that this time has not yet arrived and may not for many years to come. We ought, therefore, to hold the door open for just restitution for as long as we possibly can.

**Bob Stewart:** My hon. Friend probably knows the answer to this, but I do not. The question is: how are we going to be absolutely clear which people are the rightful owners? Is there a system to work that out—is it the legal system or what is it?

**Julian Knight:** That is an interesting question, and there are people in the museum communities much more qualified to answer it than I am.

**Theresa Villiers:** Let me provide reassurance on this issue. Establishing ownership obviously involves looking at the facts of the case. The 2009 Act provides for that to happen with the oversight of the Spoliation Advisory Panel, and its recommendation to return property is sent to the Secretary of State for Digital, Culture, Media and Sport. That is the process—the facts are considered, the panel assesses them, and the Secretary of State decides whether to approve the recommendation to return the property.

**Julian Knight:** I thank my right hon. Friend for that clear explanation, and I am delighted to have been an interlocutor between her and my hon. Friend the Member for Beckenham (Bob Stewart).

**Bob Stewart:** And will that recommendation have legal force?

**Julian Knight:** I give way to my right hon. Friend to answer that.

**Theresa Villiers:** Yes it has legal force when establishing the ownership of property, and the 2009 Act removes the legal barrier to recognising correct legal ownership.

**Julian Knight:** I shall move on.

This Bill should not be seen as a rebuke to those who drafted and passed the original Act 10 years ago. The whole point of sunset clauses is that they make us revisit previous pieces of legislation, test their underlying assumptions and decide in the light of new evidence and experience whether and how to update the law. That is good legislative practice.

In this instance, after a decade in operation it is clear that the work of the Holocaust (Return of Cultural Objects) Act 2009 is far from done. We do not know how many more items may yet prove traceable to legitimate owners once proper provenance work has been done, and it would be perverse to make it impossible for institutions to return such items in future in order to uphold what has proved to be an arbitrary deadline. The Bill provides us with an opportunity once again to renew our covenant with the Jewish people and all the victims of the holocaust, reflect on the crimes of national socialism and reiterate our commitment to pursuing justice for its victims. I am therefore proud to offer the Bill my full support, and I hope that Members across the House will do the same.

12.6 pm

**Kevin Hollinrake** (Thirsk and Malton) (Con): It is a pleasure to speak in this debate on this important Bill, and I express my strong support to my right hon. Friend the Member for Chipping Barnet (Theresa Villiers) and congratulate her on her work. This Bill is refreshingly brief but hugely symbolic, and it is right that works of art and other cultural items be returned to their rightful owners. These were unthinkable horrific crimes. It is sad that today we witness other religious crimes in Christchurch, and our thoughts and prayers are with the loved ones of the victims there.

We recently commemorated the 80th anniversary of the Kindertransport when 10,000 children were brought to the UK from Germany. I took my children to see the statue by Frank Meisler that was installed in 2006 at Liverpool Street station, and I recommend that everybody go to see that statue, and take their children if they have them. It is an important, if traumatic, thing to explain to children. I tried to explain to my 11-year-old child what happened, and some of the children depicted in that statue were probably around her age. We also went to the Imperial War Museum, and its fifth floor contains important evidence and tributes to the 6 million people who died in the holocaust. Although those reminders of the atrocities are shocking, it is important to continue to remember and acknowledge those terrible acts.

As my right hon. Friend said, this is not just about the property itself but about the lives erased and the symbolic nature of those artworks taken from Jewish people at that terrible time. It is important continually to remind ourselves of those acts, but also to remind

racists, peddlers of hate and antisemites that we will never tolerate their positions, and their actions will never win out.

When we read about what happened and what my right hon. Friend is trying to put right, we see that the scale of it is quite frightening. I think there are still 100,000 items that have not been returned and are still lost—some 20% of Europe's treasures. My hon. Friend the Member for Beckenham, who is no longer in his place, made the point that it is not just about returning the treasures but holding to account the people who took them. Regardless of the time that has passed, it is hugely important that we take these great strides and return works of art and cultural items to their rightful owners. Clearly, there is much more to do, and my right hon. Friend's Bill aims to ensure that we continue to return works of art to their rightful owners.

In the debates on the original legislation, which started in 2006 and was brought into effect in 2009, it was anticipated that a 10-year sunset clause would be long enough. It expires on 11 November 2019, which is of course Remembrance Day. At that point, institutions would no longer be able to return works of art to their rightful owners. It is therefore absolutely right that my hon. Friend is taking the Bill forward. It is symbolically very important. The UK is a world leader in these matters. I am very grateful to her and to the Government for their support. She can be assured of my support as the Bill passes through the House.

12.11 pm

**Neil O'Brien** (Harborough) (Con): I am very pleased to be able to be here today to support the Bill introduced by my right hon. Friend the Member for Chipping Barnet (Theresa Villiers). It is an incredibly important piece of proposed legislation.

The Spoliation Advisory Panel was established after a conference in 1998, the same year that I visited Auschwitz for the first time. Anyone who visits will never forget seeing the now sagging barbed wire that held people in to be contained until their deaths; the small, dark claustrophobic gas chambers; and, from the piles of hair and teeth, how people were literally pulled apart.

I have recently been reading Tony Judt's book "Postwar", a magisterial history of post-war Europe. It tells the story of how Europe was put together after the war: how the new institutional architecture that has brought peace to the continent was built; and how the successful new states, none more so than the Federal Republic of Germany, were built up and resisted anti-democratic forces for decades. It covers the big symbolic moments, such as Willy Brandt kneeling in Warsaw, and, most joyously of all, the fall of the Berlin wall, a big moment in reuniting our continent.

It is no exaggeration to say that my right hon. Friend's Bill, even though it is only about 100 words long, is another little piece in that story: the huge vase that was smashed into a million pieces gradually being put back together, the righting of wrongs and the building up of peace. The Bill is another piece in that story. She is quite right to make the argument that spoliation—taking from families their works of art and their precious belongings—was part of the attempt to dehumanise a whole group of people.

[Neil O'Brien]

I watched the French documentary film “The Sorrow and the Pity”, which shows some of the Nazi propaganda of the time. What is striking is how sophisticated it was. It is not crude propaganda; it is quite effective propaganda that aims to dehumanise people. The looting of their possessions was a part of that to make them seem like a ragged group who were inhuman and fit only for death. Today, of course, we have new types of racist propaganda. We have the videoing for consumption on the internet of the barbaric killings in New Zealand. We have new antisemitic memes flooding the internet every day. This kind of propaganda always goes on. It is important that, on every level and every day, we continue to fight it.

On Second Reading, my right hon. Friend drew attention to a number of cases and read out the testimony of people who had been reunited with their belongings. There was the family who remembered a particular painting hanging on the wall. One person said that it had become more and more important to get back a piece of art because they had visited the artist's studio with a grandparent. Her parents were both dead and it had become very important to have this piece of art back again. That was a very powerful testimony.

I can only imagine the frustration of families before the original piece of legislation, to which we are today hopefully going to end the sunset clause. Families have been in situations where they have identified property that is theirs in a museum somewhere else. It had been looted from them. A convention says that it should be returned to them and the museum wants it to be returned to them, but they are unable to be reunited with their possessions because of an absurd quirk of the law. It would be even more absurd for us not to remedy the quirk that a sunset clause has, for no particularly good reason, been put in the original legislation. Hopefully, we will get rid of that today.

I finish by saying to my right hon. Friend the Member for Chipping Barnet that I am proud that our country has been a leader in pushing forward the convention and the advisory panel. It was staggering to see, as part of the background to the debate, how much art and how many possessions have been scattered around the continent, with 100,000 pieces of art still missing and the vast destruction of the cultural heritage of the continent. The UK has been a leader in this area. We have talked about the 23 works of art that have been returned to their rightful owners through this process. My right hon. and very hard-working Friend has played her part. She has done a lot of work and has been a tireless champion for this very important cause. It is a pleasure to support her important work today.

12.16 pm

**Mike Wood** (Dudley South) (Con): I join other hon. Members in paying tribute to my right hon. Friend the Member for Chipping Barnet (Theresa Villiers) for the work that she has done to bring the Bill to this stage. I know that for many years, she has cared deeply about and has worked actively on this issue. Nobody who has listened to the testimony of holocaust survivors can fail to be moved by their message and by the tragedy of the impact and the barbarism of this most evil of period in European history.

In Dudley's Holocaust Memorial Day commemorations in January, which were organised by the hon. Member for Dudley North (Ian Austin), we heard about the experiences of Zigi Shipper—his life in pre-war Poland, his time in Auschwitz-Birkenau and other concentration and extermination camps, and the impact that this had on his life and that of his family. So many of his family members were lost. Seventy-four years after the liberation of Auschwitz-Birkenau, which started the process of uncovering the full horrors of the holocaust, it is more important than ever that we do everything that we can not only to remember what happened and to learn the lessons of the past but, where we can, to right the wrongs of that period of history.

Holocaust survivors and their families lost so much. In many cases, they lost their childhood and their family. These are things that neither we nor any Government can ever hope to restore, but what we can do is help to return some of the property and some of the family heirlooms that mean so much to survivors' families. For that reason, the Bill is absolutely vital. As has been said, it is a simple Bill that seeks to remove the sunset clause that was inserted into the 2009 Act. It was inserted for perfectly good reasons, but it is now clear that it would be a great injustice to allow it to stand. The Bill will enable trustees to continue to return cultural objects back to their rightful owners indefinitely where it is shown that they were looted by the Nazis. Quite rightly, the safeguards that were built into the original Act remain intact, so that the rights and responsibilities of trustees and directors to look after cultural objects under their supervision and control is protected.

It would have been quite easy for the House to do nothing in 2009, but Members rightly decided that ensuring that some of the estimated 100,000 missing works of art could be returned to their rightful owners was the correct and moral thing to do. Many of those objects were stolen nearly 80 years ago. It would be completely contrary to our country's values to pass up a clear opportunity to act to right these wrongs and correct these injustices, even though they were perpetrated so long ago. That is not what we stand for. However, there is a clear and present danger that if the Bill is not enacted, the sunset clause that is due to strike in November this year will undo the work done by the Act, and it will no longer be possible to correct those wrongs in the future.

We as a nation have been at the forefront of repatriating the items looted by the Nazis, leading the way not only in Europe but in the rest of the world. The Spoliation Advisory Panel takes an approach that is both revolutionary and fundamentally common sense, without the need for costly legal proceedings and lawyers. I mean no offence to any legally trained Members who are present. Had the panel appeared earlier, other countries could not have used our delay as an excuse for their own inaction. Now that it is in place, however, it is able—in a dignified and trusting manner—to make decisions based on the evidence to which my right hon. Friend has referred, without involving costly adversarial arguments and instead relying on the good sense and discretion of its members.

As my right hon. Friend said, the panel has worked hard and conscientiously for many years, and I, too, place on record my thanks for its ongoing work. I hope that by passing the Bill, we can allow it to continue that work, and to bring at least some comfort to holocaust survivors and the families of victims.



12.22 pm

**Dr Rosena Allin-Khan** (Tooting) (Lab): Let me begin by joining colleagues in sending thoughts and prayers to all those affected by the abhorrent attack that took place in Christchurch today. I know that the whole House joins me in condemning that barbaric act.

I pay tribute to the right hon. Member for Chipping Barnet (Theresa Villiers) for her tireless work. She initially secured Government support for a private Member's Bill which then became an Act, and she is now ensuring that a sunset clause in that Act will not block a person's right, or the right of that person's family, to the justice that they so deserve. I agree with my hon. Friend the Member for Cardiff West (Kevin Brennan), who on Second Reading described the Bill as a carefully targeted, specific piece of legislation that worked well. The Labour party is proud to support it.

I also pay tribute to all who have spoken today. The hon. Member for Redditch (Rachel Maclean) spoke movingly about seeing off hatred, and I am sure that I speak for the whole Chamber when I commend what was said by the hon. Member for Banbury (Victoria Prentis), who spoke of her own heritage.

I know that every Member of the House is all too well aware of the impact of the holocaust, but Members may not know that my own family were personally affected. My grandma was pregnant with my uncle while hiding in the sewers in Warsaw during the second world war. My family were in the Warsaw ghettos. My grandmother's brother, my great-uncle, died valiantly fighting for freedom in Poland. My mother is Polish, and I know full well that no one grows up in a Polish family without hearing stories of the holocaust almost every week. I have been to Auschwitz-Birkenau three times, and I can tell you that the holocaust changed the lives of entire generations, with millions of people murdered on a scale that is as horrifying as it was massive. So as a second generation Pole, I can tell the House that the pain indeed lives on today.

As we know, however, the Nazi commitment to their ideal of erasing an entire people did not simply end at eradicating lives. The Nazi authorities set about looting priceless works of art that had been passed down through generations of families; by setting out to destroy an entire people's culture, the Nazis were trying to destroy any record of existence—to wipe them off the planet.

As I have said, my mother is Polish so I naturally feel a personal connection to the Nazi attempt to exterminate my mother's and my own culture. Current estimates state that at least 516,000 individual works of art were lost in Poland in world war two. We would need 220 National Galleries to host that many paintings, and this only covers those objects registered in the post-war years as being lost, which mainly focused on works of old art.

As far as libraries and home collections are concerned, losses are estimated, staggeringly, at over 22 million volumes from almost 40,000 libraries. By the end of 1942, German officials estimated that over 90% of art previously in Poland was in their possession. This is robbery and looting on an unimaginable scale. Imagine every printed item in Oxford university's libraries and then double it; all that was stolen. It is truly incomprehensible. The original owners of these cultural items have a right to have them returned to them. This is why this Bill is so important.

While the Nazis were, thankfully, stopped from destroying an entire people's culture, the works of art they stole are still found in museum collections across the globe. The UK, by playing its part in returning them to their rightful owners, demonstrates our commitment to live up to the ideals that were fought for over 70 years ago. The Act that this Bill amends has helped the Spoliation Advisory Panel to do its vital work, and its assistance in the return of 23 cultural objects to families or satisfactory compensation in lieu of return is an important illustration of our collective remembrance of the victims of the holocaust.

It is not of course the only way in which we remember the victims of the Shoah. International Holocaust Memorial Day and the Holocaust Memorial Day Trust do excellent work each and every year, and I pay tribute to them for their work. With the rise of the far-right and increasing numbers of hate crimes, it is now more important than ever to remember—to remember what can happen when the toxic fascist ideologies are left unchallenged; to remember that we as a society are weaker when we are focused on the differences between us, instead of the common goals we share; and to remember, most importantly, that it is the duty of every Member in this House to ensure that a holocaust never happens again.

It would be remiss of me to stand at this Dispatch Box and speak of the holocaust without talking about antisemitism. As far-right parties gain momentum across Europe and countries like Germany and France report sharp rises in antisemitism, now is the time to redouble our efforts to pay our respects to the victims of the holocaust; by doing so, we can all stamp out this repulsive ideology.

It was vile antisemitism that fed into the Nazi desire to eradicate an entire people and rob them of their culture, and I am proud to say that the Opposition are supporting this Bill today, to continue returning stolen items to rightful owners, where they belong. It is not right to put a timeframe on justice, and if a family are still searching for an artefact that was stolen, as many unfortunately are, we should not add to their distress by enforcing an arbitrary deadline.

There is an old Hebrew proverb—I hope I am pronouncing this correctly—that goes: “Na’eh doresh—na’eh meqayem.” It translates literally as “He who demands well should fulfil his demands well.” Our equivalent would be “Practice what you preach.” We all talk about our commitment to moving our country towards greater equality and reducing discrimination, but words are significantly devalued without the actions to back them up. The Bill provides an opportunity to reflect on what we are doing to fulfil our demands well, and I hope that we will redouble our efforts today.

