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**HOUSE OF COMMONS  
OFFICIAL REPORT**

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**Monday 21 October 2019**

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# House of Commons

Monday 21 October 2019

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

## PRAYERS

[MR SPEAKER *in the Chair*]

## Oral Answers to Questions

### DEFENCE

*The Secretary of State was asked—*

#### Army Personnel

1. **Dr David Drew** (Stroud) (Lab/Co-op): What recent assessment he has made of trends in the number of Army personnel. [900000]

**The Minister for the Armed Forces (Mark Lancaster):** Halfway through the recruiting year, approximately 70% of the Army's regular soldier requirement have either started training or are due to do so. In addition, direct entry officer and reserve recruitment targets are all expected to be achieved.

**Dr Drew:** I thank the Minister for that answer, but he must be aware that since 2010 the number of service people has declined each year. The latest figures, which I believe are from 1 July 2019, show that the Army has 74,440 personnel against a target of 82,000; the Royal Air Force has 29,930 against a target of 31,750; and the Royal Navy and Marines have 29,090 against a target of 30,450. What will the Government do to address the shortfall?

**Mark Lancaster:** I think we are doing a lot, actually. As I said, we need only look at this year, where all the signs are very positive. The real challenge we have faced recently has been in the other ranks in the Army. Officer entry is full, and the Army reserve is growing. The target for other ranks in the Army is 9,404. We have already achieved 70% of that target in the first six months. The second we get to 80%, Army numbers, assuming that outflow remains constant, will remain the same and will not fall. In every single other rank where we manage to recruit over 80%, that will mean an increase in Army numbers. Within the first six months, we have already achieved 70%, so we have 10% more to do within the next six months to maintain numbers, and everyone after that will represent an increase in Army numbers.

**Bob Stewart** (Beckenham) (Con): What progress has the Army made towards getting female soldiers into frontline units such as rifle platoons in an infantry battalion?

**Mark Lancaster:** I am very proud that there are now no roles in the British Army that are not open to women, so all ground and close combat roles are open. We have seen the first women join the Royal Armoured Corps. We also have women in training to join the infantry. I cannot give my hon. Friend an exact number, but I will write to him with that detail.

**Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): Is the Minister aware that in 1982, at the time of the Falklands conflict, we had 327,000 people in the armed services and now we are below 100,000? Is it not a fact that if Mr Putin came steaming towards us tomorrow we would not be able to defend this country?

**Mark Lancaster:** No, that is certainly not the case. It is certainly true, to quote Stalin, that:

“Quantity has a quality all its own.”

However, the modern armed forces are very different from those of the 1980s. We need only look at the Queen Elizabeth, our new carrier, which, compared with Ark Royal, her predecessor, has a complement that requires just one quarter of the number of crew.

**Tracey Crouch** (Chatham and Aylesford) (Con): Kent is proud to host a number of Gurkhas across the country, including within the Queen's Gurkha Engineers, currently located at Invicta Park barracks just outside my constituency. Will my right hon. Friend join me in welcoming the number of personnel in the Brigade of Gurkhas, which has increased by 25% in the past four years?

**Mark Lancaster:** I have to declare my interest: the first Army unit I joined was the Queen's Gurkha Engineers back in 1988 in Hong Kong. I am delighted that, speaking off the top of my head, we currently have 69 and 70 Gurkha Field Squadrons serving in Invicta barracks in Maidstone. I am also pleased to be able to announce that the aspiration is to create 67 Squadron from 2021, and a second further Gurkha engineers squadron, 68 Squadron, from 2023, so the Brigade of Gurkhas continues to grow.

**Fabian Hamilton** (Leeds North East) (Lab): We all know about the Government's disastrous record on recruitment of UK personnel, with the fully trained size of the Army, as we have already heard, having now just fallen to 74,000 personnel. But the Government are failing to recruit enough Commonwealth troops, too, and we now hear that they are cancelling plans to proactively recruit from overseas. Can the Minister explain how this decision guarantees sufficient recruitment to our armed forces, and how on earth he plans to meet the stated target of 82,000 soldiers?

**Mark Lancaster:** I have already explained part of what we are doing. I sense that the hon. Gentleman wrote his question before listening to my answers and has not been able to adapt it, which is a shame but often the case in this House. Equally, I think he has fallen into the trap of reading a *Daily Express* or *Sunday Express* article which states what is factually not the case. We have always recruited from the Commonwealth, and over the last two years we have been increasing our recruitment from the Commonwealth.

**Mr David Davis** (Haltemprice and Howden) (Con): I have listened to the Minister's answers, and he intimated that we are replacing quantity with quality. Much of this problem goes back to the Capita contract for recruiting soldiers, sailors and airmen, which was massively criticised in a Public Accounts Committee report earlier this year in terms of both quantity and quality. Today, 10% of our troops are incapable of deployment abroad for medical reasons. What can he do to fix those problems?

**Mark Lancaster:** Let us be clear: the House is absolutely right to scrutinise this Government over recruiting into our armed forces. I welcome that, because it enables me to put pressure on our service chiefs. While there were, without doubt, challenges with that Capita contract, I have explained today how we have already reached 70% of our target within the first six months of this year. That contract is now performing in a way that it was not before. My right hon. Friend is right about medical standards, which is why there is a series of reviews at the moment of how we can prevent those injuries from happening in the first place.

### **Straits of Hormuz: UK Shipping**

2. **Mr John Baron** (Basildon and Billericay) (Con): What steps his Department is taking to protect UK shipping in the strait of Hormuz. [900001]

22. **Bob Blackman** (Harrow East) (Con): What steps his Department is taking to protect UK shipping in the strait of Hormuz. [900022]

**The Secretary of State for Defence (Mr Ben Wallace):** Happy Trafalgar day, Mr Speaker. Ships transiting the strait of Hormuz are currently exposed to the threat of being harried by units of the Iranian Revolutionary Guards and, in some cases, illegal seizure. While the international community is working to de-escalate tensions, up to four ships of the Royal Navy have been active in the strait since July.

**Mr Baron:** No matter how capable, a Royal Navy ship cannot be in two places at once. On this anniversary of the battle of Trafalgar, given that 95% of our trade is seaborne, is it not obvious that we need a much larger surface fleet, including a larger number of cheaper ships, if we are to play our full part in keeping world sea lanes open?

**Mr Wallace:** I agree strongly with my hon. Friend's point, which is why this Government have invested in not only the new Type 26 frigate but the Type 31, which will be designed to be more affordable and will increase the overall number of frigates and destroyers that we are able to deploy. In this example, we very quickly managed to have four ships in the region to tackle the problem. We have now gone back down to supplying two ships there, but it was not the case that we could not get ships in the right place at the right time.

**Bob Blackman:** I thank my right hon. Friend for his answers thus far. Clearly the Islamic Revolutionary Guard Corps is a constant threat to shipping in the strait of Hormuz. Does he agree that it is now time that the entirety of the IRGC was proscribed, with their assets sequestered and sanctions imposed on them and their leadership?

**Mr Wallace:** My hon. Friend makes an important point about the threat that the IRGC poses to not only the region but countries such as ours. The Quds force is currently proscribed. Further proscription considerations are a matter for the Home Office. However, what is really important is that, where the IRGC poses a threat, like-minded countries around the world challenge that threat and ensure that it is dealt with.<sup>1</sup>

**Stephen Pound** (Ealing North) (Lab): Trafalgar day has been mentioned, and later today, when "Up Spirits" is piped, we will all drink a tot to the immortal memory. I hope that the Minister will place on record his recognition and understanding that the Royal Navy and Royal Marine personnel currently on active service represent the very finest tradition of our services. Let us put that on the record.

**Mr Wallace:** I am, of course, delighted to agree with the hon. Gentleman about the amazing quality that they bring to our armed forces. I am a landlubber, as a former soldier, so I can only marvel at what I have come across so far in this job.

**Nia Griffith** (Llanelli) (Lab): Happy Trafalgar day, Mr Speaker. Yesterday I had the pleasure of seeing the sea cadets parade in a splendid fashion for Trafalgar day. I welcome the Secretary of State and the new Ministers to their posts.

The situation in the strait of Hormuz and the wider Gulf has significantly escalated in the past few months. We have seen unlawful aggression in the international seas, British flagged ships seized by the Iranian regime, attacks on Saudi oil facilities and a recent commitment by the US to send an extra 3,000 troops to Saudi Arabia. We need to de-escalate tensions. With that in mind, can the Secretary of State confirm that the UK will not be sending troops to Saudi Arabia?

**Mr Wallace:** The hon. Lady is absolutely right that we have to de-escalate the situation in the Gulf, but what we will do is make sure that our allies in the Gulf are able to protect themselves by offering advice about how they can protect their airspace and protect themselves from loss of life, which is incredibly important. One of the ways to make sure this is de-escalated is to ensure, if there was another Iranian attack, for example, on an oil facility or any other facility in that part of the world, that it does not lead to loss of life because that for sure would lead to some form of escalation. We stand ready to help our allies with knowledge on how to do that, and that is the best way we think we can proceed to keep calming the tensions.

**Nia Griffith:** I thank the Secretary of State for his answer, but he will also be well aware of the catastrophic impact of the US withdrawal from the Iranian nuclear deal. Sadly, this is not the only commitment that the Trump Administration have very publicly undermined— withdrawing from the intermediate-range nuclear forces treaty and putting the chances of a new strategic arms reduction treaty in doubt—so what discussions has the Secretary of State had with his US counterparts on upholding and strengthening existing international security agreements?

1. [Official Report, 24 October 2019, Vol. 666, c. 6MC.]

**Mr Wallace:** On the joint comprehensive plan of action, dealing with the Iranian nuclear capability, I have made it clear to the United States, as have my colleagues in Europe, that we support the maintenance of that agreement. We think that is the best way forward to make sure Iran does not develop a nuclear weapon, but also to deal with the concerns that the Iranians have had over the years about their security. We will continue to press that, as we continue to press in the areas of Turkey and Syria for upholding international and human rights obligations.

**Dr Julian Lewis** (New Forest East) (Con) *rose*—

**Mr Speaker:** The good doctor and the illustrious Chair of the Select Committee on Defence—Dr Julian Lewis.

23. [900023] **Dr Lewis:** I hope I get an extra-long question in the light of that introduction, Mr Speaker. May I take this opportunity to congratulate, for the first time, my right hon. Friend on becoming Secretary of State for Defence? May I return to the question of the tanker seizures and the point made by my hon. Friend the Member for Basildon and Billericay (Mr Baron)? Does not the fact that it was originally conceived that 32 frigates and destroyers would be necessary to complement the carrier strike forces and the amphibious forces mean that, at 19 frigates and destroyers, the size of the escort fleet is woefully too small?

**Mr Wallace:** I look forward to working with my right hon. Friend. I think I am going in front of his Committee later in the week, and no doubt I shall bow to his knowledge as he will no doubt grill me.

I understand the point that my right hon. Friend has made. All our defence capabilities have to match our ambitions across the board—that is the first point—whether that is land, sea or air. It is the case that our surface fleet is of over 50—of course, 19 are frigates and destroyers—and that means we do allow flexibility in our fleet to meet certain needs, such as disaster relief, which was done by a Royal Fleet Auxiliary ship. However, in case the threat changes, we must always be prepared to move to match that threat, and we will always keep under review the size of our fleet, but it is also why we are continuing to invest in new ships—more capable sometimes than numbers because of the very potency they pose. The Type 26 frigate will be a world-leading capability, and that in itself will be a deterrent to many of our adversaries.

### Service Personnel: Recruitment and Retention

3. **Andrew Jones** (Harrogate and Knaresborough) (Con): What steps his Department is taking to (a) recruit and (b) retain service personnel. [900002]

4. **Robert Halfon** (Harlow) (Con): What steps his Department is taking to (a) recruit and (b) retain service personnel. [900003]

5. **Vicky Ford** (Chelmsford) (Con): What steps his Department is taking to (a) recruit and (b) retain service personnel. [900004]

21. **Sir Robert Syms** (Poole) (Con): What steps his Department is taking to (a) recruit and (b) retain service personnel. [900021]

24. **Giles Watling** (Clacton) (Con): What steps his Department is taking to (a) recruit and (b) retain service personnel. [900024]

**The Minister for the Armed Forces (Mark Lancaster):** We remain committed to maintaining the overall size of the armed forces, and we have a range of measures under way to improve recruitment and retention. Those measures are kept under constant review. Importantly, the services continue to meet all their current operational commitments, keeping the country and its interests safe.

**Andrew Jones:** The Harrogate and Knaresborough constituency is proud home to the Army Foundation College, which has 1,100 junior soldiers in training. Last year, the college received an “outstanding” classification from Ofsted. Does my right hon. Friend agree that the educational excellence on offer is a key part of the recruitment package for the college, and that the qualifications the junior soldiers receive set them up not just for their careers in the Army, but for the whole of their lives?