12.30 pm

**The Minister for Digital and the Creative Industries (Margot James):** I would like to start by associating myself with the comments, the tributes and the sense of outrage and shock expressed by so many Members of the House and by Mr Speaker following the truly dreadful events in Christchurch. I send my deepest condolences to the people of Christchurch and of New Zealand, and to Muslim people the world over.

I am pleased to speak in support of the Bill promoted by my right hon. Friend the Member for Chipping Barnet (Theresa Villiers), and I pay tribute to her determination

[Margot James]

in pushing this important private Member's Bill to this stage. This is never an easy route, and it is one in which many more Bills fail than succeed. Setting to rights the terrible crimes committed during the second world war is just as important for us today as it was following the defeat of Nazi Germany in 1945. The widespread and systematic seizure of cultural property in territories occupied by or under the control of the Nazis and their allies has been recognised in international declarations as warranting particular recognition and deserving of special treatment.

The Washington conference on Holocaust-era assets in 1998 reached consensus on how to deal with the issue of Nazi-looted art. It was partly in response to this that the Government established the Spoliation Advisory Panel in 2000. The panel's report on the Beneventan Missal in 2005 recommended to the Government that the law should be changed to allow national museums to return Nazi-looted art. I would like to join Members across the House in thanking the panel for its excellent advice over the years, which has allowed justice to prevail in the circumstances we are discussing here.

**Bob Stewart:** I should like to place on record my tribute to the people known as the monuments men. There was a film about them, based on a true story. Those 345 experts spent until 1951 searching for artefacts, pictures and other objects so that they could be returned to their rightful owners. They located 5 million pieces, but they reckon a lot were never seen again. Their work was crucial to our efforts to get stuff back to the people who own it.

**Margot James:** My hon. Friend's important intervention draws our attention to the painstaking work that has been done over the years, particularly in the immediate aftermath of the second world war, without which we would not expect this legislation to have any effect.

My right hon. Friend the Member for Chipping Barnet has done so much to speak up for the Jewish community, and it is tragic that the community now needs so much support. She spoke of the emotional value of the return of cultural artefacts and works of art and the fact that so many of them are priceless to the owners or their heirs. She eloquently described how the restitution of such works of art can provide a powerful link with the past for the families and heirs of Holocaust victims, representing the most tangible connection that they may have with their parents, grandparents, aunts and uncles, so of many of whom were lost during those dark and awful years.

My hon. Friend the Member for Redditch (Rachel Maclean) reminded us of the common theme of the appropriation of cultural artefacts, talking about the destruction of the cultural history of a whole people by an oppressive regime or invading power seeking to wipe out the traces of the civilisation that it is attempting to destroy. It is testament to the Jewish people that the Nazis did not succeed in that endeavour.

My hon. Friend the Member for Solihull (Julian Knight) shared his horror at the growing tide of antisemitism, and I identify with his revulsion at this deeply retrograde phenomenon.

My hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) struck a more optimistic note, talking about the education of children. He referred to the section devoted to the Holocaust at the Imperial War Museum, which I have not yet visited and must do so. Exhibitions like that around the country share that cultural history, which is so important for the education of younger and future generations. It is by keeping that remembrance alive that we protect against the potential horrors of the future.

My hon. Friend the Member for Harborough (Neil O'Brien) has just been reading Professor Judt's "Postwar: A History of Europe Since 1945" and talked about the effectiveness and sophistication of the Nazi regime's propaganda. He also drew my attention to the effectiveness of its modern-day equivalent. The internet has regrettably enabled the swifter spreading of propaganda, exposing so many more people to it, which is one of the biggest challenges to address as we seek to ensure that online standards better reflect the standards that we demand and expect offline.

My hon. Friend the Member for Dudley South (Mike Wood), whose constituency neighbours mine, talked about the annual Dudley Holocaust memorial event that is arranged with energy, passion and commitment by the hon. Member for Dudley North (Ian Austin). My hon. Friend the Member for Dudley South mentioned the privilege of hearing Zigi Shipper talk at this year's event, 74 years after the closure of Auschwitz-Birkenau, about his family's experience of the evil concentration camps.

It is a privilege to follow the hon. Member for Tooting (Dr Allin-Khan). She is a second-generation Pole and spoke movingly about her family's direct experience of the terrible events that we are discussing today. She really brought home to me the scale of the Nazis' attempts to destroy all evidence of the Jewish population when she alluded to the destruction of more documents than those contained in the University of Oxford's libraries and of much more besides. As she said, there was robbery and looting on an unimaginable scale.

The extension of this legislation is important. It is no wonder that it has enjoyed such strong cross-party support. My right hon. Friend the Member for Chipping Barnet gave a powerful description of the importance of artefacts and cultural items, with which I can identify in a small way because, as a child, I had a fascination with old coins. When I was growing up, I could still get Victorian coins, pennies, in my change from the sweet shop. I used to collect those coins. [Interruption.] The hon. Member for Brent North (Barry Gardiner) says that he still has such a collection, which is a joy to hear. My collection, alas, disappeared. My old aunt had a shilling in a little case preserved from the reign of William IV, and I treasured it—that went, too. The return of those things would be priceless to me, and they are not even associated with these dreadful crimes. I recall a whole collection from my childhood, and such collections are denied to the people we are here to try to compensate with this Bill.

Despite the excellent work of our national museums to research the provenance of the items in their collections, we have heard that that work needs to continue. Such is the scale of the task that it would be wrong to begin to suggest when it can be completed. I am sure it will be timeless, which is why the powers in the 2009 Act should

be extended indefinitely so we can continue to consider claims from those who were so cruelly robbed of their property.

To use the words of Sir Nicholas Serota, the former director of the Tate Gallery, it is vital that potential claimants should not feel that the door is being shut in their face. We cannot change the past, but we can continue to bring some measure of justice to the families of the dispossessed. This Bill plays a vital role in allowing us to do that, and I hope it can now proceed.

I close by echoing the tribute paid by my right hon. Friend the Member for Chipping Barnet to the holocaust survivors, and their heirs, in her constituency and the world over.

12.42 pm

**Theresa Villiers:** With the leave of the House, I rise to give my profound thanks to everyone who has taken part in the debate today and those who participated on Second Reading and in Committee, including the Front Benchers. Like the Minister, I found the contribution of the shadow Minister, the hon. Member for Tooting (Dr Allin-Khan), very moving in talking about the experiences of her family.

I thank officials in the Department for Digital, Culture, Media and Sport, particularly Mark Caldon, for their help and briefings on this legislation. I thank Andrew Dismore for his advice and, of course, for his work on the original 2009 Act that we are here to save. Lastly, I thank the Lord Commissioner of Her Majesty's Treasury, my hon. Friend the Member for Castle Point (Rebecca Harris), for her invaluable assistance in enabling me to navigate the Friday process.

I commend this Bill to the House.

*Question put and agreed to.*

*Bill accordingly read the Third time and passed.*

## **Rivers Authorities and Land Drainage Bill**

*Bill, as amended in the Public Bill Committee, considered.*

*Third Reading*

*Queen's consent signified.*

12.44 pm

**David Warburton** (Somerton and Frome) (Con): I beg to move, that the Bill be now read the Third time.

Before I talk about the Bill, I would like to associate myself with the comments from across the House about the appalling events in New Zealand, which cast a shadow over us all today. I have no words that are truly sufficient.

I congratulate my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) and my right hon. Friend the Member for Chipping Barnet (Theresa Villiers) on successfully steering their equally important Bills through the House. Let's go for the hat-trick.

It is over a year since I first presented the Bill to the House. Not long after, the Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the hon. Member for Suffolk Coastal (Dr Coffey), and I took part in an Adjournment debate on rivers authorities. Rather a lot has happened in those 12 months, not all of it particularly good, so I am delighted that in the last five weeks the Bill has moved from struggling to putting its head above the water in the long list of private Members' Bills and then—with, I hope, the House's support today—into the other place.

**Bob Stewart** (Beckenham) (Con): That was a pun.

**David Warburton:** Yes, there was a pun there. I thank all those who have made this possible, particularly those who joined in the Committee stage, and I am grateful for the cross-party consensus and support, which has been very important and valuable.

My Bill covers the important topic of water management, particularly flooding. The House has debated flooding many times, and not just in respect of this Bill, so I know that we are all well aware that it is truly devastating and that such devastation can be wide-ranging and long-lasting. Many of our constituents, and some of us in this House, have had terrible direct experience of the effects and power of flooding, and anything we can do to help them help themselves, in addition to the record investment from this Government, which we should note, can only be a good thing.

Whether directly affected or not, no one in the House will not recall the images of inundated communities during the floods of 2007 and 2013-14 and of the winter of 2015-16, which impacted on so many people across our country. We must not forget, either, the other localised flooding that has affected many others between and since those events.

**Rachel Maclean** (Redditch) (Con): I am delighted that my hon. Friend has touched on the relevance of his Bill to areas apart from Somerset—we all remember the flooding there. Is it his contention that the measures in the Bill could be used to create bodies to manage flooding in other areas of the country?

**David Warburton:** I am grateful for that important intervention. It is important to note that, while the Bill nominally allows for new rivers authorities to be set up, with local support and after consultation, anywhere in the country, there is no particular desire or need for that at the moment, as far as I am aware. That said, the measure is there.

**The Minister for Agriculture, Fisheries and Food (Mr Robert Goodwill):** I am pleased to signify early on that the Government will support my hon. Friend's Bill.

**David Warburton:** I am very glad to hear it.

As we experienced just this week with Storm Gareth, which brought high winds and heavy rainfall, we are powerless to control the weather, but that is not so with flooding. Things can be done to reduce the likelihood and the impact of floods. We can and we do help our communities to better manage the risk of flooding of their homes and businesses by constantly assessing the risk and taking strategic action to be better prepared so that when the weather is against us, there is less risk to life, livelihoods and property and recovery is quicker.

**Bob Stewart:** My hon. Friend refers to weather, to which flooding is obviously directly attributable, but in my constituency the water table rose and it was almost impossible to get rid of the water. It just kept coming and flooded a huge number of houses, particularly those with cellars. I do not understand what we can do about that.

**David Warburton:** I am no expert on water tables or the flooding of cellars, but that is exactly the kind of work that our internal drainage boards and other risk management authorities manage daily. The purpose of the Bill is to bring the work of those bodies together and add to their weaponry, so that they can work to help us all. To help to deliver that, my Bill will specifically provide opportunities for local partners and communities to better manage the risk of flooding and to improve water management, which will also have other benefits. The Bill will achieve that through the two types of public body that it covers.

The devastating floods that hit my constituency and those of other Members during the winters of 2013 and 2014 will forever be ingrained in my mind. I apologise to Members present who attended previous debates on the Bill and have heard this before—I will not go into all the details—but the events really were shattering for Somerset. I recall travelling by boat on what ought to have been roads on the Somerset levels and moors, and standing in people's houses that were not only waist-deep in water but had been flooded only 12 months before.

From adversity comes opportunity, though, and neighbours and communities in Somerset came together. Members of those communities wanted to take action to reduce the chances of such flooding happening again and properly to manage the risk. The people of Somerset were keen to take ownership and proposed the creation of a new locally funded public body known as the Somerset Rivers Authority. I thank the Government for their support for the idea, and the SRA itself for the benefits its hard work has already provided since its inception, even though it is currently non-statutory and unincorporated. Members will be pleased to know that the Bill does not purely contain powers formally to

establish the Somerset Rivers Authority, but rather enables the creation of rivers authorities wherever there is local need and support and due process is followed.

The Bill's first measure will enable the creation of rivers authorities, which will be risk management authorities and major precepting authorities. They will be able to issue a council tax precept each year, to be used for local flood risk management activities in addition to those already undertaken by the Environment Agency, IDBs, local authorities and others.

Although a rivers authority would need to encompass an entire local authority area, if desired it could span any number of local authority areas, thus providing a level of joined-up strategic planning where appropriate. Rivers authorities will be locally accountable bodies that work with all risk management authorities, including water companies, to help reduce the local risk of flooding from all sources. They will use the funding provided by the precepts to undertake such work as will benefit their entire areas of operation. The rivers authorities model is very much one of collaboration and enabling the use of knowledge and expertise to deliver for communities. A rivers authority is not there to usurp any other organisation or the Government's and the Environment Agency's important work throughout the country.

Although, as I have said before, Somerset is fortunate, as in so much else, in already having its own rivers authority. The Bill is the final piece in incorporating that authority formally and ensuring that it has a secure future.

**Rachel Maclean:** I note that the Bill will bring with it powers to levy a precept on council tax payers. I am concerned about local council tax payers having to pay more. Will my hon. Friend enlighten the House on what he thinks the amount of the precept will be and how it will affect local council tax payers?

**David Warburton:** I am grateful to my hon. Friend for that intervention, because it is important to clarify this. The Somerset Rivers Authority is already paid for by local council tax payers, to the tune of £2.5 million a year. That money comes in the form of a voluntary payment from the local authority to the rivers authority, which means that it has no security for the future. The rivers authority cannot enter into long-term contracts or plan strategically for the future. The Bill will provide it with assurance that it will be able to provide the kind of levels of water management that we need in the future. There need not necessarily be any change to the amount paid by local taxpayers.

In advance of a rivers authority being created, there must be a proposal and there must be local support. The Government will not, and indeed cannot, under the auspices of this Bill impose a rivers authority anywhere, but will consider those who want to propose such a body by setting out their policy intent for rivers authorities through a national framework. The details for any agreed rivers authority will be set out in secondary legislation specific to each one.

Assuming that my Bill makes it to the statute book, as I very much hope that it will, I will politely and respectfully press the Government to issue their national framework as soon as possible and will then pursue local partners to bring forward their proposals, which will finally allow for the Somerset Rivers Authority to be formally created under this legislation.

There are other already important risk management authorities in England. One type of such body is internal drainage boards. IDBs maintain watercourses, reduce flood risk to people and property and manage water levels for agricultural and environmental needs within their internal drainage districts. There are currently 112 IDBs across England, covering roughly 10% of the country, so Members will be aware of them and the important work that they do. However, there are gaps that some might wish to fill.

Internal drainage boards mainly fund their work through a charge on the communities that they serve. Agricultural landowners are liable for drainage rates, and local authorities are liable for the special levy. The special levy charge, and the methodology that sits behind it, is based on ratings from 1990, as set out in the Land Drainage Act 1991, but, unfortunately much of the data is missing or incomplete. The second measure in my Bill therefore amends the Land Drainage Act to accept newer ratings data that could be used to create new charging methodologies.

To ensure that the apportionment calculation between the two charges is up to date, and to reduce the risk of imbalance on either side, that measure will also allow for an update to the drainage rates charging methodology. Once the regulations are in place, the new data and charging methodologies will enable the creation, finally, of new internal drainage boards, or the expansion of existing ones, where this is wanted. I know that there is enormous pressure for that from hon. Members up and down the country. I stress that both those measures in the Bill are enabling powers and require local support before the Government can act.

As I said on Second Reading, this Bill helps to deliver greater protection through two different, but equally important, public bodies. We in this place owe it to our constituencies and our communities, and to anyone who has been flooded or is at risk of flooding, to take all possible steps to mitigate that risk. With the support of the House today, discussion and scrutiny of this Bill will, I hope, continue in the other place. I very much look forward to following its discussions with interest. I commend this Bill to the House.