**Mark Lancaster:** I thank my hon. Friend for being such a champion of this outstanding college, and he is absolutely correct. There are a multitude of excellent opportunities, of which the Ministry of Defence and the Army are extremely proud. These are reflected not just in the formal qualifications and apprenticeships but in the self-esteem, confidence and leadership skills the junior soldiers gain.

**Robert Halfon:** In Harlow, we have outstanding cadet forces and outstanding cadet leadership. They provide the training that young people need and they develop qualities of leadership. May I ask my right hon. Friend: what more can we be doing to support our cadet forces in Harlow and elsewhere to encourage young people into the services, and will he come and visit one of our great Harlow cadet forces?

**Mark Lancaster:** How could I resist such a kind invitation? I should be delighted to visit. Indeed, I started life as a cadet, so I know the value of it. In accordance with the UN convention on the rights of the child, that is not a conduit for entry into the armed forces. However, it is a fact that while just 4% of cadet forces joined the armed forces, 20% of the armed forces were once cadets.

**Vicky Ford:** Our cadet organisations give young people an invaluable insight into the potential of a career in the armed forces, but they need places in which to meet. I understand that the Ministry of Defence will help to give financial support to buildings and other facilities for Army and air cadets, but not for sea cadets. Given that today is Trafalgar day, will my right hon. Friend meet me to discuss how we can help to raise money for a new home for Chelmsford’s excellent sea cadets?

**Mark Lancaster:** A training ship, Upholder, in Chelmsford is indeed an excellent base for the Chelmsford Sea Cadets. It is right that the sea cadets have a different



funding formula from the other two services. They receive a mix of funding from the MOD and other sources. Each sea cadet unit is an individual charity. There has been much debate over the years as to whether or not that is the right way to move forward, but I should be delighted to meet my hon. Friend.

**Sir Robert Syms:** In the past, the MOD has offered a number of bespoke packages to recruit people whose skills they need—for example, qualified doctors when the medical services have been short. Does the MOD intend to offer more bespoke packages to get people with a range of skills into the armed services?

**Mark Lancaster:** My hon. Friend makes a really interesting point. As we move forward there are different specialist skill sets that we need—cyber is an example, as well as medical services—and have to consider whether or not we should look at different models for joining the armed forces. One area that we are looking at is greater use of the reserves for those specialist skills and, equally, whether or not we should have some form of lateral entry, as we do with medical services.

**Giles Watling:** For the past two years, I have been honoured to be part of the wonderful armed forces parliamentary scheme. I graduated only last week. I have visited all three services, which are engaging people with amazing work to keep the peace and keep us safe. Overwhelmingly, they get great satisfaction and lead interesting lives, but I was shocked to hear that some universities are resistant to those terrific people visiting and advertising that unique career path to students. I should like to ask my right hon. Friend what more can be done to get our young people to engage with an armed forces career?

**Mark Lancaster:** I am grateful for my hon. Friend's comments about the Armed Forces Parliamentary Trust. Indeed, that is a scheme from which many hon. and right hon. Members have benefited. When it comes to young people, we are the largest provider of apprenticeships in the UK, and when it comes to encouraging university students to join, we have a bursary scheme as well as an undergraduate scheme. There is also the university officer training corps, the university air squadrons and university Royal Navy units, in which undergraduates can participate.

12. [900012] **Emma Dent Coad** (Kensington) (Lab): My question relates to the quality of living accommodation and local facilities that make Army family life attractive. Will the Minister update the House on the new £125 million leisure complex at Faslane nuclear base, dubbed the "supermess", which is being dismantled to remove combustible materials?

**Mark Lancaster:** It is normally family pressures that are the No. 1 reason cited by members of the armed forces for leaving the armed forces, which is why it is absolutely right that we get this whole package correct. Faslane, as the hon. Lady knows, will soon be the home of the entire submarine force for the Royal Navy. It has been subject to large amounts of investment, and it has some of the best accommodation for the armed forces. The mess itself has faced challenges, and I will happily write to her to update her on exactly where we are on that issue.

**Several hon. Members** *rose*—

**Mr Speaker:** The respected and celebrated president of the NATO Parliamentary Assembly, Mrs Madeleine Moon.

**Mrs Madeleine Moon** (Bridgend) (Lab): During visits with the NATO PA and, indeed, the Select Committee on Defence to Finland, Norway and Sweden, I have noted their highly selective and competitive attempts to recruit young people to national service schemes, to the armed forces, and Government defence agencies. Those are much sought-after schemes in all those countries, and are highly effective not only in recruiting young people but in retaining them in the reserves. May I ask the Minister to look at Elizabeth Braw's excellent article on this in *The RUSI Journal*, and will he look at that as an example for the UK?

**Mark Lancaster:** I am grateful to the hon. Lady—Madam President—for those words of advice, and indeed for that constructive suggestion. I am more than happy to consider any way we can encourage more people to join and, crucially—this is the other side of the coin—remain in the armed forces.

**Chi Onwurah** (Newcastle upon Tyne Central) (Lab): The north-east has traditionally provided a higher proportion of armed services personnel than any other region in England. Can the Minister confirm whether that is still the case following the recruitment shambles, and can he set out the improvements to pay and housing that he will make so that the sacrifices of our armed forces are in the interests of the country, not austerity?

**Mark Lancaster:** The hon. Lady rightly highlights the important contribution that the north-east and the north-west have made to recruitment to all three services over many years. I am determined that our armed forces should reflect modern Britain, which is why we are trying to encourage more members from black, Asian and minority ethnic communities to join the armed forces and, equally, more women—currently we are achieving 7.3% for the former and 12.2% for the latter. Last year we saw a decent pay increase of some 2.9%, and we continue to invest an awful lot of money in improving accommodation standards for our armed forces.

**Vernon Coaker** (Gedling) (Lab): May I first declare an interest, as my son-in-law will soon be going on active deployment with the reserves? I also wish to point out the magnificent contribution made by the Carlton reserve base in my constituency. I want to ask the Minister a simple but really important question. The reserves are a crucial part of our armed forces—I know he knows that—but there are really significant problems in recruiting and retaining reserve personnel and integrating them into our armed forces, so can he say a little more about what the Government are doing about that?

**Mark Lancaster:** The hon. Gentleman makes a really important point. It will come as no surprise to him that, having been a serving member of the reserves for 31 years, I take reserve service very seriously. I think that maintaining that offer is absolutely key, which is one of the reasons why I have imposed a target to ensure that at least 5% of our reserve community have the opportunity to go on operations, as his son-in-law is doing. It is that offer that is so key.

**Stewart Malcolm McDonald** (Glasgow South) (SNP): I congratulate the Minister on holding his post, and I welcome the new team to the Government Front Bench. His boss is, of course, a Scot, and he will tell him that Scots do not take kindly to broken promises from Tory Governments. At the Scottish independence referendum we were promised that there would be 12,500 personnel in Scotland by 2020, but at the last count the figure stands south of 10,000, so will that not be another broken promise from this Tory Government?

**Mark Lancaster:** I am sorry that the hon. Gentleman does not seem to welcome the fact that Scotland will soon be home to all Royal Navy submarine personnel. I am sorry that he does not seem to recognise that there will continue to be an Army brigade based in Scotland. I am sorry that he does not seem to recognise the important investment in Lossiemouth, as the P-8 is soon to be based there.

### Outsourced Departmental Contracts

6. **Bambos Charalambous** (Enfield, Southgate) (Lab): What recent assessment he has made of the quality of service provided under contracts outsourced by his Department. [900005]

**The Parliamentary Under-Secretary of State for Defence (Anne-Marie Trevelyan):** The Ministry of Defence routinely monitors the performance of all contractors, including those who provide outsourced services. Performance against contract targets is regularly scrutinised and officials take appropriate action when standards are not met.

**Bambos Charalambous:** The latest figures show that the Army is currently more than 9% under strength, and that the full-time trade trained strength is now well below the Government's stated target. It beggars belief that Capita still holds the contract for recruitment. Have the Government just given up trying to hold Capita to account?

**Anne-Marie Trevelyan:** I refer the hon. Gentleman to the multiple answers that my colleague has just given.

**James Gray** (North Wiltshire) (Con): I warmly welcome my hon. Friend to her new post, which is very well deserved. She is a graduate of the armed forces parliamentary scheme—that is where she learned everything—so I am glad that she is now at the Dispatch Box. I very much welcome the fact that the new Type 31s are to be built in Rosyth, which should be a very good contract indeed, but what evidence can she bring forward that the contract will be delivered on time and within budget?

**Mr Speaker:** For the benefit of those observing our proceedings, so that they are intelligible, it ought to be explained that the hon. Gentleman is what might be described as the overlord, or the Gandalf figure, who oversees the armed forces parliamentary scheme.

**Anne-Marie Trevelyan:** You know that your comments may go to my hon. Friend's head, don't you, Mr Speaker? I thank him for his question. Indeed, one of the most exciting things that I have had the opportunity to do in this role so far has been to set running the new Type 31 class of general purpose frigate. It will be built in

Rosyth under Babcock's guidance. At the moment, the contract is being drawn through to the final details so that we can hopefully get cracking early in the new year.

**Nia Griffith** (Llanelli) (Lab): I welcome the new Minister to her post. A report in the *Financial Times* today demonstrates that botched public sector outsourcing contracts wasted more than £14 billion-worth of taxpayers' money just in the last three years, with the MOD found to be the biggest culprit, accounting for £4 billion-worth of the extra cost. At a time when our defences are badly in need of investment after nine years of Tory cuts, does the Minister accept that this Government's ideological obsession with outsourcing is failing our armed forces and the taxpayer alike?

**Anne-Marie Trevelyan:** I thank the hon. Lady for her question. I have had a chance to look a little at the Reform think tank's paper, which highlights some issues. All of us would agree that contracts have not always been managed as tightly as possible. I direct her, most importantly, to the outsourcing review that was done by the Cabinet Office and was set in place by the former Prime Minister in February this year. It has been very clear and set some really good guidelines for all Government Departments on thinking more proactively about early market engagement, in particular—I think that has been a weakness historically—and being much more active in the management of contracts, so that when we have great contracts, such as with Leidos and a new contract that I have just signed with Atos, we make sure that we are responsible in the governance of those contracts so that we get the best for our money and that the contractors provide the service that we need.

19. [900019] **David Linden** (Glasgow East) (SNP): Capita's record of success in engaging with potential recruits has been particularly bad, as we see with the bureaucratic aspects of the recruitment process and the difficulty with the call centres. Does the Minister think that this is the appropriate way to go forward if we are serious about getting more folk into the armed forces?

**Anne-Marie Trevelyan:** I am sorry, but I did not quite catch the start of the hon. Gentleman's question. In relation to call centres and Capita, we have to remember that those who are applying, who are 16 and upwards, live in a digital world. They live on apps and dealing with those systems is very much part of that. The call centre is one part of the whole. That service ensures that young people can really ask those questions and get to grips with their initial questions about whether joining the armed forces is for them. How that follows on from that is something that, as I think we would all agree, my colleague the Minister for the Armed Forces has spoken about at length this afternoon. We are making huge progress in making sure that we get the numbers that we need in the armed forces.

### Defence Industry

7. **Matt Western** (Warwick and Leamington) (Lab): What steps he is taking to support the UK defence industry. [900007]

17. **Mr Jim Cunningham:** What steps he is taking to support the UK defence industry. [900017]

**The Secretary of State for Defence (Mr Ben Wallace):** We are committed to supporting the UK defence manufacturing industry. On 14 March, the Government provided an update to Parliament on our ambitious defence prosperity programme, which includes work to sustain an internationally competitive and productive UK defence sector. In 2017-18, the MOD spent £18.9 billion with UK industry and commerce, directly supporting 115,000 jobs.

**Matt Western:** I thank the Minister for his response, but last week the former head of MI6, Sir John Sawers, said that the deal for Cobham, which is being taken over by Advent, the private equity company, should be blocked. The Business Secretary said that there would be guarantees, but we know that in the case of GKN and Melrose, those guarantees were worthless. If the US President can say that the US automotive industry is a concern that should be protected for national security, what sort of protections do we have in place for our industry?

**Mr Wallace:** The hon. Gentleman makes a really important point about protecting our sovereign capability and I take that incredibly seriously, as someone who worked previously in QinetiQ, in the UK aerospace sector. The issue with Cobham is ongoing. It is currently before the relevant Department in Whitehall. We have made our internal submissions on that and I therefore cannot comment on that particular issue. It is important that we maintain and keep our sovereignty, where that is viewed as necessary for our future, but we should also not forget that the reason we are the second biggest aerospace exporter in the world is that we take an international consortium attitude towards it.

**Mr Cunningham:** Can the Secretary of State tell us the future value of contracts to British companies such as GKN and Rolls-Royce and the future cost of those contracts?

**Mr Wallace:** Given the recent increase in our settlement of £2.2 billion, of which a large proportion will go on investing in the capital part of our budget, the future for UK aerospace should be bright and looks bright. The Type 31 frigate, for example, will be made in Rosyth and will be delivered by UK yards.