12.58 pm

**Mike Wood** (Dudley South) (Con): I shall speak extremely briefly in support of this sensible Bill. There can be few Members of this House who represent constituencies that have not been impacted by flooding in recent years. In some cases, such as the flooding in Somerset, it has been on a devastating and life-threatening scale and has featured in headline news around the country and sometimes around the world. In other cases, the flooding will have been much more localised, but still with an enormous impact on those whom we represent. In my own constituency, localised flooding caused the closure of a local primary school for a while, with everything that results from that. It sometimes causes significant damage to property and possessions, sometimes large financial costs and at other times very large damage to items of sentimental if not necessarily financial value.

If the measures set out in the Bill and the new rivers authorities can ensure that preventive work can be done to reduce the risk to people's lives, properties and

possessions, this legislation will make an enormous contribution to many families up and down the country. In some parts of the country, it is obviously appropriate that the work is done by new rivers authorities, covering either a single or multiple local authority areas. In others, the work can be done at least as, if not more, effectively by existing bodies, whether the lead is taken by the larger local authorities, particularly unitary authorities, or by a city region or combined authority.

As the effects of climate change become more apparent, with adverse and unusual weather patterns occurring on a much more regular basis than they did even a few decades ago, and as building and development patterns mean that, in the last generation or two, more and more properties have been built in areas that we now see being particularly prone to flooding, it is even more important that we do everything we can reasonably do to safeguard areas from the effects of flooding. This Bill is an important step towards achieving that.

1.1 pm

**Victoria Prentis** (Banbury) (Con): Madam Deputy Speaker, you may remember the last speech that I gave on this Bill.

**The Comptroller of Her Majesty's Household (Mark Spencer)**: Too short.

**Victoria Prentis**: It certainly was not too short, but it did rehearse my lifelong passion for drains and my concerns about flooding. I relived one of my worst ever court experiences, when I feared I would have to say cryptosporidium in Welsh when prosecuting Welsh Water. Luckily, that never came about.

I pay tribute to all the hard work that my hon. Friend the Member for Somerton and Frome (David Warburton) has put into this private Member's Bill, which has cross-party and Government support. He has spoken on the subject with extensive knowledge and authority, if perhaps without my passion as a wet Tory. This is a worthwhile Bill and one that is long overdue.

On Second Reading, apart from talking about my grandfather's drains, I also spoke about the quality of the raw water in my constituency, caused by discharges from sewage treatment works and diffuse agricultural products. This has caused increased nutrients in the water, which has led to quite poor water quality in many of our local rivers. I was having a discussion with my hon. Friend the Member for Sherwood (Mark Spencer) as we prepared for today's sitting, and he made the point that in his constituency—a former coalmining area—there are very real difficulties with water quality because the water courses have been messed around with as we have messed around with the environment.

This Bill will have importance for Members right across the House. Obviously, we recognise that Somerset has had a particular problem with flooding, but I hope that the Bill will give peace of mind to homeowners and businesses across the country that are at risk of flooding, although most particularly to the people of Somerset. I am aware that Somerset has suffered from flooding for the past 400 years, with chroniclers describing floods as "faster than a greyhound", as my hon. Friend the Member for Somerton and Frome told us in Committee.

The Bill is important because it addresses some key issues. It would allow the Secretary of State the power to establish rivers authorities. Clause 1(2) amends the

[Victoria Prentis]

Flood and Water Management Act 2010 to include rivers authorities in the definition of risk management authorities. This will allow rivers authorities to co-operate with other risk management authorities when tackling flooding and will help to ensure that there is central co-ordination when dealing with these issues. That co-ordinated approach is crucial for effective planning and strategy in these types of situation. The measure also means that rivers authorities will have the power to issue a precept to billing authorities, which would then be in a position to collect the money from local taxpayers.

This is something we have studied in depth in Banbury. We were severely flooded in 1998 and then again, slightly less so, in 2007. The original floods caused extensive damage to 125 residential properties, and 35 commercial properties were also flooded, with about £12.5 million of damage. After the 2007 floods, we came together as a community to work out how to deal with it. We came up with a new scheme, which I think it is relevant to mention.

We were able to collect the money for our flood defence scheme in Banbury not only indirectly from local taxpayers via the local council—not by a precept, because that was not available then—but from significant private investment. That is a model, and it should be used by other areas that are dealing with this problem as an example of a public-private partnership that can really benefit an area.

We had bad flooding in 2007. We started the construction of our new scheme in 2011. It now protects 441 houses and 71 commercial properties. It is a huge earth embankment of almost 3,000 metres long and up to 4.5 metres high in places. As part of the development, we were also able to construct a new park, with a circular walk, and to work locally to create habitats for wildlife, which we also need to consider whenever we play with water systems. We need to think about what good we can do when we change the way that water flows.

The scheme cost just over £18.5 million, and it was tested soon after it was constructed in the floods of November 2012. I am pleased to say that it has worked beautifully ever since. It has also had a significant effect on the environment in the village where I live. I live further down the Cherwell valley from Banbury, in a beautiful area right in the middle of my constituency. Previously, when Banbury or Oxford flooded, because of opening gates and managing the water, our area of the Cherwell valley could be very badly affected by flooding, but our new works in Banbury have alleviated the problem for not only the immediate area but those of us further downstream. It is a good example, and I urge Members with an interest in this to consider the way that we got private and public money to pay for it.

Areas that do not have rivers authorities will be able to set them up if they are needed, to ensure that there is local support. Another important element of the Bill is how it will help the 112 internal drainage boards across England that are involved in water management and flood risk management. They play an important role in their local area by maintaining water levels for agricultural and environmental needs, as well as through the upkeep of waterways and flood management.

IDBs are responsible for approximately 1.2 million hectares in England, covering close to 1 million properties. Each IDB is funded by the area it covers, and drainage rates are paid for by agricultural landowners and special levies that are paid for by local councils or authorities. Those land valuations depend on an assessment by each IDB of the relative value of agricultural land, buildings and other land. However, the valuation of other land is based on data collected in the 1990s as part of the Land Drainage Act 1991, which is older, if I may say so, than most of my members of staff. The Bill will mean that new data is collected, to be used by IDBs to calculate the value of “other land” and bring us into the modern world. It will also allow IDBs to extend their boundaries and make it possible for new IDBs to be created using modern-day data.

The other pressing issue in my constituency at the moment is the enormous amount of house building we are doing. We are finishing three houses a day in Banbury and Bicester on average. We normally top the leader board nationally most weeks for the number of houses finished. This has obviously had an enormous effect on the environment locally. It is really important that we use the structures in Bills such as this to ensure that we plan the way the water flows around these new developments.

It is also very important that we do just as much to plan habitat building around new developments. Bicester is a garden town, one of the schemes developed in the last Parliament, and we take this very seriously. I feel that the way in which we manage our water is important both for stopping flooding and, in a positive way, ensuring that it can help habitats and allow us all to enjoy it. Nothing is more beautiful than walking by a stream or, as my grandfather said—I think I mentioned this in my last speech—listening to a running drain.

It is important that we really embrace the concept of water management, so I thank my hon. Friend the Member for Somerton and Frome not only for his hard work in getting the Bill to this stage for his constituents, but for everything he has done for people across England who have been affected by devastating flooding.

1.11 pm

**Matt Warman** (Boston and Skegness) (Con): I rise to briefly support this excellent Bill, as I did in the Bill Committee and on several occasions as it has progressed through the slightly tortuous private Member's Bill system. It is excellent that we are finally here today with something that will deliver real and meaningful benefits for Somerset in particular.

As my hon. Friend the Member for Somerton and Frome (David Warburton) knows, this is the point where I turn into a bit of a gloom bucket. While the Bill is brilliant for Somerset, I hope the Minister and his right hon. Friend the Secretary of State will be able to look favourably on the other parts of the country that seek to benefit from the good things it will enable for Somerset and, in theory, for other parts of the country as well. I say that for two reasons, and some of this is already in process through the consultations that the Department is running via the Environment Agency at the moment.

The first is the extension of rateable areas for existing IDBs. In my constituency, we are blessed with five IDBs. As I have mentioned before, according to the Association of British Insurers, it is the constituency in the country

most likely to flood in relation to both internal drainage and coastal flooding. To be sustainable, drainage boards need to rate areas that benefit from the work they do but that do not currently pay for it. It seems to me that that is only fair, because the work the drainage boards do provides a huge benefit for the wider local economy. In Lincolnshire, they work remarkably effectively and produce work at a fraction of the cost of the Environment Agency—by the Environment Agency’s own admission—and, indeed, they have often worked as contractors for the Environment Agency to produce the maximum value for the taxpayer. They will be able to do even better work if they are properly and sensibly funded by all those who benefit from their work. That is what the Bill will permit—in practice, in some areas of the country, and in theory, in others. Once my IDBs, which are independent-minded and well run, come to a collective view on what they would like, I hope the Minister and his colleagues in the Department for Environment, Food and Rural Affairs will look favourably on it.

My second point is on the rivers authorities aspect of the Bill, which could be—I do not say it will be, but that it could be—an excellent solution for Lincolnshire as well. I would like that very much to come from my own drainage boards, councils and those who know best what is good for them, rather than suggesting for a moment that the Department should impose any of this on Lincolnshire, although I do not think it is currently minded to do so.

Ultimately, and to use Boston Borough Council as an example, the responsible thing for drainage boards to do is clearly to make sure that they have the resources to do their necessary work and keep everyone’s feet dry—literally. As they put up their rates, however, because we have rightly capped the amount by which council tax can rise, any rises in council tax are entirely taken up by those necessary rises in drainage rates, and drainage boards are effectively able severely to curtail, if not cut, the resources available to a borough council. Being able to make that funding a separate council tax line, so that it is a precept rather than a levy, will be a huge step forward in Somerset and allow people to be properly resourced at both council and drainage board level. That is a good thing, but it is not the only way through by any means—as the Minister said in Committee, I suspect my hon. Friend the Member for Somerton and Frome will say that other options are available to my councils, and I imagine he will be right.

In remains the case, however, that today it is difficult for drainage boards to get the resources they need without butting up against that cap on council tax rates, which means that small authorities such as Boston Borough Council and East Lindsey District Council find themselves in a difficult position. The situation will be solved in Somerset through the rivers authority—that is good and we welcome it—but I hope the Minister will work with his colleagues, my drainage boards and the Environment Agency to try to alleviate the problem that this excellent Bill will solve in an admirable way for Somerset, so that we can also find a way through for areas such as Lincolnshire. I do not want to be too gloomy because this Bill opens a number of doors through which I hope counties such as mine, and councils such as those in my constituency, will be able to walk if they wish. This Bill is excellent for Somerset, and it is excellent that the Government and the Opposition are supporting it, as will I.

1.17 pm

**Rachel Maclean** (Redditch) (Con): It is a pleasure to add my support to this Bill, and I thank my hon. Friend the Member for Somerton and Frome (David Warburton) for introducing it and for accepting my interventions. I have a confession to make, Madam Deputy Speaker, because unfortunately I do not share the passion for drains expressed by my hon. Friend the Member for Banbury (Victoria Prentis)—[*Interruption.*] I am sorry about that, but I do share her passion for rivers and for our environment more generally. In particular, I share her passion for drains that work well, as will all hon. Members who were here last week when the drains were blocked—enough said about that.

We are discussing Somerton and the Somerset levels, and the admirable work that has been done. It is interesting to consider the unique aspects of the environment that have affected the Somerset levels. Being a midlands girl, I confess that before I came to this place and made the acquaintance of many Members across the House, I did not have much knowledge of the Somerset levels and that unique environment. Like many of us, I remember watching the news and seeing those devastating floods, which had a catastrophic impact on those communities. I remember seeing photographs of politicians in wellington boots and hi-vis jackets standing in a flood or river, and thinking, “Goodness me. They are tackling a really challenging issue.” Now that I have the privilege of representing a community, I find myself wearing hi-vis jackets and wellingtons on some occasions, so I understand what was happening on the Somerset levels.

Thousands of years ago that unique environment was covered by the sea. That is quite a common feature for our island nation, because we are surrounded by the sea on all sides. As it receded, we had to manage the land. I understand that it was the Romans who first dug up a network of drains and ditches to manage the place. That work has continued ever since, as the area is vulnerable to flooding because of its geography.

We are discussing the wider issues of flood management and it is timely for us to be doing so today. On my way here, I saw schoolchildren protesting in the climate strike. The Bill is about flooding, water management and managing our environment and our ecology. It touches a wider nerve outside this place. I am proud to see our young people taking action on these issues that matter to us, and I am proud to be a part of a Government who take them very, very seriously.

**Thangam Debbonaire** (Bristol West) (Lab): I am grateful to the hon. Lady for letting me intervene on her. She mentions the young people outside today. I went out to talk to some of them. Does she agree that they are an inspiration, but that this is also a time to reflect on what we are doing? The young people I spoke to gave me a list of things that they think we need to be doing. They did not mention the Bill—strange to say—but it is a part of the piece. Does she agree with me that those young people are why we are here and why we get up every day to do the jobs we do?

**Rachel Maclean:** I thank the hon. Lady so much for that intervention. She is absolutely right. Every time I come into this place, I see people with placards outside. It is a real privilege to be able to take on their concerns and to be able to do something about them. I agree with

[Rachel Maclean]

her on the climate. We all need to do more, but we are making some welcome progress. For example, the UK is the first country to phase out coal generation and we are the first country to have passed a climate change Act. When I speak to local young people in my constituency, they present me with demands similar to those she has just mentioned. I tell them that we are taking action and that we do care. We have reduced our carbon emissions. Our country is a leading advocate for the Paris agreement. Taken together, along with the action we will be taking on drains and flood management through the Bill, we are doing a good job, but we are all mindful that we have to keep doing more on this issue.

My hon. Friend the Member for Somerton and Frome mentioned the economic impact on communities, businesses, farmers and all people who live in areas affected by flooding that his Bill will help to prevent. I have some personal experience of that. The briefing notes state that the measures in the Bill can be used—he kindly responded to my intervention on this point—to create bodies in other parts of the country. One such place could be Cumbria. My 83-year-old mother lives in Cumbria. She has dementia and she was very badly affected by the floods that took place in December 2015. She had to be evacuated from her home and put up in a local hotel. She lives on her own and she had no carers there. She was totally distressed and it was harrowing to receive phone calls from her saying, “I can’t get food. I don’t know where I am. Someone’s taken me and put me in a hotel.” When we talk about the impact of flooding on roads and so on, we must remember the human impact. It really affects people. I believe that in those floods there was loss of life.

It is very important that we enable local bodies to take action as necessary on a local basis, supported by local communities, to address the specific issues in their areas. As a low-tax Conservative, I support the idea that this should be locally managed with the consent of local communities. A number of environmental measures have to be taken, as my hon. Friend said, to tackle issues that pertain to the specific geography of their areas. My hon. Friend the Member for Banbury mentioned the impact on wildlife. Flash flooding has a huge impact on the local wildlife: not only the fish in the streams but any birds, flora and fauna living on the riverbank. These are fragile environments and they can be obliterated by flooding, huge movements of earth, landslips and so on, so having local plans in local areas is very important.

I am pleased that the Bill has the support of the National Farmers Union and the Association of Drainage Authorities. The Bill will be welcome in my constituency because as well as Somerset and Cumbria, we suffer in my area from flooding. Most recently, we experienced flooding in an area called Hollywood—not in Los Angeles but just up the road in Birmingham—where two months’ worth of rain fell in two hours. I am delighted that an organisation has come together to put in place the Hollywood risk management plan, because the flooding caused £15 million-worth of damage, which people in that area could ill afford. I am very pleased that there are measures in the Bill that will help local communities up and down the land, should those communities choose to put them in place.

I put on record my thanks to my hon. Friend the Member for Somerton and Frome for his work as he has steered the Bill through the House. I thank everybody else who has spoken and the Minister, and I look forward to hearing his comments about how the Government will support the Bill and enable it to be enacted.

1.25 pm

**Sandy Martin** (Ipswich) (Lab): I echo the words of my hon. Friend the Member for Plymouth, Sutton and Devonport (Luke Pollard) on Second Reading and in Committee, and I welcome the cross-party consensus that has, if not sped the Bill along its way, allowed it to ooze into its present position. I add my thanks and appreciation for the efforts of the hon. Member for Somerton and Frome (David Warburton), whose hard work and persistence has got us to this point. Of course, the Bill also has the support of the Government, even though they did not take it forward in Government time, and of the National Farmers Union, the Environment Agency and the Association of Drainage Authorities.

I find myself partially disadvantaged in discoursing on this Bill because I am not from the west country, and the majority of the running has naturally come from west country Members, who have a long-standing commitment to helping the people of the Somerset levels, whence this Bill gained its original impetus, whether or not their constituencies cover any of the affected areas. The fact that fellow MPs are willing to work together to help one another’s constituencies is hugely encouraging and is in some ways a mirror to what the Bill seeks to achieve. It is by sharing the load that the new rivers authorities are going to be able to command the resources and implement the strategies that our vulnerable valleys and river catchments have been crying out for. Very often, the measures that will have the most effect on one community need to be carried out upstream in a separate community. These new rivers authorities will enable the best outcomes for all. However, while many parts of the south-west have been affected by flooding over many years and it is the area in which the first rivers authority—the Somerset Rivers Authority—will achieve its full expression through the Bill, once it has passed the Bill will enable improved drainage and flood prevention strategies in various parts of our country.

The Bill is long overdue. It would have been sensible if the Government had introduced it. There is still a very real threat that some of the planning and flood-prevention measures that could be facilitated by the creation of rivers authorities will not be put in place before the next major flooding incident, like the floods in Cumbria in 2015. I hope that those river areas where setting up a rivers authority will make a positive difference do not wait until the next major incident to do so. We would welcome proactive encouragement from central Government or the Environment Agency in that regard.

The Bill aims to provide local communities with new powers to organise and protect themselves from flooding, and that is wholly commendable. However, we also need to ask ourselves why there has been an increase in the prevalence and ferocity of flooding incidents in recent years. Alongside the powers to control and mitigate the flooding, I believe that we will need to take far more effective measures to deal with climate change in the near future and be more coherent and sensible about the development that is allowed on our floodplains.



We welcome the local accountability of the new precepting authorities through their public sector elected members, although we would welcome a more transparent and consistent approach to the selection of those members. It is essential for there to be a process for removing members if they are not careful with local taxpayers' money, although I assume that that will take place through the normal democratic process for locally elected members. We wish to warn that any new money collected locally must be spent on additional measures, and not used by central Government as an excuse to cut the current funding of, for instance, the Environment Agency.

It would also be beneficial for local community ownership of a rivers authority to be given some genuine expression in the ability to follow and challenge the strategies and programmes of the authorities. I remind the Minister of the suggestion by my hon. Friend the Member for Plymouth, Sutton and Devonport of an annual flood risk management plan as a tool for engaging with the public. I hope that the Somerset Rivers Authority and other forthcoming authorities will institute such plans.

Rainfall on the scale of the 2015 storm Desmond is becoming a more frequent threat as a result of climate change. We need to ensure that our regulatory system and our flood defences are fit to meet that challenge, but we must also do what we can to prevent the increasing occurrence of such storms through reductions in carbon emissions. According to the Committee on Climate Change, 200 km of English coastal defences are likely to be at risk of failure during storm conditions. The Bill will set up bodies to mitigate riparian flooding, but I hope that the Minister will suggest to his colleague the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Suffolk Coastal (Dr Coffey) that there might be some merit in seeking a similar solution to coastal flooding, too, and that perhaps, once the bonanza of Brexit statutory instruments is finally over, she might want to turn her attention to doing something about that in Government time.

We face an unprecedented challenge in defending lowland areas from flooding. The Bill is welcome and timely, and has our full support. We are delighted to see it becoming law. The Government now need to think about how they can enable as many relevant communities as possible to make full use of the powers and opportunities that it gives. Ideally, there will be a comprehensive plan for every community at risk of flooding. If this Bill can help us to achieve that, it will have made a major contribution to the safety and happiness of the nation.

1.32 pm

**The Minister for Agriculture, Fisheries and Food (Mr Robert Goodwill):** It is good to be back, Madam Deputy Speaker.

It is a pleasure to follow the shadow Minister, the hon. Member for Ipswich (Sandy Martin). Let me also record thanks to his colleague, the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard), for all his work during the Committee stage. Able contributions have been made today by many other Members: each and every one of them made a valuable contribution, often citing specific issues in their constituencies. I note the point made by my hon. Friend the Member for Boston and Skegness (Matt Warman) about the wider benefits beyond those applying to rateable beck or river frontage. I also congratulate my hon. Friend the Member

for Somerton and Frome (David Warburton) on pursuing this important Bill. I am pleased to reconfirm that the Government support the Bill and its aims, and it has been welcome to hear that it is supported on both sides of the House. The two measures that it contains fit well with the Government's ambitious agenda.

As my hon. Friend the Member for Somerton and Frome said, many of us have spoken eloquently about the impact of flooding and our experiences. Indeed, in my coastal constituency of Scarborough and Whitby, it is no different. Scarborough has experienced multiple floods in recent years, and sometimes we feel that we are being attacked from all sides. Our sea front is subject to tidal flooding, as we saw in 2013 and 2017, and again just a year ago, last March. If that is not enough, the town has also seen its fair share of heavy rainfall, frequently causing flash flooding and sometimes requiring the rescue of several motorists. Of course, we all remember the Boxing day floods of 2015, when Scarborough also suffered. If only that had been the last time: in August 2017, 70 properties suffered flooding which also damaged local infrastructure and highways.

Whitby and the surrounding area have not escaped either. Sadly, Whitby has a long history of tidal flooding, with records going back to the 1800s, and it still occurs relatively frequently. A December 2013 storm surge caused major disruption, with flooding of major properties along and near Church Street. Thankfully, the Church Street flood alleviation scheme currently being planned by Scarborough Borough Council will provide protection to 54 residential properties and eight businesses, and I know similar schemes are being delivered up and down the country. So I recognise what my hon. Friends have said and share their concerns not just because of the experiences in my own constituency. The 2015-16 storms brought a volume of water that overwhelmed the pumping station and Foss barrier in York, resulting in severe flooding to the residents and businesses of that wonderful city on Boxing day, and the collapse of Tadcaster bridge just a few days later, effectively cutting that town in half.

I was deeply honoured to be appointed as the flood envoy for Yorkshire in the aftermath and saw at first hand the destruction and devastation experienced by so many people. I am proud of the way those communities came together—as did those in Somerset—to support each other through the recovery and to identify and deliver solutions through, for example, the Calderdale flood action plan. I am also proud of any small part I played in supporting them through this most awful of times by ensuring their voices were heard at the very heart of government. Members will therefore not be surprised to know that I completely agree with the sentiments expressed by my hon. Friend the Member for Somerton and Frome: the effect of flooding is devastating, both physically and mentally, both on people and in terms of the wider consequences for communities, businesses and the environment. Such impacts can also last a long time after the water has receded to a more normal level.

Rainfall brings many benefits to our green and pleasant land, but too much water in the wrong place is not welcome. We cannot stop natural hazards: just this week we have seen Storm Gareth bringing strong winds and heavy rain and flood warnings to much of our country, and we will continue to be susceptible but need to try to reduce or manage the damage flooding can

[Mr Robert Goodwill]

wreak. We can all take steps to mitigate the risk and the impact. To that end, the Government are continuing to invest a record £2.7 billion in better protecting communities across England, with some 1,500 new flood defence schemes being put in place between 2015 and 2021, as well as significant investment to maintain existing flood management structures.

There is also action that communities and individuals can take to become more flood aware, including registering for flood warnings and alerts, and taking advice from the Environment Agency and local authorities. The Government are also keen to empower communities to take further action at a local level and have committed to bringing the public, private and third sectors together to work with communities and individuals to reduce the risk of harm from environmental hazards, enabling communities to help themselves, which is why we are here today.

This Bill will, once enacted, enable communities to do just that if they decide to take, and to fund, local action so as to be better protected. This could be through the creation of rivers authorities, as we have heard, or through the creation of a new, or expansion of an existing, internal drainage board. While there is currently only one rivers authority, in Somerset, there are 112 internal drainage boards, covering 10% of England, and many of us are aware of the important work that they do on flood risk management and water management more generally.

I assure the House that back up north we are no strangers to the benefits of effective land drainage and water management. If you choose to visit us, Madam Deputy Speaker, in the beautiful county of Yorkshire, you will see a drainage scheme that was put in place over two centuries ago, the Derwent sea cut, which history tells us was the brainchild of local businessmen and landowners, constructed at least in part by prisoners of the Napoleonic wars—a precursor, I suggest, of the type of scheme we heard about in Banbury, although I assume it had no ready access to French prisoners.

That proud history of managing water flows to alleviate flooding and create rich agricultural land continues today via our internal drainage boards. I farm on land that sits within the internal drainage district managed by the Foss internal drainage board, so I have direct personal and professional experience of the outstanding work these bodies can do. That is just one of the reasons I welcome this Bill today—so that other areas that need and want to can benefit from locally funded

bodies, with local expertise to support flood risk management, be that an internal drainage board or indeed a rivers authority.

Following Royal Assent to the Bill, the Government will take the necessary steps to develop and publish our national framework for rivers authorities, and will engage with interested parties in doing so. This will enable local proposals to be developed and local consultations to be held. The Government will also pursue the regulations for the internal drainage boards through the affirmative procedure. Again, this will enable proposals to be developed and local consultations to be held. As I mentioned earlier, the Government fully support this Bill and hope it will now make a swift passage through the other place without amendment.

1.39 pm

**David Warburton:** With the leave of the House, I should like to say that I am enormously grateful for the support that I have received for the Bill from across the House. I am grateful to the Minister and the shadow Minister and to Opposition Members and hon. Friends who are in the House today.

It was great to hear the sensible observations of my hon. Friend the Member for Dudley South (Mike Wood), and it is always good to hear my hon. Friend the Member for Banbury (Victoria Prentis) talk about her grandfather's drain obsession, even though that obsession is not shared by my hon. Friend the Member for Redditch (Rachel Maclean). I did not think that my hon. Friend the Member for Boston and Skegness (Matt Warman) was a gloom bucket, as he said he was. I thought his proposals were very constructive.

I also want to say thanks to my hon. Friends the Members for Tiverton and Honiton (Neil Parish), for Bridgwater and West Somerset (Mr Liddell-Grainger), for Wells (James Heapey) and for Yeovil (Mr Fysh), who have supported the Bill from the outset. I am also grateful for the support of the staff at the Department for Environment, Food and Rural Affairs and of the Clerks in the Public Bill Office. I must also place on record my sincere thanks to my hon. Friend the Member for Taunton Deane (Rebecca Pow), who has worked terribly hard on this, beavering away behind the scenes at DEFRA to ensure that the Bill saw the light of day. Without her, the splendid people of Somerset would certainly not be facing a drier future. I commend the Bill to the House.

*Question put and agreed to.*

*Bill accordingly read the Third time and passed.*

## General Election (Leaders' Debate) Bill

### Second Reading

1.41 pm

**Mr Peter Bone** (Wellingborough) (Con): I beg to move, That the Bill be now read a Second time.

If I had said “yesterday”, I wonder whether the Bill would have passed. I am not quite sure whether that is how it works.

**Madam Deputy Speaker (Dame Eleanor Laing)**: If the hon. Gentleman is asking that on a point of order, the answer is no, it would not.

**Mr Bone**: I am always grateful for your wise guidance, Madam Deputy Speaker.

I first presented this Bill on 5 September 2017. Since then, we have had an in-depth three-hour debate in Westminster Hall on 7 January this year about televising leaders' debates. I should like to thank my hon. Friends the Members for Crawley (Henry Smith), for Christchurch (Sir Christopher Chope), for Shipley (Philip Davies) and for St Austell and Newquay (Steve Double), and my right hon. Friend the Member for Tatton (Ms McVey), who have co-sponsored my Bill. I also want to thank those who participated in the 7 January debate, and Sky News for its e-petition.

I should also like to welcome the excellent Minister, the Parliamentary Secretary, Cabinet Office, my hon. Friend the Member for Hertsmere (Oliver Dowden), to the Dispatch Box. His skill, integrity and help are appreciated across the House. I always find that it is best to say these things at this stage, because then I might get some help, but in this case, it happens to be true. I also welcome the excellent shadow Minister, the hon. Member for Leigh (Jo Platt) I should also like to thank those who work in my office: Harriet Butcher, who helped to prepare this speech; Helen Harrison, who drafted the Bill; and Jordan Ayres, who did the research. I also want to thank the Clerks for all their help.

It might be of help if I say at this early stage that I will not be pressing my Bill to a Division. There is clearly not enough parliamentary time in this Session for it to become law. I am also aware that there are many other Bills that Members wish to debate today. What I hope to achieve today is that the Government will accept the principle of my Bill and introduce a similar one in the next Queen's Speech.

The Westminster Hall debate came about due to e-petition 228572, entitled “Make TV election debates happen: establish an independent debates mission”, which was started by Mr Jonathan Levy. Mr Levy is the director of news gathering and operations at Sky News, and his petition has collected more than 140,000 signatures in only six months. This shows that although the idea might not be—how can I put it?—particularly sexy at a time when we are discussing Brexit and other matters, it is still well supported by members of the public.

I also thank Adam Boulton, editor-at-large at Sky News, for promoting the Sky News petition, keeping it in the public eye and maintaining pressure, via his excellent “All Out Politics” programme. His work has undoubtedly boosted support and raised public awareness.

All the broadcasters have shown support for televised leaders' debates, but they have left it to Sky News to be proactive and lead the campaign. However, there can be no doubt that all broadcasters believe that televised leaders' debates should form an important part of a general election.

**Sandy Martin** (Ipswich) (Lab): In addition to the support from television companies for leaders' debates during general elections, there has been massive support from the general public. Something that brought home to me just how important such debates are to the public was when they failed to get one during the previous general election campaign and felt short-changed due to being unable to listen to the leaders of the main political parties expressing why they wanted the electorate's support. Does the hon. Gentleman agree that if the public cannot hear from the leaders, it makes it difficult for them to make a serious judgment about which party to vote for?

**Mr Bone**: I entirely agree, and I will touch on the fiasco at the previous general election later in my speech.

**Neil O'Brien** (Harborough) (Con): I just want to put on the record my total opposition to leaders' debates. They are trivialising and superficial, and we have a parliamentary system, not a presidential system. Each debate that has happened so far has actually reduced the amount of serious debate during an election campaign. I am totally opposed to leaders' debates, and I hope that we never have them ever again.

**Mr Bone**: I am grateful to my hon. Friend for his intervention, and I will consider carefully whether I agree—no, that is a complete load of rubbish. I respect his view, but it is very much an establishment view.

**Neil O'Brien**: It is also my view.

**Mr Bone**: I would not suggest for one minute that it was not also my hon. Friend's view, but I would suggest that he and the establishment are closely linked.