**Mr Mark Francois (Rayleigh and Wickford) (Con):** Although the bulk of its work in the United Kingdom is civilian, Airbus also does some military work—for instance, on the A400M transport aircraft. More importantly, leaving aside the problems with that aircraft, which are dreadful and multifarious, the current chief executive, Guillaume Faury, and his predecessor both threatened to withdraw up to 14,000 jobs from the United Kingdom if we left without a deal and in a disorderly manner. Now that we have a deal and are not planning to leave in a disorderly manner, does the Secretary of State agree that the chief executive of Airbus should withdraw that threat and should start talking about investment into the United Kingdom rather than disinvestment?

**Mr Wallace:** My right hon. Friend raises an interesting point. My only advice to chief executives of aerospace companies is to invest where the skills are and where the customers are, and that is in the United Kingdom.

**Mr Robert Goodwill (Scarborough and Whitby) (Con):** Although the order for the CVRT replacement, the Ajax tank, was placed with General Dynamics, Lockheed Martin and Rheinmetall—American and European companies—the hulls are being kitted out in Merthyr Tydfil and the turrets are being built in Bedford. How important is it that, if we place orders for the best equipment available in the free world, we should have as much UK content as possible?

**Mr Wallace:** Where possible, we should do all we can to ensure a huge proportion of UK content in all the contracts we deliver so that our forces get the kit they need.

**Wayne David (Caerphilly) (Lab):** I welcome the new Ministers to their posts. A little more than three months ago, a prominent Conservative Member of this House said:

“We must continue to hammer home the importance of sovereign capability”—[*Official Report*, 16 July 2019; Vol. 663, c. 277WH.]. That was, of course, the new defence procurement Minister, speaking before she was promoted. Thinking about the fleet solid support ships, for example, can I ask the Secretary of State why his Ministers do not practise what they preach?

**Mr Wallace:** The hon. Gentleman is tempting me to comment on an ongoing competition. As he knows, if we were to prejudice that competition, both the UK taxpayer and potentially UK industry would be at risk of being sued by the other consortium. The Under-Secretary of State for Defence, my hon. Friend the Member for Berwick-upon-Tweed (Anne-Marie Trevelyan), whom I welcome to my team, was not the Minister at the time of that competition, so to hold her to account in that way is unfair.

### Defence Manufacturing Capabilities

8. **Stephen Metcalfe (South Basildon and East Thurrock) (Con):** What steps his Department is taking to maintain the capabilities of UK defence manufacturing. [900008]

10. **Andrew Lewer (Northampton South) (Con):** What steps his Department is taking to maintain the capabilities of UK defence manufacturing. [900010]

18. **Mrs Maria Miller (Basingstoke) (Con):** What steps his Department is taking to maintain the capabilities of UK defence manufacturing. [900018]

**The Secretary of State for Defence (Mr Ben Wallace):** To help sustain future capabilities we have published strategies for shipbuilding and combat air and refreshed our defence industrial policy with a new emphasis on supporting growth and competitiveness, which are central to our procurement programmes, including, for example, the Type 31 frigate and Tempest.

**Stephen Metcalfe:** The UK has a world-beating defence industry that is dependent on high-value design. How is the Department supporting the Government’s “Engineering: Take a Closer Look” campaign to ensure that people understand how vital engineering is to our defence industry?



**Mr Wallace:** I congratulate my hon. Friend on being appointed engineering envoy by the Government. Engineering is incredibly important, which is why we support the “Engineering: Take a Closer Look” campaign, which will form part of that legacy and focus on STEM youth engagement, targeting not only young people but the gatekeepers, such as teachers and parents. We are fully supportive of the campaign objective, which is to increase consideration of a career in engineering with a specific focus on 11 to 16-year-olds, especially among under-represented groups, such as girls and black and minority ethnic groups.

**Andrew Lewer:** What steps is the Department taking to ensure key industries maintain sovereign capability?

**Mr Wallace:** To keep skills and innovation here the Government have been determined to invest in home-grown innovation. It is the best way to sustain UK capability in the long term. That is why the defence and security accelerator, launched in 2016, is so important, as is the defence innovation fund, under which £800 million will be spent in that sector over the next 10 years.

**Mrs Miller:** Thousands of people in north Hampshire contribute to the defence of our country, and the ability of companies such as Fujitsu, Harris and BAE Systems and their supply chains to recruit experts from across the world to work with our domestic home-grown talent is an essential part of our winning formula. How will the Government ensure that that recruitment can continue after we leave the EU?

**Mr Wallace:** My right hon. Friend the Home Secretary has been very clear about the need for a points-based system to enable us to secure the skills that we need, but, again, the long-term solution is investment in our skills base. I was pleased about the increase in further education funding that was announced in the recent spending review, which will be important to ensuring that that happens. In my constituency in Lancashire, investment in schools and higher and further education colleges is the bedrock of BAE’s capability.

**Mr Kevan Jones (North Durham) (Lab):** I know that the Secretary of State is reluctant to talk about the fleet solid support ship contract, but may I ask him what percentage of the bid is being taken into consideration in terms of support for UK jobs and manufacturing? Will he really be content to be the Secretary of State who is willing to export jobs to Spain rather than investing in this country?

**Mr Wallace:** I think that the last part of the right hon. Gentleman’s question anticipated the result of any competition that will take place, and I am not going to comment on who or what is going to win if we progress to that stage with competent bids. It will be important for all the bids to include an element of UK capability, and we will ensure that we take that into consideration. It is important to us, and to the skills in this country, for the customer—the MOD, which is spending all that money—to secure not only an export market but a UK base.

**Ruth Smeeth (Stoke-on-Trent North) (Lab):** Project Tempest is delivering and investing in a future fast jet programme. However, given what we are hearing about the potential closure of Brough, may I ask what conversations

the Secretary of State is having with BAE Systems about replacement training jets, and what investment he is planning to make in some new Red Arrows?

**Mr Wallace:** I shall have to write to the hon. Lady about the Red Arrows, because I was not expecting that question, but the Tempest project is an important signal to BAE Systems that the Government are committed to another generation of fast jets. I shall be meeting representatives of BAE soon, and I shall ensure that its desire to be part of the programme is reflected in the locations of its workforce around the country.

**John Spellar (Warley) (Lab):** The Secretary of State made a very significant statement from the Dispatch Box a while ago when he said that companies should invest where the skills are and where the customers are. That only applies if the customers are prepared to use their buying power to insist that the manufacturing takes place in the UK. Why will the Secretary of State not change Government policy, even before Brexit, and insist that the solid support vessels are built in British yards? Make a decision, man!

**Mr Wallace:** The two aircraft carriers are built in British yards, the Type 26 is built in British yards, the Type 45 is built in British yards, the offshore patrol Batch 2 is built in British yards, the Type 31 is currently built in British yards, and we will continue to invest in our yards. The right hon. Gentleman will have heard the hon. Member for Stoke-on-Trent North (Ruth Smeeth) ask how we could ensure that BAE continued to invest in its workforce. It can continue to invest in its workforce because it also manages to export around the world. When we export, we must recognise that we need an international consortium, because we cannot sell purely to ourselves; we have to export around the world.

#### Armed Forces: Capability and Strength

9. **Mr Steve Baker (Wycombe) (Con):** What recent assessment he has made of the adequacy of the (a) capabilities and (b) strength of the armed forces. [900009]

**The Secretary of State for Defence (Mr Ben Wallace):** Our armed forces have suffered decades of being hollowed out to meet short-term pressures. Eventually, that takes its toll on the men and women of the armed forces and the equipment and maintenance programme. The funds announced recently in the spending review will allow us to reinvest and to maintain our forces at their present levels. The adequacy of our capability is of course defined by the extent of our ambitions, and by whether we as a nation are willing to fund them.

**Mr Baker:** Will my right hon. Friend reassure me that nothing in the European Union’s co-ordinated annual review of defence will affect the capability or strength of our armed forces in the short, medium or long term as we leave the EU?

**Mr Wallace:** My hon. Friend has raised some concerns about the engagement with Europe, and, indeed, about Europe’s ambition. I think it absolutely right that the European Commission has a strong ambition for a single defence capability. We have made it clear that we will only

join any part of this European defence arrangement voluntarily, and on condition that there is a unilateral mechanism for exit. That is the key purpose. We will, of course, work with international partners often to face threats.

**Martin Docherty-Hughes** (West Dunbartonshire) (SNP): If the Secretary of State wants to assess the strength of the armed forces, does he now agree that it is about time that they had a trade union to stand up for ordinary members of the armed forces against his puny Government?

**Mr Wallace:** Coming from a party that would reduce the armed forces to a rubber boat in Scotland, I do not think we should take any lectures from the hon. Gentleman and the SNP. It is absolutely clear: the SNP is obsessed with trade union representation rather than investing in armed forces.

#### Service Personnel Families: Pupil Premium

11. **Mary Creagh** (Wakefield) (Lab): What steps he is taking with the Secretary of State for Education to ensure that armed forces personnel with children eligible for the service pupil premium inform their child's school of that eligibility. [900011]

**The Minister for Defence People and Veterans (Johnny Mercer):** I have already met the Schools Minister on this issue. We work hard to get the message out there through payslips, posters and an advertisement campaign. We can all, as MPs, play a role in making sure the families of those who serve receive the benefits they are entitled to.

**Mary Creagh:** There are over 400 serving armed forces personnel in the Wakefield district, and they make a huge contribution to our nation's defence, but there are concerns from the Army Families Federation that the service pupil premium is not being used properly by schools to improve pastoral outcomes for service children. What discussions has the Minister had with schools on guidance?

**Johnny Mercer:** I am very keen that the service pupil premium is used in the way that it has been designed for—pastoral care and things like that—and if the hon. Lady has evidence that that is not taking place, I invite her to write to me and we can look into it.

**Mr Edward Vaizey** (Wantage) (Ind): When the Minister next comes to visit the Royal Military College in Shrivenham in my constituency, will he pop into Watchfield primary school, where he will see a brilliant primary school that educates children from all over the world—the children of those of many nationalities who study at the military defence college—and when he gets back will he ask the Secretary of State why the Ministry of Defence gives no financial help to this primary school for the language teaching it has to do for those children?

**Johnny Mercer:** I pay tribute to the school in question, which does a great job of looking after the children of those who come and serve at Shrivenham, and I am more than happy to look into the case my right hon. Friend raises.

#### Commonwealth Veterans

13. **Danielle Rowley** (Midlothian) (Lab): What recent discussions he has had with the Home Secretary on the minimum income requirements for Commonwealth personnel and veterans to bring family members to the UK. [900013]

15. **Afzal Khan** (Manchester, Gorton) (Lab): What recent discussions he has had with the Home Secretary on the minimum income requirements for Commonwealth personnel and veterans to bring family members to the UK. [900015]

**The Minister for Defence People and Veterans (Johnny Mercer):** All service personnel with non-EU citizen dependants are subject to the minimum income requirement when applying for visas to enter the UK. I recently met my hon. Friend the Member for South Ribble (Seema Kennedy), the Immigration Minister at the Home Office, to discuss the minimum income requirement for visa fees. This is now being taken forward by officials from both Departments, and I am very hopeful of a good outcome.

**Danielle Rowley:** Penicuik in Midlothian is home to the Royal Highland Fusiliers at Glencorse barracks, and the battalion has had a number of serving Commonwealth soldiers, particularly from Fiji. Commonwealth citizens have made significant contributions to the defence of the UK throughout history, and continue to do so. I appreciate the warm words from the Minister and that he has had conversations, but is it not time that we repay their sacrifice by scrapping the minimum income requirement so they can be reunited with their families?

**Johnny Mercer:** I pay tribute to those from Commonwealth countries for their sacrifice and service over the years, which is exactly why we are looking to recruit more people from those parts of the world. I am in conversations with the Home Office to try and work out ways to get over the minimum income requirement, and a lot of options are being looked at—such as whether we can work with credit unions or advertise on payslips—but I am more than happy to meet with the hon. Lady.

**Afzal Khan:** Much like ordinary civilians, Commonwealth soldiers are being unfairly treated by the Government under their hostile environment policies. Is the Minister aware of the significant difficulties that Commonwealth personnel have encountered in bringing their families to the UK, and will he engage with me to address these issues?

**Johnny Mercer:** I will be delighted to engage with the hon. Gentleman, and I would reiterate my point about the sacrifice and the service of so many of our Commonwealth soldiers, who have contributed so much to the armed forces in this country and who make them such a diverse and incredible set of armed forces that do such a good job on our behalf.

#### Leaving the EU: Defence Exports

14. **Harriett Baldwin** (West Worcestershire) (Con): What discussions he has had with the Secretary of State for International Trade on potential defence exports after the UK leaves the EU. [900014]

**The Parliamentary Under-Secretary of State for Defence (Anne-Marie Trevelyan):** Defence exports will continue to be supported, not just by the Ministry of Defence but by other Government Departments including the Department for International Trade, after the UK leaves the EU. Work is ongoing to explore how to strengthen the competitiveness of UK industry and to support exports, both to the EU and globally. My right hon. Friend the Defence Secretary has regular conversations with the Secretary of State for International Trade, including through the defence security and exports working group.