As the Bill will affect future general elections, I hope that it will be of interest not only to Members of this House, but to members of the public and broadcasters. The Bill's aim is for the leaders of political parties to debate their concepts, policies and visions on national television. I must say here that my hon. Friend actually made a good point in that television debates can be superficial, but I want proper TV debates—not prepared statements or questions and answers, but proper debates.

The debates proposed by the Bill would happen between the date of the dissolution of Parliament and the date of the general election. It anticipates a minimum of three debates, one involving the leaders of all the parties represented in the House of Commons on the last day of the Parliament before the general election and two debates between the Prime Minister and the Leader of the Opposition. The Bill would make it compulsory for all leaders of parties represented in Parliament to take part in the all-leader debate and, obviously, for the Prime Minister and the Leader of the Opposition to participate in the other two.

**Thangam Debbonaire** (Bristol West) (Lab): The hon. Gentleman is making an excellent point. Does he agree—this relates to the earlier intervention from the hon.

[Thangam Debbonaire]

Member for Harborough (Neil O'Brien)—that the weekly show of Prime Minister's questions could be described by some as trivial and hardly worthy of being broadcast on television, yet it is? I would not use those words myself, but others have. If we are to criticise televised debates for being "presidential", that is somewhat undermined by the fact that we broadcast PMQs. I applaud PMQs, but I would like greater debate during general elections when voters are actually making up their minds. Does the hon. Gentleman agree?

**Mr Bone:** I do agree. I thought of including that in my speech, but I chose not to do so because of length. Prime Minister's questions are very important, not least because I came up on the ballot again this week.

The Bill would allow a commission to invite the leaders of parties not represented in Parliament if it deemed them to have popular support in the country. Those leaders would not be obliged to take part. There could have been a case in the past, for instance, for letting the UK Independence party take part, and who knows what new parties will be about at the next general election?

**Neil O'Brien:** How does my hon. Friend propose to establish the support in the country for such non-parliamentary parties? Would we look at opinion polls, or would we simply put our finger in the air? It seems entirely arbitrary.

**Mr Bone:** I have said that that would be for the independent commission to decide.

**Neil O'Brien:** Will my hon. Friend give way?

**Mr Bone:** I thought it was my speech, but go on.

**Neil O'Brien:** I am incredibly grateful to my hon. Friend for being so generous with his time. He seems to be proposing sweeping Henry VIII-style powers for the commission, which is entirely inappropriate.

**Mr Bone:** If I ever get to the end of my speech, my hon. Friend will hear why that is not the case.

For the debates to take place, my Bill proposes the creation a wholly independent commission to oversee them. The majority of Members who took part in the Westminster Hall debate on the subject—including Labour, Conservative, SNP and Plaid Cymru Members—agreed that we should have a new independent body created for the sole purpose of running these debates, which shows that there is considerable cross-party support.

The Parliamentary Secretary, Cabinet Office, my hon. Friend the Member for Norwich North (Chloe Smith), an able Minister with responsibility for the constitution, argued that there is no need for an independent commission and that it is up to the parties to decide whether they go along. In fact, the Government's response to the petition said:

"Participating in a televised election debate is down to the discretion of the political party invited to debate."

We have seen the chaos when political parties take responsibility for debates. In December, we were promised by both the Government and the Opposition that we

would have televised debates on the EU withdrawal agreement, which did not happen. There were endless reasons, including because it would clash with "Strictly Come Dancing" or with the final of "I'm a Celebrity...Get Me Out of Here!" The parties clearly thought that what their leaders were watching on television was more important than informing the public on the withdrawal vote.

Even when the parties have said that they would like a debate on perhaps the most important issue in our lifetime, Brexit, they have failed to make good on their promises. It is obvious that the parties did not want their leaders to debate, which may have been because the leader of the Conservative party was promoting Brexit but did not believe in it and the Leader of the Opposition believed in Brexit but was opposing it. Such things would be taken out of the hands of the parties; it would be done directly by the commission. This cannot keep happening. We cannot keep listening to promises, and my Bill means that the leaders would have to debate on television—it would be the law.

**Karen Lee (Lincoln) (Lab):** Does the hon. Gentleman agree that such debates might engage young people more? I sometimes talk to young people after they have watched Prime Minister's questions from the Public Gallery, and they say to me that it is a very controlled, robotic environment. Televised debates might be an opportunity to raise those awkward questions, the ones that people might not want to answer.

**Mr Bone:** The hon. Lady gets to the crux of the issue. These have to be proper television debates that engage people and are worth listening to. I remember the Gordon Brown, David Cameron and Nick Clegg debates. I went to the gym after I had finished campaigning, I put my headphones on and, while I was pedalling away on the cross trainer, I listened to the debate, and I thought it was useful and informative. We all remember the phrase, "I agree with Nick". It would be an important part of the process—though it would rightly never take the place of knocking on doors and talking to people—and help to reach out to younger people.

**Rachel Maclean (Redditch) (Con):** I commend my hon. Friend for his speech—he is making some excellent points—but would he agree that he himself could never be accused of not putting the awkward questions in Prime Minister's questions?

**Mr Bone:** I thank my hon. Friend for that point, but if I remember correctly the campaign for the last general election, the snap election, lasted seven weeks, in which time there were no Prime Minister's questions.

The commission should be set up as soon as practicable. It would be fully independent and we would need some time to appoint the right people, so I would expect it to be set up within six months of the Bill becoming an Act of Parliament.

**Matt Warman (Boston and Skegness) (Con):** Would the commission consider what sanctions would be applied if leaders did not take part in these compulsory debates? I know my hon. Friend has had an up-and-down relationship with our current Prime Minister, but he is surely not suggesting she would need to go to prison if she said no.

**Mr Bone:** I was expecting that question. Of course, the right and proper answer is that it would be a matter for the independent commission to decide. I am not really suggesting that leaders be taken off to the Tower of London—although I think this Prime Minister and the previous Prime Minister might sometimes have thought it a good idea to take me off to the Tower of London.

My Bill proposes that the commission members be chosen by several different groups to ensure that it is a balanced and informed body. I will first state the groups and then the reasons for each. Three would be appointed by the Speaker of the House of Commons; two by the broadcasters; one by the Prime Minister; and one by the Leader of the Opposition.

The three chosen by the Speaker would be so chosen because the Speaker is an impartial person within the House of Commons and therefore his chosen representatives would be expected to be impartial individuals as well, free of any party political bias, just like the Speaker. The two chosen by the broadcasters would be so chosen because the broadcasters would be required to have some input into the debates—it would ultimately be their channels transmitting them—and the two chosen by the Prime Minister and the Leader of the Opposition would be so chosen to ensure that the two largest parties were represented on the commission. Of those seven, one of the Speaker's choices would be chairman, as the Speaker's representatives would be the least self-interested.

Members might ask how the commission would be funded, and this is another reason for the broadcasters to be represented on the independent commission: they would pay for it. They have immense self-interest in the leaders' debate. The first televised general election leaders' debate, in 2010, had 9.4 million viewers, which was more than the average viewing figures for that time slot. My Bill proposes that the independent commission's operating expenses be funded by the television broadcasters, by agreement, but it would also enable the Secretary of State, should broadcasters fail to reach an agreement with the Secretary of State, to make provisions for a levy to be paid by television broadcasters. I am pleased to state, however, that the broadcasters have indicated they are happy to fund the commission.

I will touch briefly on the history of televised debates. It was in 1960 that the United States had their first televised presidential debate, with Richard Nixon and John F. Kennedy debating why they should be elected the 35th President of the United States, but it was not until the 2010 general election that the United Kingdom had its first televised leaders' debates.

**Sandy Martin:** I believe that before that first televised debate, Richard Nixon was well ahead of John F. Kennedy, and it was seeing the performance of the candidates that led the American people to vote for John F. Kennedy. Does the hon. Gentleman share my profound relief that the American people voted for John F. Kennedy, not Richard Nixon?

**Kit Malthouse** (North West Hampshire) (Con): Nixon got them out of Vietnam.

**Mr Bone:** Yes, as my hon. Friend has just said, it was President Nixon who got America out of Vietnam after the Democrats had taken it in, but that is a side issue.

The hon. Gentleman is absolutely right that that debate did have an effect. Actually, people believe that Nixon won on the radio, but Kennedy won on television, so it had an influence. Nevertheless, I think that that result was more about the issues involved and what an interesting campaign it was. It may well have been a mistake of Nixon's to travel to every state in the US, as he promised, rather than to concentrate, as we would do today, on what people would call the marginal states. The hon. Gentleman will also remember that there was some debate about whether Kennedy actually had won, or whether Nixon had won. Nixon had the good grace not to challenge the result.

Let me move on. Would it not have been wonderful to see Thatcher versus Callaghan in a debate? Or Major versus Kinnock? Or Blair versus Hague—would not Blair versus Hague have been a wonderful experience? It might not have changed the result of the general election, but people would have been much better informed by it. I think people would have paid to see that debate.

**Mike Wood** (Dudley South) (Con): Does my hon. Friend feel that, on the occasions when there is an opportunity to ask difficult questions of the Prime Minister, she is generally more discomfited by questions from the Leader of the Opposition or from himself?

**Mr Bone:** That is a very good intervention, but time does not allow me to respond to it. [*Laughter.*]

On 1 January 2018, there were 27.02 million TV households in the United Kingdom. That is a staggering number. Given that we can now access television through our computers, tablets and phones—this goes back to the point made by the hon. Member for Lincoln (Karen Lee) about younger people—TV debates enable leaders of all parties to reach a massive audience and inform the public. I can see few reasons why parties would not want their leaders to reach so many households. If a party does not want its leader to do a debate, it must not have any confidence in that leader.

That takes me on to the next point of the Bill: I propose that it be compulsory for party leaders to participate in debates, and that they cannot nominate someone else to participate in their place. One reason for that is that they, not their deputy, will run the Government if their party wins the election. Let me take the House back to the 2017 general election, when there was supposed to be a televised leaders' debate between the seven largest parties in the House of Commons. The leader of the Conservative party failed to take part and, in her place, my right hon. Friend the Member for Hastings and Rye (Amber Rudd) was the substitute. She clearly could not represent the views of the whole Conservative party; in fact, I might argue that she represents the views of a minority in the Conservative party. Either way, she certainly was not going to be the next Prime Minister. I felt that was an insult to the fellow leaders, who had put in the time and effort to attend the debate. Debates under my Bill would not allow leaders to shirk their responsibilities.

One crucial part of my Bill is that the television debates would be exactly that: they would be debates, designed by the commission to ensure that they did not just involve the reading out of prepared statements and questions from a moderator. They would involve the party leaders questioning one another, debating directly

[Mr Bone]

with one another and challenging one another—a proper debate. As Oliver Cromwell might have said, we want to see our party leaders, warts and all.

2.4 pm

**Jo Platt** (Leigh) (Lab/Co-op): I associate myself with the comments of other Members on the terrible atrocities that took place in New Zealand. I place on record my support for and solidarity with all those affected in Christchurch, and the Muslim community throughout the world.

Although it sometimes feels as though Westminster never changes, something extraordinary has been happening across the country in recent years: democracy is returning to politics. In every election since 2001, turnout has jumped. It now stands at 68.7%. It was even higher in the EU referendum. Throughout our digital age, more and more people are increasingly getting organised and coming together to campaign for better communities and a better country.

Increasingly, people want a meaningful say in how our country is run. I see it in my constituency of Leigh, and it was this same spirit that powered Labour's 2017 general election campaign and the surge in our vote share. Of course, this has not been without problems. As all of us in this House know, the past few years, and especially the past few weeks, have been a trying time for politics in the UK, but we must not ignore the appetite among the people for a revitalised politics in which debates about ideas, policies and the future of this country are put out in the open.

That brings me to the issue before us today—whether or not to have a leaders' debate in general elections. Surely there is little debate to be had here about whether this is the right thing to do, so let me explain. The UK is unusual in developed democracies for not regularly holding televised debates between party leaders during general election campaigns—although in 2010 and 2015 leaders from the main parties did participate in one. As my hon. Friend the Member for Ipswich (Sandy Martin) rightly pointed out, we would have had one in 2017 had the current Prime Minister not bottled it and refused to attend and debate, sending the Home Secretary in her place.

As it stands, there is nothing in electoral law that requires televised election debates between party leaders. If they take place, they are a matter for the broadcasters and political parties. However, as many Members here no doubt remember, during discussions that led to the 2015 debates, Labour suggested that an independent commission should be set up to put the debates on a statutory footing. The Government's response then was that it was appropriate for broadcasters and parties to make arrangements for any such debates but that this was not a matter for the Government. Now is the time for this to change. Now is the time for the Government to take responsibility.

Democracy is about accountability and openness. Democracy is about putting ourselves directly before the public and answering their questions. All of us do this every week in our constituency surgeries. This is what motivated me and many of us to get involved in politics in the first place. It was to represent but also to be accountable. It surely sends the wrong signal to voters that the most senior people in politics—those

who lead our parties and even the country—are not required to come before the public and test out their policies and priorities. It cannot be right that they are not required to debate with each other or answer questions from the public at the very time when the public have to decide whom to cast their vote for.

Beyond the democratic principle, though, there are other reasons why we should look to make it mandatory for there to be TV election debates between party leaders. The Hansard Society's report "Audit of Political Engagement 2018" analysed sources of election-related news and information for the 2017 general election. It found that debates or interviews with party leaders or other politicians were the most important source in deciding how to vote. We also know that 87% of 18 to 24-year-olds—traditionally the demographic most likely to be associated with voter apathy—said that the debates led them to discuss the elections and relevant issues with their peers. In other words, TV debates work. They reach and inform people and they spark conversation. That should not be surprising. TV debates, though not perfect, provide a different space within a media that is often geared towards quick headlines and soundbites. They provide an opportunity for more in-depth scrutiny of the policies on offer and the differences between parties and their visions for our country. Knowing this, how can we reject TV debates and deny one of the most popular forms of political engagement in general elections, while at the same time bemoaning the fact that young people do not care about politics, when they do? Perhaps it is we who need to care more.

Labour believes that British voters have a right to see a head-to-head debate between party leaders during a general election campaign. It is good for democracy; it really is as simple as that, as I am sure many Members here today would agree. But although mandatory TV debates between party leaders during elections would be a welcome step forward, Labour believes that much more fundamental political change is needed.

**Mr Bone:** I agree entirely with the hon. Lady's speech, but she has not made it entirely clear to me—unless I missed it—whether the Labour party supports an independent commission.

**Jo Platt:** As the hon. Gentleman has rightly pointed out, I have not mentioned that in my speech. We do support the principle.

Too many people have lost faith that Westminster works for them, and the gulf between politicians and the people they represent has grown in recent years. It is essential that all Members of this House realise that this is the situation and take the very possible step to change it.

2.11 pm

**The Parliamentary Secretary, Cabinet Office (Oliver Dowden):** May I begin by associating myself with the comments of the hon. Member for Leigh (Jo Platt) about the appalling attack in New Zealand? As my right hon. Friend the Security Minister made clear this morning, the Government show solidarity with the people of New Zealand.

I am grateful to my hon. Friend the most capable Member for Wellingborough (Mr Bone), who spoke most entertainingly in this important debate. I hope that I have repaid the compliment that he paid me in his opening remarks. As he rightly said, this topic has

received some attention recently. There was a debate on exactly this topic in Westminster Hall in January. I take a personal interest in the matter: when the first leaders' debates were being discussed and prepared for, I was working for David Cameron when he was Leader of the Opposition, so I have seen this process all the way through.