**Harriett Baldwin:** I congratulate my hon. Friend on her appointment. I know that she is a fervent champion of the tremendous exporters that we have in the defence sector. She will know that they often face non-tariff barriers when they export to the United States. Can she reassure me that she will be championing their cause and ensuring that those non-tariff barriers are broken down when we have a new trade deal?

**Anne-Marie Trevelyan:** I thank my hon. Friend for her kind words. I reassure her that, through our long-standing bilateral relationship with the US, we work closely across the full spectrum of defence, including on issues of shared economic interests such as reducing barriers. Free trade agreements are not used as a means of increasing defence exports. For non-sensitive and non-warlike defence goods and services, the UK may pursue greater access to US public procurement opportunities through the free trade agreement.

**Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op):** The 13 old nuclear submarines tied up alongside Devonport provide a really important case not only for generating jobs in Devonport but for exporting skills and technology around the world. Will the Minister put forward a strategy for how we are going to recycle those old nuclear submarines within the next year?

**Anne-Marie Trevelyan:** I thank the hon. Gentleman for his optimism that anything so big as that project could be done in a year, but I will certainly take up the challenge. I have been described by some in the Department as a poacher turned gamekeeper on this particular subject, especially as I have made it a priority to move this forward. I saw the work being done on the Resolution project up in Rosyth a couple of weeks ago, and I have been encouraged by the progress being made there. We are starting to see a structured framework that will enable us to move this project forward and move our way right through our elderly submarines that are now in need of retirement.

### Topical Questions

T1. [900025] **Vicky Ford (Chelmsford) (Con):** If he will make a statement on his departmental responsibilities.

**The Secretary of State for Defence (Mr Ben Wallace):** In the light of recent events at the Syrian border, the Government urge all parties to ensure that they comply with international law, including international humanitarian law and obligations on human rights. We urge a swift de-escalation of the conflict by all parties.

**Vicky Ford:** I note that changes were made last week to the political declaration on the future relationship between the EU and the UK. Can my right hon. Friend the Secretary of State confirm that no member of the British armed forces would ever be obliged to serve alongside any EU army without Ministers' support?

**Mr Wallace:** My hon. Friend makes the key point when she suggests that this could not happen without Ministers' support, or indeed without the intention of this Government to voluntarily join an EU task force, a NATO task force or any other type of international task force. I can absolutely reassure her that we will not enter into any of these European schemes without doing so voluntarily and without a unilateral exit.

**Gerald Jones (Merthyr Tydfil and Rhymney) (Lab):** As we approach Remembrance weekend and the launch of the Royal British Legion's poppy campaign, we remember all those who have given their lives for our country and of course all the veterans who have served. Many veterans have accessed the veterans gateway for help and support, but there is significant concern that the funding for the gateway is not guaranteed. Will the Minister address that concern today and guarantee the necessary funding to enable the veterans gateway to continue its good work?

**The Minister for Defence People and Veterans (Johnny Mercer):** The veterans gateway received an initial period of funding, and it is supported by a consortium of charities. It has been a success in helping veterans access help in this country, and a long-term plan is being devised for it at the moment. I would be more than happy to meet the hon. Gentleman to discuss that in due course.

T2. [900026] **David Mundell (Dumfriesshire, Clydesdale and Tweeddale) (Con):** Will the relevant Minister meet me as a matter of urgency to discuss the interminable delay in agreeing a lease for the Easttriggs site of MOD Longtown? This delay is causing a threat to important investment and job creation in my constituency.

**The Parliamentary Under-Secretary of State for Defence (Anne-Marie Trevelyan):** I welcome the opportunity to meet my right hon. Friend to discuss the Easttriggs site in his constituency. I am aware of the aspiration of Rail Sidings Ltd to develop its railway rolling stock storage business at MOD Easttriggs. Defence Medical Services continues to manage the site and may support initiatives to commercially exploit the rail infrastructure, provided that any increase in use does not conflict with the primary demands of defence.

**Stewart Malcolm McDonald (Glasgow South) (SNP):** Will the Secretary of State commit to publishing his Department's analysis of leaving the European Union as far as forfeiting our rights and responsibilities under article 42.7 of the Lisbon treaty is concerned?

**Mr Wallace:** I will be delighted to write to the hon. Gentleman.

T3. [900027] **Tom Tugendhat (Tonbridge and Malling) (Con):** Given the surprise at the speed with which the Americans fled from the scene in Syria, what preparations



are Ministers making for greater logistical independence for Her Majesty's armed forces so that they do not feel abandoned?

**The Minister for the Armed Forces (Mark Lancaster):**

The UK remains fully committed to the long-term security of the region and to the counter-Daesh coalition. We continually assess UK and coalition logistical capability to ensure that we are well placed to continue to contribute to the counter-Daesh effort, and we remain at the forefront of the coalition's air campaign.

T6. [900030] **Jenny Chapman** (Darlington) (Lab): It is just not possible to recognise the sacrifice and service of our armed forces in pay alone, but it is wrong that the salary of a new recruit is now worth over £1,000 a year less than it was 10 years ago. What is the Minister going to do? When will a new recruit's pay match what it was 10 years ago in real terms?

**Mark Lancaster:** I am delighted to say that my understanding is that, as a result of the recent pay review, the starting salary of a private soldier has risen to over £20,000 a year.

T4. [900028] **Maria Caulfield** (Lewes) (Con): What steps are being taken to protect veterans who served in Northern Ireland?

**Johnny Mercer:** The issue of protecting our servicemen and women from vexatious and repeated prosecution in Northern Ireland is something that the Government take incredibly seriously. Regular meetings are now ongoing between me, the Attorney General, the Secretary of State for Defence and the Secretary of State for Northern Ireland. We are absolutely committed to the Prime Minister's determination that there will be no vexatious or repeated allegations and prosecutions without new evidence, and we will achieve that objective.

T10. [900034] **Emma Dent Coad** (Kensington) (Lab): We heard earlier about Capita's failures in Army recruitment and Carillion's failures in Army accommodation. Is it not time to review the costly procurement process, under which the Government just last month signed a £1.6 billion contract to decommission Sellafeld with Morgan Sindall Group, which was responsible for the Faslane leisure centre super-mess?

**Anne-Marie Trevelyan:** Sadly, I cannot speak about the procurement of other Departments, but I can reassure the hon. Lady that, in my new role, I take how we do procurement, who we do it with, and how contracts are managed extremely seriously.

T5. [900029] **Mary Robinson** (Cheadle) (Con): In London, some veterans are eligible for free travel under the veterans concessionary travel scheme, but Greater Manchester's veterans do not have the benefit of year-round free travel on public transport. Transport is a devolved matter, and our veterans should be afforded gold-standard treatment on our transport network after years of service. What discussions has the Minister had with the Mayor of Greater Manchester?

**Johnny Mercer:** I have not had any discussions with the Mayor on this issue. Transport is devolved to the Greater Manchester Authority, so it is a matter to be decided upon locally. However, as a supporter of the armed

forces covenant, Transport for Greater Manchester provides free travel on Metrolink for veterans on important days, such as Remembrance Sunday. I am of course happy to meet the Mayor to discuss the matter further.

**Helen Goodman** (Bishop Auckland) (Lab): I recently met some veterans of the far east campaigns of the 1950s, and they impressed upon me the gross unfairness of the pension situation for some of them who served for 15 years. Will the Government change the rule that means that people who served before 1975 must have served for 22 years to get a full pension?

**Johnny Mercer:** In respect of pensions for those who served pre-1975, there is a long-standing convention for which responsibility lies with the Treasury. We simply do not have the resources to backdate pensions, as has always been the case with pensions across the public sector.

T7. [900031] **Eddie Hughes** (Walsall North) (Con): The recent attack on a Saudi oil facility was carried out using small pilotless drones capable of flying hundreds of miles. Will the Minister tell the House what defence the UK has against similar attacks?

**Mark Lancaster:** The Home Office has responsibility for counter-drone activity within the United Kingdom. The MOD has a layered air defence capability, and we are happy to allow other Departments to use that capability when they specifically request it.

**Emma Hardy** (Kingston upon Hull West and Hessle) (Lab): Ministers will be aware that Hawk manufacturing at Brough is due to end in 2020 after more than 100 years of aircraft manufacture. I thank the Under-Secretary of State for Defence, the hon. Member for Berwick-upon-Tweed (Anne-Marie Trevelyan), for agreeing to meet me on Wednesday, but ahead of that meeting will she please consider all suitable BAE MOD contracts and what pressure can be put on BAE to ensure that some of them are manufactured in Brough?

**Mr Wallace:** I have regularly met the unions from Brough over the years, and not only because I represent a site in Lancashire that also employs BAE workers. The key is for us to support BAE to get more export bids and, at the same time, to prepare for the next generation of fighter. With that, we will make sure that with our money and with taxpayers' money comes a commitment from BAE that the jobs are as much based here, throughout the country, as they have always been.

T8. [900032] **Mr Robert Goodwill** (Scarborough and Whitby) (Con): My hon. Friend the Member for Chelmsford (Vicky Ford) mentioned cadets in the community, but the cadet expansion programme is about establishing 500 new cadet units in state schools. What assessment has my right hon. Friend the Secretary of State made of the value of cadet units to some of our most disadvantaged children in some of our most challenging schools?

**Mark Lancaster:** The University of Northampton's research into the social impact of cadet forces, including those in state schools, suggests that membership can increase social mobility and help children reach their potential because of the activities they undertake. That is precisely why this has been such a successful process.



**Carol Monaghan** (Glasgow North West) (SNP): The Secretary of State will be aware of reports of the use of white phosphorus by Turkey in northern Syria. What is he doing to assist NATO allies with the investigation into this?

**Mr Wallace:** The hon. Lady is right that white phosphorus is permitted only for use in signals and markers; it is not allowed, under the Geneva convention, to be used as a weapon. A number of people are collecting evidence about that and many other incidents. When that evidence is presented either to me, to the Organisation for the Prohibition of Chemical Weapons or to the UN, we will consider together what the next step should be.

**Several hon. Members** *rose*—

**Mr Speaker:** Finally, because he must not miss out, I call Ranil Jayawardena.

**Mr Ranil Jayawardena** (North East Hampshire) (Con): Thank you, Mr Speaker. I welcome what the Minister has just said and what the Prime Minister has said repeatedly—in March, in July and last week—that we must not let politics trump justice. I trust that legislation is coming to stop vexatious prosecutions, but when?

**Johnny Mercer:** The Department has completed a consultation—it closed only last week—brought forward by the previous Secretary of State on enhanced legal protections. We are now collating the responses and look forward to introducing a Bill early in the new year.

## Speaker's Statement

3.31 pm

**Mr Speaker:** On Saturday last, as reported at column 658 of *Hansard*, the Leader of the House rose on a point of order to announce the Government's intention to bring forward a motion today under section 13(1)(b) of the European Union (Withdrawal) Act 2018. Unfortunately, the point of order did not prove to be a prelude to an emergency business statement on which colleagues could question, probe and scrutinise the Leader of the House.

Rather, for approximately an hour, 30 points of order were raised with me by no fewer than 24 colleagues expressing disquiet and consternation that the Government intended to require the House to consider again on Monday the same matter which it had decided 48 hours earlier, on the immediately preceding sitting day. It was my privilege to listen and respond to the views of colleagues. I then undertook to reflect further on what Members had said and to give a ruling this afternoon, which I shall now do.

There are two issues, one of substance and the other of circumstances, to consider, and I shall address each in turn.

First, I have to judge whether the motion tabled under section 13(1)(b) of the 2018 Act for debate today is the same in substance as that which was decided on Saturday. Page 397 of "Erskine May" is clear that such a motion

"may not be brought forward again during that same session."

It is equally clear that adjudication of cases is a matter for the Chair.

I invoked "Erskine May" and ruled on this issue as recently as 18 March 2019. Saturday's motion sought approval for the withdrawal agreement, the political declaration on the future relationship between the EU and the UK and the declaration concerning the operation of the democratic consent in Northern Ireland provision. Today's motion seeks approval for the withdrawal agreement, the political declaration on the future relationship between the EU and the UK and the declaration concerning the operation of the democratic consent in Northern Ireland provision. It is clear that the motions are in substance the same. However, this matter was decided fewer than 49 hours ago. After more than three hours of debate, the House voted, by 322 to 306, for Sir Oliver Letwin's amendment, which stated that

"this House has considered the matter but withholds approval unless and until implementing legislation is passed."

The second matter for me to consider was whether there had been any change of circumstances that would justify asking the House to reconsider on Monday what it had decided on Saturday. On the face of it, unless an event or development external to the House had interceded, it is hard to see a significant change of circumstances that would warrant a reconsideration on the next sitting day—in this case, a reconsideration pre-announced by the Leader of the House just under 21 minutes after the result of the Division was announced. However, the Government might argue—though, to date, they have not put forward any argument or explanation at all—that the change of circumstances is the Prime Minister's application on Saturday night for an extension of article 50. This is not persuasive. The application is part of a process, rather than a significant event in itself.