As the hon. Member for Ipswich (Sandy Martin) said, televised leaders' debates are an important campaigning tool, allowing members of the public to access and reflect on the key message of political parties in the comfort of their own home, through their television sets and other devices. They also have broad appeal, reaching members of the public who have traditionally been disengaged from politics, and there is plenty of evidence that members of the public find televised debates informative and engaging.

I am clear that TV debates can be a useful part of the democratic process. The question for this House today, though, is whether they require primary legislation to regulate and mandate them. The Government do not believe, on practical and principled grounds, that there is such a case. Over the coming minutes, I will try to develop that argument a little further, starting with clause 1, which sets out duties for the establishment of a proposed commission.

The Bill provides that the commission would have a statutory duty

“to maximise...the number of viewers of the debates it oversees, and...the wider media coverage of those debates.”

It is an admirable aim to maximise such engagement. However, both these duties are better served in the hands of broadcasters, rather than in the hands of an independent commission. Broadcasters have the incentive, infrastructure and expertise to design and deliver media content that the public wish to consume. As has been acknowledged by many hon. Members, broadcasters have in the past successfully delivered televised debates without the need for legislation, mandation or an independent commission.

My gut instinct—as a Member of this House, a Minister and, indeed, a Conservative—is that one should not seek to regulate unless it is absolutely necessary. In this case, I am not convinced of such a necessity. Particularly when we are dealing with a scenario of potentially infringing the rights and freedom of the press and broadcasters, we must have a very high bar for such regulation in the first place.

Clause 2 sets out a highly prescriptive framework, with various rules for how the debates must be conducted. As my hon. Friend the Member for Wellingborough highlighted, it requires a precise number of debates, mandates leaders' attendance and requires all political parties to be represented. I fear that this creates a very inflexible framework. The clause is even more prescriptive when it comes to timing, mandating that certain debates have to be held within 19 days of polling day, but it is not quite clear why.

**Mr Bone:** I omitted to point that out in my speech. The reason is that there are effectively two polling days—the day when the postal votes go out, and the day of the general election—so one of the debates would be close to the general election and one would be when the postal votes go out. I am sorry if I did not make that clear.

**Oliver Dowden:** I thank my hon. Friend for that clarification. None the less, there is a lack of flexibility. For example, if there was a major incident, which we have seen in the past, and it was deemed that it would not be appropriate to hold the debate on such a day and broadcasters wished to move the date, the legislation does not currently provide any such flexibility. Such prescription would also make it harder for broadcasters to determine the precise date on which they would maximise coverage. For example, they may decide that a Sunday would provide more coverage than a Monday evening.

Similarly—this important point was raised by my hon. Friend the Member for Boston and Skegness (Matt Warman)—clause 2 is very prescriptive about the participation of political leaders, and it does not permit them to send someone in their place. My hon. Friend the Member for Wellingborough made a reasonable and good argument for why one might wish to compel the leaders of political parties to attend such a debate, but there are many reasons why it may, for legitimate reasons, not be appropriate. For example, if the leader of the party in question is not represented in this House, we may well wish the leader of the grouping in this House to participate in the debate, since they would be the person who would ultimately become Prime Minister, should they be successful.

Moreover, there is still a considerable problem about the exact sanctions if the legislation is not adhered to. There have been jokes about whether a party leader should be sent to the tower if they fail to turn up, but this is an important question. If the legislation is to have any meaning, it must have a meaningful sanction behind it, and there is no clarity on that.

**Mr Bone:** I am grateful to the Minister for giving way again. The point was that we do not really need to have a sanction, because if the leader of a political party wants to break the law, that usually damages the political party. That is the effective sanction.

**Oliver Dowden:** My hon. Friend makes a good point. None the less, when we are drafting primary legislation, we should have clarity about the sanctions that flow from a breach of laws passed by this House.

There is also the question of the membership and operation of the independent commission. The Bill states that the commission's operating expenses “are to be funded by television broadcasters by agreement.”

Failing that, the Secretary of State may impose a levy. My hon. Friend usefully clarified that broadcasters have indicated that they would be willing to pay such a levy, but I remind Members that the exact way in which such a levy is determined and who should pay it is often terribly complicated. For example, the establishment of post-Leveson press regulation was certainly not easily determined. Licensed broadcasters already pay a licence fee to Ofcom, so this would be a further burden on them.

Moreover, televised leaders' debates are already subject to agreement between broadcasters and political parties. Broadcasters have been known to collaborate between themselves on the format and delivery of televised leaders' debates. They are well-placed to lead on such decisions, as they have both experience and expertise in broadcasting televised leaders' debates. Each broadcaster also brings their individual, distinctive approach to such debates, as we have seen in previous leaders' debates.

[Oliver Dowden]

In addition, there is a considerable body of evidence on this point. For example, on 13 May 2014, the House of Lords Select Committee on Communications published its findings on broadcasting general election debates, and having looked at whether an independent debates commission should be set up to oversee televised election debates, it found no substantial evidence to support such a proposal. There is similar evidence from Professor Charlie Beckett, of the department of media and communications at the London School of Economics.

I would like to address the point raised in particular by the hon. Member for Lincoln (Karen Lee) about the attitude of the next generation. I think there is a lot of evidence that the next generation is increasingly moving away from conventional broadcast media to consuming news and current affairs in many different forums, such as Facebook and Twitter. For example, a report by Ofcom entitled "News Consumption in the UK: 2018" found that eight in 10, or 82%, of those aged 16 to 24 used the internet for news, compared with just six in 10 who used television. [Interruption.] It seems a little strange to seek to regulate conventional televised leaders' debates, even if, as the hon. Lady says from a sedentary position, there is an opportunity to stream such things, because there are increasingly other forms of leaders' debates that do not take place in a television studio—for example, there are mechanisms for having Facebook debates. This Bill seems to be looking backwards, rather than forwards to the future of broadcasting.

In conclusion, while we have heard a number of strong points on this topic, particularly from my hon. Friend the Member for Wellingborough, there are very obvious deficiencies in this Bill. For that reason, the Government do not support it. We continue to believe that this is best determined by broadcasters and political parties, so we will not support this piece of legislation.

**Madam Deputy Speaker (Dame Eleanor Laing):** The debate has concluded, but I hesitate to put the Question, as the hon. Member for Wellingborough (Mr Bone) has indicated that he wishes to withdraw his Bill. Does he seek leave to withdraw the motion?

**Mr Bone:** I clearly have more work to do to persuade the Government, so I beg to ask leave to withdraw the Bill.

*Motion and Bill, by leave, withdrawn.*

## Green Belt (Protection) Bill

*Second Reading*

2.22 pm

**Sir Christopher Chope** (Christchurch) (Con): I beg to move, That the Bill be now read a Second time.

There are only just over seven minutes left for debate, but may I start by repeating what I said earlier? The people of the city of Christchurch in New Zealand have been in colleagues' thoughts and prayers during today's debates and, appropriately, they have very much been in the thoughts of my constituents as well. I hope I will be forgiven for returning briefly to the issue of Christchurch in the United Kingdom, which has the privilege of being twinned with the city of Christchurch in New Zealand.

When we sing about our green and pleasant land, many of us reflect on how much less green and more ugly it would be but for our green belt. I am a long-standing defender of and campaigner for the green belt. Much of my childhood was spent in the metropolitan green belt. In 1997, when I was a junior Planning Minister at the Department of the Environment, as it then was, we published a really compelling booklet celebrating 50 years of the metropolitan green belt, which was first introduced following the Town and Country Planning Act 1947. I hope that my hon. Friend the Minister for Housing, whom I am delighted to see on the Front Bench, has a copy of that pamphlet on his bookshelf, because it very succinctly and compellingly sets out the strong case for the green belt.

In those days, the green belt was permanent and unalterable. Sadly, that is no longer the case. In the year to 1 April 2018, 5,070 hectares of green-belt land were lost in England. That is a lot of land. That annual rate of loss is five times as high as the average over the lifetime of the previous Labour Government, thereby giving the lie to the Conservative party being the great protector of the green belt. The Bill is motivated by a concern that I and many of my constituents have about the systematic removal of green-belt land in Christchurch and East Dorset, despite the protestations of the Government that the green belt is sacrosanct. It is no longer sacrosanct, and Government policy is to put pressure on local authorities to release land from the green belt through de-designation. That cynical policy is promoted by the specious defence of localism—a typical approach by the Government of "not me gov". They are trying to transfer responsibility for taking away the green belt to local communities, which are effectively being given no option other than to de-designate their green belt.

**Mike Wood** (Dudley South) (Con): The problem might be even more complex. Much of the green belt that adjoins my constituency is over the border in South Staffordshire, and my constituents will have next to no say about decisions on the release of the green belt, given that it is the responsibility of South Staffordshire District Council and its local plan. Does my hon. Friend think that that issue needs to be addressed to protect our green belt?

**Sir Christopher Chope:** Absolutely, and that is inherent in what I am trying to establish, which is a national register of green-belt land and national responsibility for its protection and maintenance, rather than putting



pressure on local authorities to erode the green belt at a local level. The Government are intent on forcing local authorities to bring forward land for development and effectively allowing developers a free-for-all.

To illustrate my concern, let me give some data from Christchurch, which in 2014 had 3,480 hectares of green-belt land. Since then, 210 hectares have been removed—a 7% loss in four years. Since 2014, 160 hectares have been lost in East Dorset District Council, which is partly in my constituency, principally in and around the West Parley and Longham communities. As we speak, local councils are openly inviting bids from owners of green-belt land to offer it up for de-designation and consequent development, meaning that all green-belt land is now vulnerable to losing its protected status. That point was made strongly to me at a meeting last month with Longham residents association. People there who bought houses in the expectation that they would be protected by being in the green belt now find that they no longer have the assurance of that protected designation.

Clause 1 of the Bill is designed to require even greater transparency about the loss of green-belt land. The Campaign to Protect Rural England has been doing a great job, but a national public register of all green-belt land in England, and all land removed from or added to the green belt, would increase that transparency. Clause 2 seeks to remove the incentives for local authorities to de-designate green-belt land, as it would allow that only if alternative land of the same or greater area was added at the same time. The replacement land would need to abut land that is already developed, or that has above average density of housing. Thereby, the new green-belt land would increase that amenity for those living adjacent to it. Most importantly, the Bill would restrict the density of development on former green-belt land. That would be a disincentive to developers to develop green-belt land rather than brownfield land.

**Matt Warman** (Boston and Skegness) (Con): Will my hon. Friend give way?

**Sir Christopher Chope:** I do not have time to take interventions. As I said, this issue is important for the people of Christchurch. I do not have time to develop the whole argument now. I thought we were reaching the end of this Session, but no date has yet been given for Prorogation. I think the best thing is for me to talk a little more over the course of the next quarter of a minute to ensure that the Bill can be held over to another day, so that this very important subject can be further debated and the Minister has the chance to prepare his response.

2.30 pm

*The Deputy Speaker interrupted the business (Standing Order No. 11(2)(b)).*

*Bill to be read a Second time on Friday 5 April.*

## Business without Debate

### COASTAL PATH (DEFINITION) BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 5 April.*

### ACCESS TO FERTILITY SERVICES BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 22 March.*

### VOTER REGISTRATION (NO. 2) BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 5 April.*

### HOSPITAL (PARKING CHARGES AND BUSINESS RATES) BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 5 April.*

### DRONE (REGULATION) (NO. 2) BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 22 March.*

### KEW GARDENS (LEASES) (NO. 2) BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 22 March.*

### CREDITWORTHINESS ASSESSMENT BILL [LORDS]

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 22 March.*

### ACCESS TO WELFARE (TERMINAL ILLNESS DEFINITION) BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 22 March.*

### FORENSIC SCIENCE REGULATOR BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 22 March.*

**Justine Greening** (Putney) (Con): On a point of order, Madam Deputy Speaker. All this week, this House has done nothing but debate Brexit. Children and young people are today protesting about what they perceive to be a lack of action on climate change. That strikes at the heart of a Parliament that too many people feel is not able to make progress on Bills and issues that will make a big difference to their lives. We have just seen Bills objected to and stopped that could have made a difference to people's lives. My Bill, which could help 15 million renters to get a better credit score by having their rent included, has just been objected to. Can you advise me on how we can reform private Members' Bills day, so that this House can actually allow Members to do what they were elected to do, which is change people's lives for the better?

**Madam Deputy Speaker (Dame Eleanor Laing)**: I thank the right hon. Lady for her point of order, which is very reasonable. Her observations are shared across the House by a great many Members. I must point out as a matter of fact that today we have passed three important Bills in this Chamber. In my observations from the Chair, I feel very strongly that it is extremely unfortunate that the perception of business in this Chamber and the work of Members of Parliament is wrongly coloured by descriptions in the press that all we do is talk about one particular issue. Every elected Member knows that there is an enormous amount of work going on on behalf of our constituents, both behind the scenes and in this Chamber.

I repeat that this very day three pieces of legislation have come into being which will make an actual difference to the lives of many, many people and many communities. I do not, however, negate the point the right hon. Lady makes. I know that the Chairman of the Procedure Committee is well aware of the background description she has given the House, and that he is looking at these matters.

**Sir Christopher Chope** (Christchurch) (Con): Further to that point of order, Madam Deputy Speaker. As a member of the Procedure Committee, I confirm that that is exactly what is happening: the Procedure Committee is looking into this issue. I sympathise with what my right hon. Friend the Member for Putney (Justine Greening) said about so many days in this House having been wasted—not in the last week, but in previous weeks, when the House rose early and important Bills could have been discussed. We know that where there is a will, there is a way and that on two occasions during this Session, the Government have taken on Bills that they regard as important from private Members' business. The Government have adopted those Bills and enabled them to get on to the statute book, so I urge my right hon. Friend to make her representations to the Government, because they have oodles of time on their hands and could easily take over her Bill and ensure that it reaches the statute book in the way that she wishes.

**Madam Deputy Speaker**: The hon. Gentleman has made his point, which requires no further clarification from me.

**Justine Greening**: Further to that point of order, Madam Deputy Speaker. I should inform the House that I did indeed speak personally with the Prime Minister to get Government support for this Bill. That was a couple of weeks ago and I have not heard anything further since.

**Madam Deputy Speaker**: The right hon. Lady has made her point very forcefully. I say only to the hon. Member for Christchurch (Sir Christopher Chope) and members of the Procedure Committee that, of course, one person's waste of time is another person's really important argument, but that is the very stuff of democracy and that is what we are here for. It would be surprising if everyone agreed all the time.

## Garden Bridge: Funding

*Motion made, and Question proposed, That this House do now adjourn.—(Rebecca Harris.)*

2.37 pm

**Dr Rupa Huq** (Ealing Central and Acton) (Lab): It has been a busy week for us all at work, with the intractable impasse of Brexit preoccupying most, but life goes on outside this unsolvable Rubik's cube. I want to draw attention to a scandalous misconduct issue: the £50 million-plus spent on a flower-strewn bridge across the Thames on which zero construction ever occurred. At least £30 million of that comes from the coffers of the Department for Transport. I am pleased to have a Transport Minister before us today, but this ill-fated project is a huge, multidimensional issue that is cross-departmental in nature. I hope that he can share some insights into how this represents best value and best practice and how we can learn lessons so that we do not have a repetition of what has been a catalogue of errors.

**Sandy Martin** (Ipswich) (Lab): My hon. Friend speaks about not having a repetition, but while this is possibly the largest example of public money being wasted on something that was never going to go ahead, public money has been wasted on other infrastructure projects, well after the time that it was obvious to anyone that they would not go ahead. Does she share my hope that we can stop this waste of public money in future?