In summary, today's motion is—*[Interruption.]* I am extraordinarily grateful to the hon. Member for South Suffolk (James Cartlidge). If he would bear stoically and with fortitude, I shall complete my statement. In summary, today's motion is in substance the same as Saturday's motion, and the House has decided the matter. Today's circumstances are in substance the same as Saturday's circumstances. My ruling is therefore that the motion will not be debated today, as it would be repetitive and disorderly to do so. For the benefit of colleagues not closely familiar with the so-called "same Question" convention, which is very strong and dates back to 1604, I will summarise the rationale for it in a sentence: it is a necessary rule to ensure the sensible use of the House's time and proper respect for the decisions that it takes.

If it is not legitimate for the motion to be taken today, what is it legitimate for the Government to do? The answer is that, as the Prime Minister signalled in his point of order on Saturday, as reported at column 653 of *Hansard*, and in his letter to Members that evening, the Government can introduce their EU withdrawal and implementation Bill. Indeed, they have done just that, presenting the Bill for its First Reading today. I have no doubt that the Leader of the House will offer further details of the intended timetable for the Bill when he makes a business statement later today. Meanwhile, I hope that this ruling and explanation are helpful to the House.

**Mr Peter Bone** (Wellingborough) (Con): On a point of order, Mr Speaker. I entirely follow the logic of your argument, but what weight did you give to the fact that when we were debating on Saturday, nobody knew whether the Prime Minister would send a letter, and since that has happened, although you are quite correct, Sir, to say that the motion is the same, an event outside has dramatically changed it? Given that the motion on Saturday was clear that final approval cannot be given until the deal has gone through in legislation, would it not be, as you have always said, for the House to decide on this matter, notwithstanding the fact that the previous motion is clear about what is going to happen? That would give the country the opportunity to know whether the House approves or disapproves of the Prime Minister's deal.

**Mr Speaker:** I am extremely grateful to the hon. Gentleman for his point of order. My response is as follows. I did not consider, in reaching a judgment on this matter, whether a letter would be sent; the letter was sent on Saturday evening. More widely, on whether the question whether a Minister of the Crown would obey the law would be a material consideration for the Chair, the honest answer to the hon. Gentleman is that that consideration had not entered my mind as pertinent to my reflection on the matter.

I note the wider point that the hon. Gentleman makes, and I respect the fact that it is a point of view. I intend no discourtesy to him when I say that I think I have made the argument for and explained the rationale behind the judgment that I have made. I am not seeking to rubbish the hon. Gentleman; I am simply making—*[Interruption.]* No, I am not seeking to rubbish the hon. Gentleman; I am simply making the point that, having reflected on all the considerations and the interests of the House, I have reached the conclusion I have reached. It is important that colleagues hear all parts of it. The hon. Gentleman did not like part of it, as he politely

explained in his point of order, but he will also have heard me say what it is open to the Government to do. The Government can introduce their Bill, propose a programme motion for it and proceed with the support of the House, between now and the end of the month, as collectively Parliament prescribes. That seems to me to be entirely proper.

**Several hon. Members** *rose*—

**Mr Speaker:** I will come to other colleagues, particularly the illustrious Chair of the European Scrutiny Committee, the hon. Member for Stone (Sir William Cash).

**Kevin Brennan** (Cardiff West) (Lab): Further to that point of order, Mr Speaker. As you will recall, on Saturday afternoon, I was the Member who made the point that the Leader of the House should have been making an emergency business statement at that time, rather than relying on the device of a point of order to try to change the business today. I described it at the time as “low-rent jiggery-pokery”. Is it not time that the Government, instead of playing games with the business of the House, actually subscribed to the usual practices, informed the Opposition of their intentions and, indeed, informed the Speaker of the House of their intentions in advance, so that we can all get on with the important business we have to conduct?

**Mr Speaker:** I am grateful to the hon. Gentleman. Let us focus on the arguments and the issues. As a long-serving Member of this House who is sadly no longer with us once said, “It’s about policies; it’s not about personalities. It’s not about personalities; it’s about policies.” I do not want to get into the personalities of it. I know that the Leader of the House disapproves of jiggery-pokery, because I have heard him say so in the past—if memory serves me correctly, on 26 March 2015, in the Chamber, he made the very point that he deprecated the use of jiggery-pokery.

I do not want to get into that, but I suppose what I want to say is this: there are precedents for changes in business being announced on points of order—it is not the norm, but there are precedents—and I do not want to ascribe any improper motive to the Leader of the House, whose personal courtesy to me over the years has been and remains unflinching, and I hope that I have reciprocated it. He made the judgment that he made. There was very little notice that he was going to say what he said, but that was really perhaps a product of the circumstances.

The hon. Gentleman might think that the circumstance could have been anticipated and some advance notice would have been helpful, but we were where we were. I do not complain about having to respond to points of order. The Leader of the House did not stay for all the points of order—he stayed for some of them—but I feel certain that he will since have familiarised himself with all of them. We will hear from the Leader of the House later, and I am sure we look forward to that.

**Sir William Cash** (Stone) (Con): Further to that point of order, Mr Speaker. A couple of days ago, on a point of order, I said that the law of the land was set out in section 1 of the European Union (Withdrawal) Act 2018, which quite unequivocally states:

“The European Communities Act 1972 is repealed on exit day.”

Exit day is on 31 October. The Benn Act 2019 has not yet done anything, other than in respect of the letter, to change the repeal of the 1972 Act. Therefore, I simply put it to you, Mr Speaker, that, as you mentioned in your statement, the question whether there are issues relating to the law being obeyed is not an issue at this stage in proceedings. For that reason, I simply ask you whether it is possible for you to reconsider your decision, because the reality is, I am afraid, that the law of the land remains as it was last Friday.

**Mr Speaker:** I am extremely grateful to the hon. Gentleman, whose experience in these matters and whose prowess as a lawyer I readily acknowledge. I hope that he will not take it amiss—but if he does, it is a regrettable inevitability—when I say that he has put on record his understanding of the legal position, and he has said it, as he has on previous occasions, with crystal clarity. Other people have a different view about the legal position and the significance of the so-called Benn Act. If memory serves me correctly, I did not dwell in my statement on adherence to the law. I touched on that matter only in response to the point of order from the hon. Member for Wellingborough (Mr Bone). I totally understand what the hon. Member for Stone thinks and why.

Moreover, I made clear in the statement the option open to the Government, and I reiterated it in response to the hon. Member for Wellingborough. The amendment in the name of Sir Oliver Letwin, I remind not just Members but those attending our proceedings, explicitly specified that the legislation should come first. Suddenly to have at the next sitting day a debate on the same matter upon which an explicit conclusion was reached on Saturday would seem very unusual, and I have made the judgment that I have made.

Colleagues, I am stating the obvious, but when you make a judgment on these matters, manifestly some people, if it is controversial, are pleased and other people are displeased. That is in the nature of the responsibility. I have simply sought to discharge my obligations and to do what I believe to be right, and that is what the Speaker has to do.

**Ms Angela Eagle** (Wallasey) (Lab): Further to that point of order, Mr Speaker. My point of order is about the nature of this power in the Chair to prevent Parliament being asked to vote again and again on the same thing. Surely this is to prevent an over powerful Executive—*[Interruption.]*

**Michael Fabricant** (Lichfield) (Con): I wish we were.

**Mr Speaker:** I cannot quite read the lips of the hon. Member for Lichfield (Michael Fabricant), but I think he is saying, “If only”. The hon. Lady must be heard.

**Ms Eagle:** It is an attempt to prevent an Executive from browbeating Parliament and making certain that it votes again and again on the same thing until it gets it right. Surely, Mr Speaker, this is an important defence of freedom in our democracy, and do you agree that this is even more important when we have a Government who are attempting to browbeat Parliament and set up a Parliament versus the people false narrative?



**Mr Speaker:** The short answer is yes. I sought, colleagues, to frame my statement in factual terms, and it was—whether people agree with it or not—closely argued. I did not go in for adjectival excess on this occasion. It is, however, part of the thinking of the Chair that the House should not be continually bombarded with a requirement to consider the same matter over and over and over again. There are people who are concerned about such a prospect—that is, about the possibility of being browbeaten, harassed or intimidated. In the context of the statement I made to the House on 18 March, I was very aware of commentary in the public square along the lines of, “Well, we’ll bring it back—26 times if necessary—until we get the outcome.” That was a factor in my judgment that a ruling from the Chair needed to be given.

Absence of Speaker intervention on this same convention since 1920 or thereabouts is attributable, colleagues, not to the discontinuation of the convention, but rather to general compliance with it, and that is for the protection of the House. We also do not want contradictory and conflicting judgments to be reached in very short order, and what could be shorter order than the next sitting day after the last judgment was made? It may not appeal to everybody, but that is the rationale for the perfectly reasonable judgment that I have made.

**Sir Bernard Jenkin** (Harwich and North Essex) (Con): Further to that point of order, Mr Speaker. I am most grateful to you for allowing me to speak. I rather imagine that if you did not enjoy being bombarded, you would not so much enjoy sitting in that Chair. I note that the dilemmas you face mean that, on occasion, you will sometimes have to please some and not others, but it is becoming remarkable how often you please one lot and not the other lot. You have also inveighed against most unusual things happening in this House that you did not like, and I would say that it is most unusual for a Speaker so often to have prevented the Government from debating the matters that the Government wished to put before the House. It has been one of your mantras that the House should be permitted to express its view, even when it comes to changing the meaning of Standing Orders, and yet you have denied the House the opportunity to express its view on this matter. This motion that was never voted on on Saturday—*[Interruption.]*

**Mr Speaker:** Order. I understand the strong passions, but I want the hon. Gentleman to be heard, as he must be—fully and without fear or favour—and I know that he will then allow me the courtesy of an uninterrupted response.

**Sir Bernard Jenkin:** This motion was never voted on, and it ceased to exist as soon as it was amended. I confess, Mr Speaker, that I am surprised that the reason my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) tabled his amendment has failed to enter your head. The reason was that there was an anxiety that the law was not going to be complied with and the letter would not be sent; so the circumstances have changed in that respect. May I just alert you and the House to the fact that my Committee—the Select Committee on Public Administration and Constitutional Affairs—will be holding a hearing on the role of the Speaker, somewhat in the light of the experience of recent months?

**Mr Speaker:** First, I am grateful to the hon. Gentleman for his multifaceted point of order—and it was multifaceted; there were several features to it, and that is important.

Secondly, I hear what the hon. Gentleman says about his Committee conducting an inquiry into the role of the Speaker, and that is absolutely proper—

**Sir Bernard Jenkin:** Tomorrow.

**Mr Speaker:** I think he said something from a sedentary position about tomorrow, with evidence being taken and witnesses being heard, and that is absolutely right. I do not know what he expects me to deduce from that. I would not dream of seeking to comment adversely—still less to trespass, which it would be quite improper to seek to do—upon the legitimate autonomy of any Select Committee of this House. It is perfectly proper for his Committee to undertake such an inquiry. I am entirely untroubled by it, and it is a reflection of his conscientiousness that he should do it.

Thirdly, with regard to how unfortunate it is that one side seems to be disadvantaged by judgments from the Chair, I say to the hon. Gentleman—and there are people in this Chamber who know very well the truth of what I say—that I do not have, off the top of my head, a count of the number of times that I have in the past granted urgent questions, and in some cases, though they were less fashionable at the time, emergency debates, to people of what was then called a Eurosceptic disposition and would now be called a Brexiteer disposition—and he was one of them. When I was granting him and some of his hon. and right hon. Friends the opportunity to challenge, to question, to probe, to scrutinise, and, in some cases, to expose what they thought were the errors of omission or commission of the Government of the day, I do not recall him complaining that I was giving him too many opportunities to make his point and that it was not a fair use of the House’s time—that it was very unfair on his party and a violation of the rights of his Government. Now, it may be that sotto voce he was somehow making this point, but if so, I did not hear it.

I remind the hon. Gentleman additionally, and fourthly, I think, that—yes, I will make this point because it is an important point to make—his hon. Friend the Member for Basildon and Billericay (Mr Baron) tabled an amendment to the Queen’s Speech in 2103 on the case for a referendum on UK membership of the European Union, a most unusual though perfectly proper thing for a Government Back Bencher to do, and I selected that amendment. I did so because I thought that it was well supported and there was a compelling case for it to be considered. So what I am saying to the hon. Gentleman is that when he was getting the decisions in his favour, he was not grumbling. He is grumbling now because he does not like the judgment I have made, but the judgment is an honourable and fair one, and I am afraid that if he does not like it, there is not much I can do about that. I am trying to do the right thing for the House as a whole.

My last point to the hon. Gentleman—and it is very important not just for, or even particularly for, Members of the House, but for those observing our proceedings—is that nothing in what I have said in any way impinges upon the opportunity for the Government to secure approval of their deal and the passage of the appropriate legislation by the end of the month. If the Government have got the numbers, the Government can have their way,



and it is not for the Speaker to interfere. The judgment I have made is about the importance of upholding a very long-standing and overwhelmingly observed convention of this House. That is what I have done, and I make absolutely no apology for it whatsoever.

**Caroline Flint** (Don Valley) (Lab): Further to that point of order, Mr Speaker. I am seeking clarification on the implications of the Benn Act for the proceedings over the next week or so. I am happy to put this in writing if that is helpful, and I am sorry for not having done so already. The Benn Act, as you know, was amended by the amendment put forward by my hon. Friend the Member for Aberavon (Stephen Kinnock). You may recall that in the debate my right hon. Friend the Member for Birkenhead (Frank Field) asked my right hon. Friend the Member for Leeds Central (Hilary Benn) why there was no purpose to his Bill, to which the latter Member of Parliament said, "We do not want a purpose to this Bill", and the implication was to keep it open-ended. Clearly, the amendment that was then passed by this House included the amendment by my hon. Friend the Member for Aberavon, which stated very clearly that there could be no extension beyond 31 October unless it was to secure a deal. So could I have some clarification from you, Mr Speaker, or maybe in writing tomorrow, that when amendments come forward over the next few days or the next few weeks, only those that are pertinent to securing the deal, in relation to the essence of that deal, rather than revoking article 50 or having a second referendum, will be taken, because it is all about securing the deal?

**Mr Speaker:** My response to the right hon. Lady is twofold. First, it is not for the Chair to interpret the Act. People will make their own assessment of that. That does not fall to me. Secondly, if she wishes to engage with me on that matter in correspondence, I am not promising to come back to her tomorrow but I will study any letter from her and respond in as timely a way as I can, compatible with a substantive response being provided. I shall be delighted to try to oblige her in that regard.

**Mr Steve Baker** (Wycombe) (Con): On a point of order, Mr Speaker. Would it not be better to save consideration of these matters until the business statement, so that we can hear from the Leader of the House of Commons?

**Mr Speaker:** That is perfectly possible. For that to be the case, a self-denying ordinance is required on the part of people who otherwise wish to raise points of order with me, but I note what the hon. Gentleman has said, and colleagues either will be guided by him or not.

**Dr Sarah Wollaston** (Totnes) (LD): Further to that point of order, Mr Speaker. May I make a helpful suggestion, which is that you send a photocopy of "Erskine May" to members of the Government? On a more serious note, the Government keep insisting that Members of this House should have the opportunity to change their minds. Is it not time that they extended the same courtesy to the British people?

**Mr Speaker:** I note what the hon. Lady has said. The second point is a political one, to which I will not respond. In relation to "Erskine May", it is available free online. In relation to the same question convention,

I simply make the point that when I pronounced on the same question convention on 18 March, one of the early responses came from an hon. Member who said:

"may I say how delighted I am that you have decided to follow precedent, which is something I am greatly in favour of?"—[*Official Report*, 18 March 2019; Vol. 656, c. 778.]

He went on to make other supporting points. The person who responded in that way was none other than the current Leader of the House, the right hon. Member for North East Somerset (Mr Rees-Mogg). The Leader of the House was very much with me at that time on the same question convention. I take the same view seven months later, and it is for him to explain whether he does.

**Sir Desmond Swayne** (New Forest West) (Con): Further to that point of order, Mr Speaker. However unfashionable it might be, I believe that you are quite right, and by the same token, it is quite wrong to expect the voters to have to answer the same question a second time.

**Mr Speaker:** I have known the right hon. Gentleman for 22 years. I like him so much that I do not want to ruin a burgeoning political career, as he is only probably a quarter of the way through his, but one of his great merits is that he is a model of consistency, principle and fair-mindedness.

**Sir Robert Syms** (Poole) (Con): Further to that point of order, Mr Speaker. The meaningful vote process is one which Parliament has insisted the Government adhere to. All the Government are trying to do is stick to a process set out by Parliament. The motion was amended on Saturday. Now we can have a clean vote, because I think there is an appetite among the country and this Parliament—these Benches are not exactly empty—to get a view on the Prime Minister's deal. I agree with my right hon. Friend the Member for New Forest West (Sir Desmond Swayne): I think your ruling is probably right. But unlike most of "Erskine May", we are prone to follow the EU constitution, which means at the moment that we will leave the EU at the end of this month. There is limited time, but we will be treated to the spectacle of empty Benches in this House when we go home, and we may be sitting late or at weekends to try to get Government legislation on the statute book. I am not sure that the British people will understand that.

**Mr Speaker:** I just say to the hon. Gentleman—I genuinely apologise to him if I have misunderstood any part of his point, but I am reacting on the hoof—that whether or not there were the debate today, the Government require the passage of the requisite legislation. Therefore, in so far as the hon. Gentleman is concerned about the time required for the legislation, the programme motion for it, the sitting hours entailed by it and the inconvenience that might flow from it, those considerations would apply whether or not we had the debate today. The issue is whether we make a pragmatic judgment and allow for the breach of a long-standing convention or make a principled judgment, and I have made a principled judgment. There is every opportunity for the Government, with the support of the House, not only to have their say, but to get their way by the end of October, and I do not think I need to add anything to that. It is dependent on parliamentary opinion.

**Crispin Blunt** (Reigate) (Con): Further to that point of order, Mr Speaker. Before you reflect on this, I acknowledge that we have known each other for over 30 years—in many ways our personal political lives seem to have gone off in very different directions in the course of that time—and I acknowledge the kind remarks you made to me on another occasion outside this House last week, but I am one of the Members who have formally recorded my anxiety about your partiality in the Chair, and I think the right way to do that is to do it formally.

Having done that, like my right hon. Friend the Member for New Forest West (Sir Desmond Swayne), and having noted the narrow terms in which you gave your ruling today, I think those terms in your coming to your judgment are reasonable. However, would our knowing what the response is to the letter imposed on the Government by this House to request an extension be a sufficient change of circumstances for you to reconsider the conclusions you have come to today?

**Mr Speaker:** As the hon. Gentleman will know, repetition is not a novel phenomenon in the House of Commons, including when perpetrated by me. I have made the point often—forgive me, but I make it again—that I tend to subscribe to the dictum of the late Lord Whitelaw in these matters. He famously used to say, “Personally, I think it is better to cross bridges only when I come to them”. It is a hypothetical question, and I would have to reflect on it and make a judgment in the circumstances of the time.

I do not want to fall out with the hon. Gentleman, and I appreciate his courteous opening remarks. He will not be surprised to know that, although I absolutely defend his right to his opinion, I do not accept his characterisation of my speakership. I have tried to do the right thing by Parliament. Sometimes people like it when it goes their way and sometimes they do not when it does not, but that is my honest approach. If he disapproves of it, I am sorry about that, because I have known him a long time, but I will live with that. I do not mean that in any discourteous or patronising way, but I will live with that. It is one verdict, and there will be others. However, I have made the judgment I have made, and let us wait and see how events develop.

**Harriett Baldwin** (West Worcestershire) (Con): On a point of order, Mr Speaker. This is a genuine point of order. First, my understanding of “Erskine May” is that the repeat question applies to a Session of Parliament, so the fact that we have had a Prorogation since 29 March might mean that the Government could—I am not saying they would want to do this, but they could—bring back the same question as they asked the House on 29 March. Secondly, would they be able to ask a variant of the motion on the Order Paper today that included, for example, paragraphs (1) and (3)?

**Mr Speaker:** I am very grateful to the hon. Lady. It is a genuine point of order, and my response to it is as follows. First, when I referred—I do not mean this impolitely—not to 29 March, but to 18 March, I was referring not to a motion on that day, which was indeed in the last Session, but to the statement or ruling I gave at the time on the same question convention. The ruling on the same question convention has not just survived

from one Session to another; it has in fact survived for the last 415 years, so I do not think we need trouble ourselves unduly on that matter.

Secondly, I very specifically was making the point that the matter has been treated of as recently as Saturday, with a very clear decision reached by the House on the amendment to the motion, and therefore it would not be appropriate to consider that matter today.

Thirdly, when the hon. Lady inquires about whether a different formulation of words, or a section or subsection would render such a motion open to a different judgment on the same question and convention, I hope that she will understand when I say that I cannot possibly pronounce on that until I know the circumstances. I would have to see the particulars, and I am grateful for the rather vigorous nodding of the head by the right hon. Member for Wokingham (John Redwood) who, at least on that point, seems to agree with me.

**David T. C. Davies** (Monmouth) (Con): Further to that point of order, Mr Speaker. In citing your ruling, you spoke of the importance of precedent and convention, yet earlier this year, when you allowed a motion that was unamendable to be amended, you said:

“I am not in the business of invoking precedent, nor am I under any obligation to do so...If we were guided only by precedent...nothing...would ever change.”—[*Official Report*, 9 January 2019; Vol. 652, c. 366-372.]

Can you understand, Sir, in the light of your comments, why some people perceive, perhaps incorrectly, that the only consistency one can find in your rulings is that they always seem to favour one side of the argument, and never the Government, who are trying their best to carry out the mandate given to them by the British people in 2016?

**Mr Speaker:** I am extremely grateful to the hon. Gentleman—and I mean this very sincerely—for his point of order and, in particular, in the best traditions of his service, for his explicit, direct challenge. I respect that. No whispering behind his hands or muttering into his soup, or anything like that—he is challenging me directly. I do not agree with him. I think the consistent thread is that I try to do what is right by the House of Commons, including by, in many cases, minorities whose voices need to be heard. What I said when I allowed the amendment tabled by the right hon. and learned Member for Beaconsfield (Mr Grieve) on, if memory serves me correctly, 9 January this year, was that the will of the House should be tested. It may well be that it had not been the norm for such motions to be amended, but I felt that the circumstances were different. Very specifically, I sensed that there was a very strong appetite for that amendment among several parties in the House, and a resistance to it by a very much smaller number of parties, and I thought that the will of the House should be tested.

It is true that we are guided not only by precedent, but I would say to the hon. Member for Monmouth (David T. C. Davies) that just because we are not guided only by precedent does not mean that we are not guided at all by precedent. What one has to do is make a balanced judgment about what best serves the interests of the House. All I would say to him is that as recently as Saturday, at the insistence of the Government—and I think with the support of the House—the House met to

deliberate on this very matter. Simply to allow the matter to be reconsidered two days later, on the very next sitting day, seems to me to be entirely unreasonable. Nothing that I have said by way of conclusion today flies in the face of contrary expert advice that I have received. I have consulted, I have taken advice, I have listened to people expert in these matters, and I have not been counselled that what I have said today is wrong. I have not been counselled that what I have said today is wrong, and I have a very strong sense that there is a pretty wide acceptance that on this matter my judgment, however inconvenient and irksome to some people, has the advantage of being procedurally right.

**Robert Halfon** (Harlow) (Con): Further to that point of order, Mr Speaker. I respect your judgment and share your love of precedent, but given what you have said, and given that the House has already voted a number of times on holding a second referendum, and rejected it, will you apply the same precedent on repetitive votes in your deliberations if amendments proposing a second referendum are put forward?

**Mr Speaker:** I am extremely grateful to the right hon. Gentleman for what he has said. The principle that I have enunciated has wider application. The same question convention applies to consideration of the same matter in the same Session. I very gently say to him that we are now in a new Session—a point that is so blindingly obvious that I am sure it will not have escaped the right hon. Gentleman, who is a very clever fellow, for a moment.

**Dr Caroline Johnson** (Sleaford and North Hykeham) (Con): Further to that point of order, Mr Speaker. Some of my constituents have written to me today to express their concern that the reason the vote is not being allowed is that the result would go in the Government's favour. I have heard the reasons that you have given for that, but on Saturday the amendment was brought forward by the right hon. Member for West Dorset (Sir Oliver Letwin), who has since said that, were the vote to be brought forward now, he would not amend it again, and that he would support the Government's legislation. Is that not a sign that something has changed since Saturday?

**Mr Speaker:** The short answer to that is no. I do not recall every single word that the right hon. Member for West Dorset (Sir Oliver Letwin) has said, although I

am familiar with the thrust of his argumentation on these matters. It is a matter of record that the right hon. Gentleman has voted for the withdrawal agreement three times, and it is a matter of record that he has expressed support for the Government's latest deal with the European Union, causing him therefore to be inclined to vote for the legislation. He can vote for the legislation if he so wishes—I have every expectation, on the strength of what he has said, that he will do so—but he does not determine what the judgment is about the same question convention. I mean, he could if he were the Speaker of the House. If the hon. Lady is going to make a belated attempt to persuade the right hon. Gentleman to abandon his retirement plans and seek election to the Chair, she might have success with him, or she might not—I do not know; he does not seem to be offering me any encouragement on that matter. I have made the judgment that I have made, and I think that it is the right judgment to make.