**Dr Huq:** I am grateful to my hon. Friend, who, until his elevation to the Front Bench, was a fellow member of the Public Administration and Constitutional Affairs Committee, where we address these things all the time. He is bang on the money, as ever, and I will come to some of those points.

Certain words are associated with certain terms: Profumo—"scandal"; Suez—"crisis"; Grenfell—"tragedy"; Dunblane—"massacre"; and Clapham Common—"rail disaster". That one was for the Rail Minister. The word "fiasco" should, I think, for ever more be associated with Garden Bridge. *The Observer* claimed last month that the project was scandalously mismanaged and would cost the taxpayer £43 million for nothing.

This is the biggest uninvestigated scandal by a long chalk. It is two to three times the size of the Kids Company scandal, which our Committee did investigate, and which was turned into a London theatrical musical. It is unlike Kids Company, however, in that there is nothing to show for it, and it is unlike Profumo and those other scandals in that it is a genuine scandal of which many people have never heard. We will never see anything about it in certain outlets. The now departed from here Chancellor George Osborne's fingerprints are all over it, and it has been rendered invisible in the *Evening Standard* recently, since it all went wrong. I think the paper was quite cheerleading about it before, under its former editor. That editor is now editor of the "Today" programme, so we will never hear about it on the radio first thing in the morning over our cornflakes either.

Many of the so-called great and good are implicated in this whole affair. The right hon. Member for Uxbridge and South Ruislip (Boris Johnson) is among them. The national treasure Joanna Lumley, who had some success

with the Ghurka issue, had less success in this instance. The project had been brewing since at least 2003. The Labour Mayor at the time, Ken Livingstone, flatly refused to do anything about it. His successor, the ex-Tooting MP and current post-holder Sadiq Khan, commissioned the report undertaken by my right hon. Friend the Member for Barking (Dame Margaret Hodge), which eviscerated the affair. After the evidence appeared, the plug was pulled. The indomitable Will Hurst of *Architects' Journal* pondered:

"How was the Garden Bridge Trust able to spend £46m on a non-existent bridge?"

In fact, the figures after the final winding-up costs exceed that.

A brand-new report published by Dan Anderson of Fourth Street, a consultancy specialising in heritage lottery funding, has called the project an extraordinary waste of public money—more than £53 million in total, over 80% of which came from the public purse. The London Assembly member Tom Copley demanded to know exactly why the additional funds were not vetoed by officials when it was so obvious that the project was flailing, a point made a moment ago by my hon. Friend the Member for Ipswich (Sandy Martin). As I said earlier, there was £30 million from the Department for Transport. Our northern colleagues—indeed, anyone outside the M25—expressed indignation about the fact that so much was spent on the bridge when, in a climate of austerity, transport upgrades and initiatives have not gone ahead. This is not just a London issue; it is wider than that.

In terms of cost, the garden bridge dwarfs previous scandals. I have already mentioned Kids Company. The cash for hours scandal resulted in an £18 million loss. Arms to Iraq cost £4 million, and the parliamentary expenses scandal £2.5 million. Only the Northern Ireland renewable heat initiative cost more. However, there has been an astonishing lack of repercussions in this case.

The Minister may have a sense of déjà vu. In 2016, he was in a similar slot, responding to a debate on this matter initiated by my hon. Friend the Member for Vauxhall (Kate Hoey). However, a lot has changed since then. We have now seen the final bill. On 13 February, just over a month ago, the cost to the taxpayer was revealed to be £53.3 million. A further £5.5 million of winding-up costs was to be paid by the Department for Transport, via Transport for London. In 2018, the legal opinion of Jason Coppel QC, an expert in public and procurement law, referred to a "probable" violation of obligations by trustees, including Joanna Lumley and Paul Morrell, the former chief construction adviser to the Government. There is a sniff of "mates' rates" here. The project should not have been given the green light by the Government despite all the warnings.

This is a sorry end to a supposedly pioneering project, and a far cry from the 2013 national infrastructure plan. At the time, Danny Alexander said that a £30 million fund to kick-start the project would be supplemented by private income. The Minister himself said that the bridge would be magnificent and that people would come from all over the world to see it. I think that it was supposed to be the second biggest tourist attraction in Europe. My parliamentary neighbour, my hon. Friend the Member for Ealing North (Stephen Pound), was also a big fan, and the computer-generated image excited many people.

[Dr Huq]

Today's debate is particularly urgent, because the Garden Bridge Trust—the charity responsible for the project—will wind itself up imminently. We now have an itemised bill, in which £21.4 million for building contractors is the biggest expense. Again, this was in 2016, when the funding was not in place and the planning permissions were not there; none of that had been sorted, yet this huge contract was signed off—£10 million to designers and architects, £400,000 on a gala fundraiser, £1.3 million on geotechnical marine surveys of the Thames, £161,000 for the website. So there are huge question marks around the robustness of the business case for this ill-fated bridge to nowhere, and there are questions about the Department for Transport's own criteria set by the Treasury, which we need to make sure are followed through properly next time. A lot of questions about due process, openness, transparency and accountability have dogged the project since inception and those involved need to be held to account.

We know that the Transport Minister, the Chancellor and Chief Secretary at the time have all moved on, but the Mayor of London from then, the project's chief midwife, is still active in politics. Until recently, he was Foreign Secretary, and just this week he had a tasteless outburst on the airwaves about money being blown on a historical child abuse inquiry, which has upset families. That seems rich given the cumulative price tag of all his pet projects—not just the unbuilt bridge, but the unused water cannon, the unfeasibly hot buses, the £20,000 on going to Afghanistan to avoid the Heathrow vote.

This episode also raises questions about the role and performance of the Charity Commission. There are question marks over Transport for London as well. It has experienced unprecedented cuts to operational funding over the last five years, with its budget reducing by £700 million a year. It has become one of the few transport authorities in the world that do not receive a direct Government grant for their operational running costs. I would like the Minister to address that.

This is a national scandal. It seems that the usual channels of civil servants and the traffic lights system, by which are warnings when things are going wrong, were bypassed here. It feels like this was a vanity project masquerading as a transport scheme. The fact that it was part of a national infrastructure plan makes it sound more like a regeneration scheme than anything to do with transport. The Hodge report suggests that the sequencing of all the decisions was in tune with electoral cycles rather than anything else. This waste of money on something only tangentially to do with traffic should be seen against the background of austerity, too.

There are implications for other big concerns and projects such as Carillion and HS2, which goes through my seat. There are question marks over the Thomas Heatherwick partnership, which is perceived as greatly favoured in a lot of these contracts nowadays. I am thinking of the Olympic stadium and the new Routemaster buses—the “cauldron on wheels” buses as they have been called. We need to look at the public sector's use of poorly regulated charities to deliver capital projects, because there is real lack of accountability.

So since the last debate in 2016 there has been a huge volume of new evidence. I would like to know from the Minister whether we can have a fresh inquiry with fresh

eyes now that the final bill has come in. There seems to be a merry-go-round involving Arup and others, with people who are trustees also regulating the companies involved and the same companies being awarded contracts.

This floral tribute and unbuilt bridge was meant to pay for itself. Fantastic promises were made, but the local group Thames Central Open Spaces, which I have met, was ringing alarm bells from back in 2014, and it had some success in getting the land listed as an asset of community value.

I ask the Transport Minister why the business case was never really made. Some £60 million of public money was agreed. This is something that I will not lay at the door of his boss whose name rhymes with “failing”, because fortunately that particular Secretary of State did have the foresight to pull the plug on some of this money, but there is a feeling that favoured providers were being fattened up. There seems to be a circular route whereby if we want to, we can set up a charitable arm's length trust with its opaque governance structures and give all the jobs to our mates and so forth. The regulation is very shady; there is no clear accountability structure here. TfL says it is the Government, and the National Audit Office can only narrowly investigate bits of the Department for Transport and cannot investigate TfL. The GLA has no teeth to investigate TfL. The Public Accounts Committee is now saying that it has done its bit and that this is one for the London Assembly. We are all being led a merry dance, or perhaps led up the garden path. This is a masterclass in buck-passing.

We should be aware that other big projects are going to be funded through this same structure, including the Crystal Palace park and, I think, the national holocaust memorial. Those are great, laudable projects, but we need to ensure that accountability procedures are in place. I mentioned HS2. The garden bridge did not even have the advantage of shaving time off the journey to Birmingham. People saw it as having no direction or purpose.

Was this a complex web of corruption, lies, deception and cover-up, or was it a comedy of errors involving negligence mixed with a touch of arrogance and hubris stemming from a fragmentation of confused responsibilities? Whether this was a cock-up or a conspiracy, lessons must be learned in relation to oversight, because a £40 million-plus mistake is a big mistake to make. This should not be taken lightly. Will Hurst from the *Architects' Journal* has said that

“heads should roll over the Garden Bridge but the odds are they won't”.

There are wider questions about TfL. As I have said, its resource grant has been massively cut. There are also issues about the mishandling of Crossrail, which is now running over budget and over time. It will come through my seat, and my constituents want to know whether it is ever going to happen.

Throughout the garden bridge project, there were constant shortfalls between stated income and real balances. The unforgivable thing was the £24.1 million construction project that was committed to before ownership of the land, funds or permissions were in place. This all happened the wrong way round. Cart before horse; the sequencing was all completely wrong.

I have a couple of questions for the Minister. The National Audit Office report made a series of recommendations about the Department for Transport's

decision-making processes. Have any consequences flowed from that report? Why were DFT officials ignored when they said that there was too much funding for pre-construction activities? We need to see a chain of command between DFT and TfL, because it is not clear what was going on in terms of oversight responsibilities.

We live in an age of freedom of information, social media, public inquiries, televised hearings and investigative journalism, so these kinds of rigged procurement processes involving dodgy competitive tendering and taking things off the books will be noticed now. It is not good enough to have cabals, cliques and the old pals act. I am grateful to Tom Copley, Will Hurst, Peter Walker, Thames Central Open Spaces and Dan Anderson for helping me to illuminate this murky garden bridge fiasco. I have learned a new term this week—"spaffed up the wall". I learned it from our former Foreign Secretary. Politicians are usually seen as being in it for themselves, incompetent or out of touch, but here it looks as though all three were applicable. I look forward to the Minister's response, and I hope that we can ensure that these things never happen again.

2.53 pm

**The Parliamentary Under-Secretary of State for Transport (Andrew Jones):** I congratulate the hon. Member for Ealing Central and Acton (Dr Huq) on securing this debate. I have to say that I think she has seen a lavish amount of conspiracy in this issue. She made comparisons with Suez and various other things which were, frankly, a little overblown. I have written down terms such as "rigged processes" and "mates' rates". Those are quite strong accusations, and I will comment more on them later, but I think it is important that we do not lose perspective.

I recognise, as did the Secretary of State and my ministerial colleagues at the Department for Transport, that the garden bridge is a subject that has always divided public opinion. I also remember that debate of about three years ago where strongly held views were expressed, both for and against, by people sitting next to each other on the Opposition Benches. This is a disagreement between neighbours as much as anything else. I do not think we can regard it as a political matter. It was a project that could have added a significant extra dimension to our already magnificent capital city.

Let me start at the beginning by explaining why the Government decided to support this iconic and novel project. The previous Mayor of London was approached, some years ago, with an idea for a completely new type of bridge: a footbridge, but one that was also a park; a place where people could cross the river as part of their journey or stop and enjoy their surroundings and the magnificent river views that this city presents. The then Mayor and Ministers considered that it could be an innovative and iconic project, but they did not believe that it should be wholly taxpayer funded. However, they did agree to help with some funding to kickstart the project and stimulate private sector funding. The Chancellor therefore announced in the 2013 autumn statement that the Government would provide £30 million towards the project as long as the Mayor contributed a similar amount and as long as a satisfactory business case showed that it would deliver value for money for the taxpayer.

The Garden Bridge Trust and Transport for London produced a business case in early 2014, and the Department for Transport analysed it carefully in the same way that it does for any other transport project. While the project was highly unusual and had a wide range of potential cost-benefit ratios, our analysis showed that there was a reasonable chance that it would offer value for money for the taxpayer. The hon. Lady asked whether the process was followed, and it was, but it was tough to cost and quantify the potential benefits.

In the light of the analysis, the Department agreed to release the £30 million pledged by the Chancellor but, importantly, we attached a number of conditions to it, including a cap of around £8 million on the amount of Government money that could be spent on pre-construction activity. That condition was designed to limit taxpayer exposure in the event that the project did not proceed. We also included a requirement for TfL to draw up a detailed funding agreement with the trust to govern how the money would be used. Over time, and in response to requests from the trust, the cap on the Government's exposure was increased in stages to £13.5 million as circumstances changed and it became clear that more money was needed to get the project to the point at which construction could start.

**Dr Huq:** Does the Minister think that the £3 million a year running costs being financed by events on the bridge was a good model? Does he agree that that would have been doing things the wrong way around?

**Andrew Jones:** This was a very individual project, and it could have been a captivating addition to London's already captivating centre. I could immediately see why organisers would consider such a venue as location for events, so I could see how those income streams could be developed. However, it is a challenge to decide how to use the initiative and ideas that come from campaigners, architects and designers and the good will of the charitable sector, with Government support in a public-private partnership, to deliver significant public good.

I am sorry that the project has not materialised, but we cannot say that an approach that brings people together should never again be used, because I can foresee circumstances in which it could, and possibly should, happen again. The hon. Lady mentioned certain projects, and although I am not particularly familiar with the detail of the Crystal Palace proposal, I am absolutely certain that initiatives that come from the creativity of community involvement, by bringing people together and using the Government as a means of leverage, either financial or through ministerial engagement, are part of what the future can look like. We should not rule that out, but if public money is involved, we should make sure that we learn the lessons, to which I shall come later in my speech.

In 2016, the Garden Bridge Trust asked the Government to underwrite the project's potential cancellation costs. Let me be clear: that was not a request for additional funding; instead, it was a request to be able to use some of the £30 million that we had already committed, to pay the project's cancellation costs, should that be necessary. The trust said that without such an underwriting guarantee, the project could not continue. After careful consideration, in late May 2016, the Department agreed to provide a time-limited underwriting guarantee but, again, with

[Andrew Jones]

various conditions attached, including a requirement for the trust to provide more regular reports to the Department on the status of the project and the steps the trust was taking to address risks.

Over the summer of that year, as a result of further delays to the construction timetable, the trust asked whether the underwriting guarantee could be extended beyond the end of September 2016. Again, after consideration, the Department agreed that it could, but in such a way that the risks would be more fairly shared between the Government and the bridge's private sector backers. To be precise, the Government agreed to underwrite up to £9 million-worth of cancellation costs, and it was intended that the private sector would be required to underwrite any additional cancellation costs above that amount.

The Government continued their support for the project and wished it well, but they always made it clear to the trust that it should not just be public money at risk should the project fail. Unfortunately, the garden bridge trustees took the difficult decision in August 2017 that, without the necessary guarantees from the current Mayor of London, the project could not continue and the formal decision was taken to close the project. Since then, the trustees have been negotiating with their creditors to close down the trust in an orderly fashion.

Transport for London has been working with the trust to satisfy the Department and itself that every £1 of public money spent on cancellation costs is absolutely necessary to support the project's claims. I understand there are many concerns about the project, and I will talk about some of them. The Garden Bridge Trust was set up in 2014 to manage the construction of the bridge, and the experienced group of trustees was wholly responsible for the development and fundraising. The Department for Transport and Transport for London spoke to the trust on a regular basis about progress and concerns.