**Geraint Davies** (Swansea West) (Lab/Co-op): Further to that point of order, Mr Speaker. Her Majesty the Queen thought that she had five weeks to write her Gracious Speech, but then she was given just a few days, and now she is waiting intently to hear the House's response to it. However, the Leader of the House has put down a motion that is basically a copycat of Saturday's motion, in breach of "Erskine May", and, predictably, you have ruled it out of order. Is this not a discourtesy to Her Majesty, and a further reason why the Leader of the House should consider his position, given his incompetence?

**Mr Speaker:** I am grateful to the hon. Gentleman, but I do not think that we should get ahead of ourselves. I certainly am not accusing the Leader of the House of discourtesy—in fact, I have celebrated his unfailing courtesy to me, and I think that he would acknowledge mine to him. We are going to hear from the Leader of the House with the business statement. If the hon. Gentleman wants to question the Leader of the House on the business statement, and to express his indignation, I very much doubt that any force on earth would stop him doing so.

If that exhausts for now the appetite of colleagues to raise points of order—I am grateful to colleagues for what they have said, and for the courtesy with which they have expressed themselves, whether they agree with my ruling or not—we will move on to the first of our urgent questions.



## European Union (Withdrawal Agreement) Bill and Extension Letter

4.18 pm

**Jeremy Corbyn** (Islington North) (Lab) (*Urgent Question*): To ask the Prime Minister if he will make a statement on the publication of the European Union (Withdrawal Agreement) Bill and his letter of 19 October to the European Council seeking an extension to the period provided under article 50.

**The Secretary of State for Exiting the European Union (Stephen Barclay)**: Notice of the withdrawal agreement Bill was given to the House on Saturday. The Bill was handed to the House yesterday, as agreed with the House authorities. It will be introduced for First Reading at the start of the main business today. Publication of the withdrawal agreement Bill is therefore now being delayed by the Leader of the Opposition, because he has tabled this urgent question requesting publication of the withdrawal agreement Bill—genius.

The withdrawal agreement Bill could not be finalised until the European Council on Thursday 17 October, and then there followed an historic meeting of this House on Saturday 19 October. It has been introduced on the following sitting day, and, as you said a moment ago in response to a point of order, Mr Speaker, what could be sooner than the next sitting day? The sooner that this urgent question and the next urgent question are concluded, the sooner it will be available to Members.

In respect of the Prime Minister's letter to President Tusk of 19 October, that was sent in compliance with section 1 of the Benn Act. The President of the European Council has accepted the request as valid and indicated that he is considering it and consulting member states.

**Jeremy Corbyn**: I do admire the Secretary of State for keeping a straight face while he gave that answer, and I am very grateful to you for granting this urgent question, Mr Speaker.

The Prime Minister has not deigned to grace us with his presence today, but I am reassured that, despite his pledge, he is not to be found anywhere in a ditch. I welcome the fact that the Prime Minister has sent a letter over the weekend to the EU President Donald Tusk to comply with the European Union (Withdrawal) (No. 2) Act 2019. As we have come to expect with this Prime Minister, this has been done with posturing and attempts to distract, but despite having told the British public over and over again that he would never do it, the letter has in fact been sent. Not only is the request legally necessary and prevents us crashing out of the EU with no deal, but the extension allows this House the space to scrutinise the Prime Minister's Brexit deal. I pay tribute to all those Members who have worked hard to ensure that a no-deal Brexit is ruled out, and I will continue to work across the House to ensure that this continues to be the case.

The European Commission has confirmed today that Brussels is now considering the terms of an extension. Can the Secretary of State tell the House when he expects any extension to be granted? Can he categorically rule out the absolutely ridiculous reports yesterday that Conservative MPs are trying to amend the law to jail Members of Parliament alleged to have colluded with

foreign powers? Does he, like me, fear for the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski), who is telling everyone who will listen that he is trying to collude with the Polish and Hungarian Governments to veto any possibility of article 50 extensions?

This type of nonsense is doing nobody any good at all. If the Prime Minister wants to get his deal through, he should bring forward the withdrawal agreement Bill for scrutiny. Will he also bring forward an economic impact assessment, which has so far not seen the light of day? And will he allow this House ample time to scrutinise what this deal means to the communities that we all represent?

**Stephen Barclay**: I can tell the House what has been ditched—the right hon. Gentleman's manifesto, with him moving from the commitment he gave to respect the referendum result to one that is now characterised by dither and delay. The Leader of the Opposition questions the letter from the Prime Minister. What the Prime Minister made clear was that we would abide by the law, and Lord Pannick, among many others, has confirmed that the Prime Minister has done so, so there is no question as to the commitment from him. Of course, the Leader of the Opposition disagrees with the action, but the position of the Prime Minister and his commitment to leaving on 31 October will not surprise any Members either of this House or of the European Council.

The Leader of the Opposition talks about collusion. In this House, we want to collude with the British public to respect the referendum result and to get Brexit done. When he talks about delay, he should answer this question: he wants a second referendum, as we know the shadow Brexit Secretary does, but how long is that going to take? How long will the primary legislation take? How long will the Electoral Commission requirements take? How long will he leave the House in purgatory? He gave a commitment that if we went past 31 October, there would be a general election, and yet on the "Andrew Marr" programme on Sunday, the shadow Brexit Secretary said that he wanted a further delay to have a second referendum. When will the Leader of the Opposition accept the Prime Minister's challenge? When will he have a general election? Or are we to have, as the shadow Brexit Secretary said, more dither, more delay and more shirking of his responsibilities?

**Mr Kenneth Clarke** (Rushcliffe) (Ind): Will my right hon. Friend try to ensure that the Government stop giving this sacred quality to the date of 31 October, which is a really rather silly point that has intruded into the extremely complicated arguments we are having? I would be quite happy if we concluded a withdrawal agreement along the lines the Prime Minister is proposing by 31 October, if we could do it properly, but the date was not selected by the British public or the British Government; it was a compromise in the EU between President Macron and the rest and was plucked out of the air. Will he agree that what matters is that we get the right withdrawal agreement, carried with the tenuous majority the Government may have, through Second Reading and Third Reading so that its form can be settled, and that we then proceed in a way that future generations, if we get it right—or even if we get it wrong—will regard as much more important than whether we made it by a particular day in October 2019?



**Stephen Barclay:** The date was set by the previous European Council, and it is not a unilateral decision for the UK Parliament whether that date is changed. Previously in the House the Father of the House said that what mattered was avoiding no deal. The Prime Minister has secured a deal that does that. What matters now is that we end the uncertainty for businesses and citizens, deliver on the deal the Prime Minister has negotiated—one agreed by the EU27 as well—and get Brexit done.

**Ian Blackford** (Ross, Skye and Lochaber) (SNP): I congratulate the Leader of the Opposition on lodging the urgent question, but of course it was a question to the Prime Minister about his behaviour. Where is he? Where is his respect for the House? He was utterly humiliated by his defeat on Saturday, which saw the House reject his unfair and anti-democratic deal and has forced him to send a letter to the EU Council requesting an extension. But what did he do? He sent a letter not on headed paper and unsigned. Is he used to sending unsigned letters in his capacity as Prime Minister? If so, how many such letters has he sent? I want a direct answer, although I think we know the answer.

The Prime Minister's behaviour lacks dignity and respect and is not becoming of any Prime Minister. Once again, he has shown himself to be unworthy of the office he holds. I have with me a copy of a joint letter sent from the First Ministers of Scotland and Wales to President Tusk, properly addressed, with their official letterheads and duly signed. The Prime Minister should take note: that is a lesson in how to behave. His actions show disrespect not only to the House but to the Court in Scotland and to President Tusk himself. Despite the Prime Minister's childish game of sending a contrary letter, the SNP is pleased to see that the grown-ups in the room—namely, the European Council—are now considering an extension, which must be secured to protect our interests from the economic oblivion that would follow from a no-deal Brexit.

I join the Leader of the Opposition in expressing the Scottish National party's outrage that the Prime Minister has instructed his Government to publish the withdrawal Bill without securing adequate time for parliamentary debate and scrutiny. Once again, this Conservative Government are showing disregard for democracy. It is absolutely imperative that representatives here are able to do their jobs and scrutinise this legislation, given the magnitude of its ramifications.

I say this to the Prime Minister, through the Secretary of State who is present: if he is not afraid of democratic debate, let him secure the extension, and let us have the time that we need for full scrutiny of the Bill. Let me also ask him this: if he is so sure that the people are with him, will he confirm today that he will seek support for the Bill from the Scottish Parliament, which must give consent first?

**Stephen Barclay:** The crux of the issue is that the Prime Minister has complied with the law, but it is right that alongside that, he has set out his well-known views, and that should not come as a surprise to the right hon. Gentleman any more than it should to any other Member. What is unworthy is to hold referendums and then ignore the results, which is the position of the right hon. Gentleman in terms of not just the 2014 referendum but the referendum of 2016.

More than 1,200 days have passed since the referendum, and the one thing that I do not think the House has lacked is opportunity to debate the issues contained in the withdrawal agreement Bill. The Bill will be published—it is with the House—in order for further debate to happen. It is time for the House to begin that debate, back the Bill, get Brexit done and get on to the domestic priorities: the record investment in our health service, the extra 20,000 police officers we are recruiting, and the levelling up of all parts of the United Kingdom as part of strong economic delivery.

**John Redwood** (Wokingham) (Con): I am glad that the Government wish to base our future relationship with the EU on comprehensive free trade agreements, but will they get on with tabling one, and show urgency in trying to secure one? The sooner we can secure one, the more reassuring it will be for Northern Ireland; and the public, who are heartily sick of all this, do not want to waste another 15 months.

May I personally thank you, Mr Speaker, for avoiding groundhog day today? I heard all the arguments on Saturday, and I do not think that I need to hear them again.

**Stephen Barclay:** I agree with my right hon. Friend: we need to get on to the future relationship. The House has been endlessly debating the winding-down provisions, which are contained in the withdrawal agreement Bill. The political declaration sets out a clear framework for a best-in-class free trade agreement, and we need to pass the Bill in order to get on with that.

**Jo Swinson** (East Dunbartonshire) (LD): The Prime Minister was withering in his criticism of the first Brexit deal, and yet he voted for it. He said that no Conservative Prime Minister should ever accept a border down the Irish sea, and yet he has done so. He said that he would never ask for an extension of article 50, and yet he sent a letter doing just that. If the Prime Minister is allowed to change his mind, surely the Government should give the public the opportunity to do the same by putting their Brexit deal to a people's vote.

**Stephen Barclay:** I think it is somewhat ironic to hear a question about changing minds from a member of the Liberal Democrats, who were the first party to call for an in-out referendum, and who now want a people's vote on the basis of ignoring the people's vote that we have had.

**Sir William Cash** (Stone) (Con): The urgent question was asked by the Leader of the Opposition, which was somewhat unusual. May I refer my right hon. Friend to a Bill that was introduced in 1997 in the name of the Leader of the Opposition, along with that of the right honourable Tony Benn? That Bill stated:

“Sections 2 and 3 of the European Communities Act 1972 are hereby repealed.”

It also stated that the European Court of Justice shall have no effect in the United Kingdom.

Does my right hon. Friend recall the number of times—which, as far as I am concerned, was indefinite—when the Leader of the Opposition went through the Lobby with me on every single instance relating to European matters? Does he accept that this demonstrates

[*Sir William Cash*]

not merely a monumental U-turn, but a monumental lack of memory and lack of understanding of what the withdrawal Bill is all about, and of the referendum itself?

**Stephen Barclay:** My hon. Friend has always stuck to his principles; the reality is that the Leader of the Opposition cannot even stick to his own manifesto.

**Ms Angela Eagle** (Wallasey) (Lab): Does the Brexit Secretary not agree that the Prime Minister has a problem with veracity? He told us that he would rather be dead in a ditch than sign the letter, and signed the letter. He told us that there would be no border in the Irish sea, and then he negotiated a border in the Irish sea. Why on earth should we ever believe a single thing this Prime Minister says?

**Stephen Barclay:** The Prime Minister did not sign the letter, so I think the issue of veracity was actually in the question.

**Mr John Whittingdale** (Maldon) (Con): Does my right hon. Friend agree that what the recipients of the letter and other EU member states, and indeed this country, want to know is whether the agreement that they have reached with the Prime Minister commands the majority support of this House, and how does he propose to explain to them that now, on a second day of the House of Commons meeting, we are still unable to discover that?

**Stephen Barclay:** I very much share my right hon. Friend's frustration. That exactly is the question that will be posed in capitals; they have reached a deal with the Government and they want to see the UK leave in a smooth and orderly way. That is what their citizens want to see, it is what UK citizens in Europe want to happen, and the sooner we get on and do it the better.