I understand that the hon. Lady and other hon. Members have expressed concerns about how the trust was being run, how public money was being spent and how much transparency there was on the project, but it would be wrong to say that nobody has scrutinised the project. There have been several reports and investigations into the project. The London Assembly has reviewed the procurement process. The National Audit Office has reviewed the project and reported on the Department's grant control measures in 2016. The Charity Commission has looked at how the trust was run as a charity and reported in 2017.

**Dr Huq:** The Minister is detailing all the different reports, but we need one now that we have the final winding-up costs and the final bill. Those reports are historical. This looks like another white elephant, and I did not mention the cable car, which is another one. This is a whitewash of a white elephant.

**Andrew Jones:** I have mentioned investigations by the London Assembly, the National Audit Office and the Charity Commission, which clearly were not whitewashes. These are independent bodies. The hon. Lady has mentioned mates' rates and closed groups, but the head

of the Garden Bridge Trust was a former Labour Minister, now Labour peer, who was dealing with a Conservative Mayor of London. I do not view this as some closed, chummy, "old school tie" thing, which is what the hon. Lady is suggesting. I do not think the facts are remotely like that.

There has never been any secret about the investigations, and the fact that they have taken place demonstrates the robust scrutiny that has applied to this project to ensure that it was run properly and that we got the best value for taxpayers' money. It is because of those inquiries that I do not think it necessary to have a new inquiry.

The Department for Transport continues to scrutinise the use of public money in spending decisions robustly. Clear safeguards were included in the garden bridge project on how and when the money could be spent to limit expenditure should the project fail. The hon. Lady asks about lessons learned, which are important for anyone who has responsibility for public finances. It is quite a difficult question, because this is such an individual project, but there is the principle of control of money. The Department has, for example, changed the way it handles rail development projects by introducing the rail network enhancements pipeline—the RNEP process—to ensure that projects cannot proceed to the next level of development until it is clear what the funding implications are. There is always, then, this iterative process of review and of lessons being learned from experience and new developments. Of course we learn lessons.

There are also processes for sharing good practice. There is a transport efficiency project whereby different parts of the Department share best practice to see whether lessons can be learned in the development of rail that could be applied to road, and vice versa. I would caution the hon. Lady, therefore, about saying that no lessons have been learned. Learning lessons is an existing part of standard DFT procedure and—I would hope—of every other Department and public body.

As the hon. Lady may be aware, the sum spent on cancellation liabilities will be significantly less than the £9 million made available, meaning that more of the funding originally allocated can be returned to the Department to be spent on other transport projects.

In conclusion, I understand the concerns raised by the hon. Lady and others who have spoken today and previously and I recognise it is unfortunate that public money has been spent without the project coming to fruition, but despite people's best efforts projects sometimes do not achieve their potential. The decision to support the project was taken with the view that it would be successful. It did not fail to capture the public imagination. It might have polarised it, but some clearly saw how it could enhance an already magnificent cityscape.

My Department will continue to scrutinise funding decisions and make sure we continue to deliver value for taxpayers. That is a regular part of all that we do. It has not been compromised by this project and will remain a part of all our future project management.

*Question put and agreed to.*

3.6 pm

*House adjourned.*

# Written Statements

Friday 15 March 2019

## CABINET OFFICE

### Advance from the Contingencies Fund

**The Parliamentary Secretary, Cabinet Office (Chloe Smith):** I, as the Minister for the Constitution, wish to report that a repayable cash advance from the Contingencies Fund of £1,297,000 has been sought for the Parliamentary and Health Service Ombudsman (referred to as the “Parliamentary Commissioner for Administration” in the Parliamentary Commissioner Act 1967 and the “Health Service Commissioner” in the Health Services Commissioners Act 1993).

The advance has been sought to meet a cash requirement resulting from planned expenditure set out in supplementary estimates. As authority for the cash will not be granted until March with the passage of the Supply and Appropriation Act, a Contingencies Fund advance has been requested.

Parliamentary approval for additional resources of £1,297,000 will be sought in a supplementary estimate for the Office of the Parliamentary Commissioner for Administration and the Health Service Commissioner for England. Pending that approval, urgent expenditure estimated at £1,297,000 will be met by repayable cash advances from the Contingencies Fund.

[HCWS1419]

## DEFENCE

### Single Defence Contracts: Baseline Profit Rate 2019-20

**The Secretary of State for Defence (Gavin Williamson):** I am today announcing that I have set the baseline profit rate for single source defence contracts at 7.63%, in line with the rate recommended by the Single Source Regulations Office (SSRO). I have accepted the methodology used by the SSRO to calculate this figure.

I am also announcing new capital servicing rates and an SSRO funding adjustment as recommended by the SSRO, which can be found at table 1 below. These rates have been published in the London Gazette, as required by the Defence Reform Act 2014.

All of these new rates will come into effect from 1 April 2019.

Table 1: Recommended Rates agreed by the Secretary of State for Defence

Element	2018 rates	2019 rates
Baseline Profit Rate (BPR) (% on contract cost)	6.81%	7.63%
Fixed Capital Servicing Rate (% on Fixed Capital employed)	4.38%	3.98%
Working Capital Servicing Rate (% on positive Working Capital employed)	1.21%	1.18%
Working Capital Servicing Rate (% on negative Working Capital employed)	0.53%	0.53%
SSRO Funding Adjustment	-0.024%	-0.042%

[HCWS1417]

## DIGITAL, CULTURE, MEDIA AND SPORT

### Contingency Liability Notification: British Tourist Authority

**The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Michael Ellis):** The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Michael Ellis): Today I am laying before Parliament a departmental minute describing a liability that the Department for Digital, Culture, Media and Sport intends to take on in relation to the British Tourist Authority (BTA) pension scheme.

The BTA, currently trading as VisitEngland and VisitBritain, has operated a defined benefit pension scheme for the benefit of its employees since it was created by the Development of Tourism Act 1969.

To ensure a strong covenant rating and avoid a substantial increase in the BTA’s annual contributions to service the scheme, the Government have decided to issue a guarantee to cover the shortfall between the scheme’s assets and its liabilities should the BTA close down. The shortfall is currently estimated at £125 million in today’s prices though is likely to decrease with time due to further BTA contributions to service the scheme, pension fund investment returns and scheme members passing away. Importantly, the guarantee will also allow the BTA board to ratify the cessation of defined benefit accrual and to agree a move to a defined contribution scheme.

The BTA was created by an Act of Parliament, and only another Act can close it down. I would like to reassure the House that the Government have no intention of bringing forward a Bill that would actually trigger this guarantee. As our national tourist board, the BTA undertakes invaluable work promoting the whole of the UK as a tourist destination and thus the likelihood of the liability crystallising is extremely low.

[HCWS1418]

## HOME DEPARTMENT

### Justice and Home Affairs Post-Council Statement

**The Secretary of State for the Home Department (Sajid Javid):** The final meeting of EU Interior and Justice Ministers that the UK is expected to attend as an EU member state took place on 7 and 8 March in Brussels. I represented the UK for Interior day. The Secretary of State for Justice represented the UK on Justice day.

Interior day began with a progress report on the proposal to amend the European border and coastguard regulation. Ministers discussed the proposal for a standing corps of 10,000 border guards. The Home Secretary did not intervene as the UK does not participate in this Schengen building measure.

The Council then discussed the legislative proposals relating to the common European asylum system. Ministers discussed whether the package should be split between those measures that can be progressed now and those where further consideration is required, including the redistribution mechanism. I supported splitting the pack to ensure useful improvements to systems such as Eurodac,

to which the UK has opted in, are agreed swiftly. Ministers were split on this issue. The UK has not opted in to the rest of the CEAS package.

Ministers then discussed co-operation with third countries on migration. Ministers broadly agreed that Morocco and Tunisia should be priorities, although some member states emphasised the importance of the western Balkans. I intervened to reiterate support for the whole-of-route approach to tackling illegal migration and noted the UK's continuing commitment to co-operation with our European partners on migration.

Over lunch, Ministers discussed achievements and future activity in the JHA field. I intervened to reiterate the UK's commitment to strong security co-operation post-Brexit. I made clear that while the UK recognised that the future UK-EU relationship on security would be different, that should not be at the expense of the protection of UK and EU citizens. I emphasised the importance of continuing operational co-operation against terrorists and organised criminals. I also noted that this was Commissioner Sir Julian King's last JHA Council and thanked him for his work as Commissioner for the Security Union. My intervention was warmly received with a number of member states and the Commission paying tribute to the UK's contribution in the JHA field and supporting the need for continued operational co-operation in this area.

After lunch, the Council discussed the state of play on the EU's approach to counter-terrorism. Ministers broadly agreed that existing legislation needed to be fully implemented before moving on to further legislation. On terrorist content online legislation, the Commission and a number of member states, including the UK, urged rapid progress.

Finally, the Commission set out the measures the EU was taking to safeguard the forthcoming EP elections from interference and disinformation.

On Justice day, the Council reached a general approach on the e-evidence directive, which lays down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings. There was wide support for this measure, with most Ministers noting that the e-evidence package as a whole represented significant progress in the ability of competent law enforcement authorities to access data held by communication service providers. The UK maintained its parliamentary scrutiny reserve. The Council would start trilogue negotiations on the whole e-evidence package, once the European Parliament has adopted its position.

The Council discussed the negotiating mandates for the second additional protocol to the Budapest convention on cybercrime and for an agreement between the EU and US on facilitating cross-border access to e-evidence. These mandates would complement the EU e-evidence legislative package. The Council broadly supported the EU-US mandate and the Commission indicated it would open discussions with the US in April, although some member states raised concerns around the Commission's proposed approach in basing the mandate on draft EU legislation rather than the US's CLOUD Act. Several member states raised concerns about the Commission's assessment of EU competence in relation to the Budapest convention mandate. The Secretary of State for Justice noted the need for careful delineation between the second additional protocol and EU rules given the

global reach of the Budapest convention. The presidency would seek to adopt the mandates at the June JHA Council.

The presidency noted progress at working level on the whistleblowers directive. The presidency would continue trilogues with a view to reaching a political agreement during the European Parliament's current mandate.

The Commission provided an update on the establishment of the European Public Prosecutor's Office (EPPO), noting the importance of concluding the process of appointment of the European Chief Prosecutor before the end of this legislature.

The Commission also informed the Council on progress made in countering hate speech online, and presented the results of the fourth monitoring of the code of conduct on tackling illegal hate speech. The Commission noted the need for further work to transpose the framework decision on racism and xenophobia and facilitate crossborder access to e-evidence.

Over lunch, Ministers discussed the use of artificial intelligence in the justice system. The Secretary of State for Justice highlighted the UK commitment to striking the right balance between ethical considerations and data protection on the one hand, and encouraging use of innovation on the other. The Secretary of State for Justice reinforced the UK's ambition for a strong future EU-UK partnership.

[HCWS1420]

## PRIME MINISTER

### Section 13(4) of the European (Withdrawal) Act

**The Prime Minister (Mrs Theresa May):** This statement is being made for the purposes of section 13(4) of the European Union (Withdrawal) Act 2018 and outlines how the Government intend to proceed in the light of the House's decision on Tuesday 12 March 2019 not to agree to a resolution for the purposes of section 13(1)(b) of the European Union (Withdrawal) Act 2018.

The Government regret the House's decision of Tuesday 12 March 2019 but still believe that the best way forward is for the UK to leave the EU in an orderly manner having agreed the withdrawal agreement and political declaration.

We note the House's resolutions of Wednesday 13 and Thursday 14 March 2019 not to leave the European Union without a deal and to seek an extension to the article 50 process.

In accordance with the motion the House approved on Thursday 14 March 2019 the Government will now seek to agree an extension with the EU. The European Council has to approve any extension by unanimity, meaning it would require all the leaders of the other 27 EU member states to agree the UK's request.

As the motion stated, if the House has passed a resolution approving the negotiated withdrawal agreement and the framework for the future relationship by Wednesday 20 March 2019, then the Government will seek to agree with the European Union a one-off extension of the period specified in article 50(3) for a period ending on 30 June 2019 for the purpose of passing the necessary



legislation to implement the withdrawal agreement into our domestic law and complete the ratification process. However, if the House has not reached such agreement by the 20 March 2019 then it is highly likely that the European Council at its meeting the following day would require a clear purpose for any extension, not least to determine its length, and that any extension beyond 30 June 2019 would require the United Kingdom to hold European Parliament elections in May 2019.

It is expected that the EU will use the March European Council on 21 and 22 March 2019 to consider and reach a decision on a request from the UK to extend the article 50 period.

As soon as possible following agreement at the EU level we will bring forward the necessary legislation to amend the definition of exit day in domestic legislation. This statutory instrument will be laid, before it is made, under section 20(4) of the EU (Withdrawal) Act 2018.

This legislation is subject to the draft affirmative procedure and so would need to be actively approved in each House. The legislation would give effect to any agreement with the EU on an extension, so would not be laid before Parliament until that agreement had been reached.

[HCWS1421]

## WALES

### Welsh Regional Investment

**The Secretary of State for Wales (Alun Cairns):** On 6 December 2018 I announced to the House that the UK and Welsh Governments had commissioned a joint independent review of the Swansea bay city region city deal. That review has now concluded and I am today publishing the report and a joint Government response.

I welcome the report which provides Governments, local partners and the private sector with the confidence to invest in the region and bring about economic growth and transformational change. The report recognises the continuing commitment of all partners to the deal, as well as the positive impact a successful city deal would have across the region. Both Governments accept the review recommendations.

Over the coming weeks the UK Government will work alongside the Welsh Government and local partners to implement the recommendations and to seek to move the deal into the next phase of delivery. I am determined that the city deal will deliver for communities in south-west Wales building on the foundation which this review provided.

[HCWS1416]



# WRITTEN STATEMENTS

Friday 15 March 2019

	<i>Col. No.</i>		<i>Col. No.</i>
<b>CABINET OFFICE</b> .....	37WS	<b>HOME DEPARTMENT</b> .....	38WS
Advance from the Contingencies Fund .....	37WS	Justice and Home Affairs Post-Council Statement ..	38WS
<b>DEFENCE</b> .....	37WS	<b>PRIME MINISTER</b> .....	40WS
Single Defence Contracts: Baseline Profit Rate		Section 13(4) of the European (Withdrawal) Act ...	40WS
2019-20 .....	37WS	<b>WALES</b> .....	42WS
<b>DIGITAL, CULTURE, MEDIA AND SPORT</b> .....	38WS	Welsh Regional Investment .....	42WS
Contingency Liability Notification: British Tourist			
Authority .....	38WS		

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## CONTENTS

Friday 15 March 2019

**Speaker's Statement: New Zealand Terror Attacks [Col. 663]**

**Royal Assent to Acts passed [Col. 665] to Acts passed**

**Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill [Col. 666]**  
*Lords amendments considered*

**Holocaust (Return of Cultural Objects) (Amendment) Bill [Col. 694]**  
*Not amended, further considered; read the Third time and passed*

**Rivers Authorities and Land Drainage Bill [Col. 712]**  
*As amended, considered; read the Third time and passed*

**General Election (Leaders' Debate) Bill [Col. 727]**  
*Motion for Second Reading—(Peter Bone)—withdrawn*

**Green Belt (Protection) Bill [Col. 738]**  
*Motion for Second Reading—(Sir Christopher Chope)*

**Garden Bridge: Funding [Col. 743]**  
*Debate on motion for Adjournment*

**Written Statements [Col. 37WS]**

**Written Answers to Questions [The written answers can now be found at <http://www.parliament.uk/writtenanswers>]**

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