**Hilary Benn** (Leeds Central) (Lab): It is reported that the Secretary of State told the House of Lords European Union Select Committee this morning that under this agreement, goods leaving Northern Ireland for the rest of the United Kingdom will require an exit summary declaration to be submitted. Can he confirm for the House that such declarations have to be made when goods leave the customs territory of the European Union and, if so, how does that square with article 4 of the Northern Ireland protocol, which says that Northern Ireland is part of the customs territory of the United Kingdom? It is either part of the European Union or the United Kingdom; it cannot be both.

**Stephen Barclay:** What I was referring to in those remarks was in line with international obligations. Some practical information will need to be provided electronically on the movement of goods from west to east. However, the Government will be considering the process during the implementation period.

**Craig Mackinlay** (South Thanet) (Con): May I just say on the Floor of the House now that I have zero respect—absolutely no respect—for the Benn surrender Act? I have no respect for the means by which it was brought to the House and the Order Paper taken over. I have no respect for the fact that it had four hours' debate with one day's notice. I have no respect for the

manner in which—Mr Speaker, you were not in the Chair that afternoon—manuscript amendments were being debated before they were available. This was a shambolic Act brought by those who do not want to respect Brexit. The Government should be in control of the Order Paper, and if others do not want that, they can lay a vote of no confidence, but they will not.

I really wonder, Mr Speaker, what this urgent question is for: is it an argument that somehow the Government should have delivered a gold-trimmed letter on a sequined velvet cushion to the Commission? Can the Secretary of State confirm that the letter has obviously been treated as genuine and is being dealt with in the appropriate way by the Council of Ministers—even though I would have much preferred it had the Government and the Prime Minister had ignored this shambolic Benn Act?

**Stephen Barclay:** As my hon. Friend knows, the Benn legislation was designed to prevent a no-deal exit. The Prime Minister was told that changing the backstop was impossible; he delivered it. He was told that the withdrawal agreement text could not be changed; he did so. We now have a deal that the House can pass; I hope Members across the House will do so with the withdrawal agreement Bill in order that we can leave on 31 October, as citizens and businesses around the country want us to do, and get on with it.

**Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): I hope the Secretary of State realises that I could never get angry with him. He and I have always had a very good relationship, and I trust him a very long way, but I beg him to talk to the Prime Minister about his philosophy of “Get on with it” and “We must get this done”. Does he not agree that it is our sacred duty not just to get on with it but to ensure that the deal and the quality of the deal will actually serve our constituents? They depend on us for their health, their welfare, their future and their prosperity, so we must take this business seriously and slowly. “Get on with it” is a nasty jibe. Stop it!

**Stephen Barclay:** First, I thank the hon. Gentleman for the kind words with which he prefaced his question. I have always enjoyed working with him on that basis. He is right to say that we need to get the detail right, but we also need to be clear as to the scope of the withdrawal agreement Bill. It is to implement the deal—the international treaty—that has been reached. It is not to determine the future relationship, which the House, through the withdrawal agreement Bill, will have a lot of opportunity to discuss and get right in the negotiation mandate. We need to implement the treaty through what has been agreed with the EU in the withdrawal agreement Bill, and then get on to the debate, which I look forward to having with the hon. Gentleman, on the terms of the free trade agreement as we move forward with that deal.

**Ben Bradley** (Mansfield) (Con): I wonder whether my right hon. Friend shares my concern that two Front-Bench Members of Opposition parties have now said that it is not good enough simply to police the Prime Minister's actions through the courts and that they now want to police his thoughts and opinions as well. That is quite a sinister preview of what life might be like under a Labour Government, if that were to happen. Can he confirm my understanding of the process for the following week, and perhaps give my constituents some clarity on the legislation? Will he confirm that if Opposition Members

were to bring forward amendments that are incompatible with the agreement we have made with the European Union, they would not achieve their intended outcome and would simply frustrate and prevent us from passing a deal and leaving on time?

**Stephen Barclay:** On the detail of the next steps, my right hon. Friend the Leader of the House will make a business statement after the urgent questions, and I would not want to pre-empt that. On the wider point, my hon. Friend is absolutely right. The Prime Minister has met his legal obligation, and that has been recognised by the President of the European Court and the European Union. What we now need to do is implement the withdrawal agreement Bill, get Brexit done and get on to the free trade agreement that was referred to earlier.

**Joanna Cherry** (Edinburgh South West) (SNP): I welcome the fact that, despite all the malarkey, green-ink letters and spin on Saturday night, the European Union has accepted the request for an extension. However, in the court action raised in Scotland—in which I acknowledge the support of Dale Vince—the Prime Minister, the Attorney General and the Advocate General have all assured the court that the Prime Minister will obey the Benn Act and asked the court to dismiss the action. Does it concern the Secretary of State that despite all those promises and assurances, the court has seen fit to continue the action to ensure that the Prime Minister keeps his promise?

**Stephen Barclay:** It is not for a Minister of the Crown to comment on any live court proceedings, but, to follow the lexicon of the hon. and learned Lady, what would be malarkey would be for claimants to send letters before the publication of the correspondence that addressed the issue that was sought in the earlier judgment.

**Neil O'Brien** (Harborough) (Con): I have recently returned to the House after two weeks' paternity leave following the birth of my beautiful son—*[Interruption.]* Even better, I have returned to find that the Prime Minister secured a wonderful Brexit deal, which I look forward to voting for—

**Mr Speaker:** What is your son's name?

**Neil O'Brien:** Arthur, Mr Speaker.

Can my right hon. Friend the Secretary of State reassure me that he will now crack on and get the legislation through so that we can get Brexit done and not still be talking about this when Arthur is old enough to drive?

**Mr Speaker:** Let me be the first to congratulate the hon. Gentleman on the birth of Arthur. We wish him a long, happy and healthy life. I had noticed the absence of the hon. Gentleman, and it is very good to welcome him back to the Chamber.

**Stephen Barclay:** There may have been delays in getting Brexit delivered, but I am delighted that Arthur has been delivered, and I am sure I speak for the whole House in offering our congratulations and wishing him every success for the future.

My hon. Friend is absolutely right to suggest that there is huge frustration up and down the country, not only among our constituents but among the businesses that want an end to the uncertainty. They want to see a deal reached, and they recognise that it is in the country's interests to leave in a smooth and orderly way. They see that the Prime Minister has agreed a deal that has been brought to the House, and it is now for the House to pass the legislation to enable us to move forward and get on to the other priorities that we want to address.

**Ian Murray** (Edinburgh South) (Lab): Since the Prime Minister brought back his deal on Thursday, I have received thousands of emails from constituents who are asking me to tell them what the impact of this deal will be on their jobs, their livelihoods and the future prosperity of their communities. I am unable to do so because the Government are refusing to publish an economic impact assessment. What is the answer for them? Will GDP go down? Will unemployment go up? What is the answer?

**Stephen Barclay:** The answer is to listen to the Governor of the Bank of England, who says that passing the deal will be a boost to our economy, because a huge amount of investment is ready to be released if we get this deal. Business voices up and down the country want a decision and want the UK to move forward in a smooth and orderly way, and the best way of addressing the hon. Gentleman's constituents' concerns is to get Brexit done.

**Charlie Elphicke** (Dover) (Ind): At the Dover frontline, we have long been ready to leave the European Union in any eventuality—deal or no deal—but we now need certainty, because uncertainty is dragging on and becoming economically damaging. Has the Secretary of State received any representations from the Labour party as to how it will assist with getting on with Brexit, or has he only ever heard, as I have, that it simply wants to cancel Brexit and defy the British people?

**Stephen Barclay:** I absolutely agree with my hon. Friend that we need certainty, and the Prime Minister's deal offers exactly that. What we have from those on the Opposition Benches is more dither, more delay, and a desire for a second referendum, but no clarity on how long that second referendum would take.

**Mr Chris Leslie** (Nottingham East) (IGC): I understand the political reasons for the Minister's reluctance around the Benn Act, but it is the law of the land. I am worried by what he said, because he seems to give the impression it is only about sending a letter, but it is about more than that. Section 1(4) of the Act requires that the Prime Minister "must seek to obtain" an extension. It is not just a matter of sending a letter; he must seek to obtain that extension, and that involves the Prime Minister using his best endeavours and good faith in trying—*[Interruption.]*

**Eddie Hughes** (Walsall North) (Con): It doesn't say that.

**Mr Leslie:** There is a duty on the Prime Minister that he must seek to obtain an extension. Will the Minister therefore acknowledge that the Prime Minister's legal duties are not simply about sending an unsigned letter?



**Stephen Barclay:** The reality is that this is Parliament's letter, and the Prime Minister has sent Parliament's letter. However, he has been clear that he will comply with the law, and he has complied with the law, which is reflected in the comments of figures such as Lord Pannick, but the Prime Minister is also entitled to express his views, which is exactly what he has done.

**Andrew Percy (Brigg and Goole) (Con):** Lots of my constituents in east Yorkshire and north Lincolnshire think that what happened on Saturday was a Westminster bubble smarty-pants stitch-up to stop us leaving the European Union on 31 October, and—do you know what?—that is exactly what it was. The reason why 31 October is so important is that many people in this country, particularly across the north of England, have figured out what is going on in here. There has been an attempt to play for time—to delay, delay, delay—with one simple aim, which is to overturn the referendum result that people in here never accepted and never had any intention of accepting.

**Stephen Barclay:** My hon. Friend is absolutely right. The House said that it did not believe that the Prime Minister would get a deal, but he did get a deal. The House said that it wanted a meaningful vote, but when the opportunity was presented it was made a meaningless vote. It is time for those games to stop and for us to get a deal through. The opportunity to do that is to support the withdrawal agreement Bill, which legislates for the deal that the Prime Minister has reached.

**Catherine McKinnell (Newcastle upon Tyne North) (Lab):** The Chancellor has responded to the Treasury Committee's request of three months ago for updated economic analysis of the free trade agreement that the Government are pursuing. He acknowledged that the current economic analysis does not correspond with previous Government analysis, but he has not indicated any commitment to provide updated economic analysis. He appears to think it is acceptable for MPs to vote blindly on a potential free trade agreement. He either has something to hide, or he thinks that it is acceptable for MPs to be left in the dark.

**Stephen Barclay:** The reality is that the House will have opportunities to debate the negotiating mandate and to instruct how those negotiations are taken forward. Any modelling for the future will have to take on board the future direction of the Commission under the new leadership. It will have to consider what actions the UK Government will take in response, and it will have to model what will happen elsewhere in the world, such as in China and the US. The reality is that one cannot forecast these things, but it is right that the House will have an opportunity to negotiate and discuss these things as part of shaping the mandate for the future.

**Mr Peter Bone (Wellingborough) (Con):** The Leader of the Opposition is slightly wrong to say that the letter takes a no-deal exit off the table. That is impossible, because it is up to the other nations of the European Union whether or not they grant an extension. The only definite way to take a no-deal exit off the table is, as someone once said, to vote for this deal, which is exactly what this House should do. *[Interruption.]* Does the Secretary of State agree?

**Stephen Barclay:** I very much agree with my hon. Friend, and I am grateful to him for supporting the deal. This is Parliament's letter, but as he says, the reality is that any extension would require the agreement of all 27 member states, which is outside Parliament's control.

**Mr Speaker:** I am not quite sure from her expression whether the right hon. Member for Maidenhead (Mrs May) is welcoming the belated support of the hon. Member for Wellingborough (Mr Bone) or regretting the fact that it was not on offer at a rather earlier stage.

**Mrs Theresa May (Maidenhead) (Con):** Both.

**Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op):** I believe that one of the reasons why the Government wanted to bounce us on Saturday, and wanted to bounce us again today, is to hide some of the content and some of the revelations that will come out in the Bill, which will be published shortly. There will be great concern not only among Opposition Members but among others who take a very different position on Brexit.

I take the Secretary of State back to the question about customs declarations between Northern Ireland and the UK, which was raised by the Chair of the Exiting the European Union Committee, my right hon. Friend the Member for Leeds Central (Hilary Benn), who is no longer in his place. Will the Secretary of State confirm what he said to Lord Wood, that export declaration paperwork will have to be carried out and that firms in Northern Ireland will therefore have to carry out paperwork, whether digital or otherwise, to trade within their own country—within the United Kingdom? Will he also confirm whether that will apply going back in the opposite direction?

**Stephen Barclay:** As I said in response to the earlier question, I am happy to confirm that, in accordance with international obligations, there will be occasions when electronic information is needed for the movement of goods.

The hon. Gentleman talks about bouncing decision makers, but we have already had two extensions. The House has debated these issues endlessly. The first version of the withdrawal agreement was published as long ago as last November. The reality is that he does not want any Brexit. He wants a second referendum; he wants to remain; and he will do everything he can to frustrate Brexit.

**Robert Halfon (Harlow) (Con):** Can we write another letter to the European Union saying that we utterly oppose a second referendum? Does my right hon. Friend agree that a second referendum would be a betrayal of the many thousands of Harlow voters and the millions of working people across the country who voted to leave? We should respect democracy and implement the result of 2016.

**Stephen Barclay:** I absolutely agree with my right hon. Friend. A second referendum would simply take us back to square one. It would create huge uncertainty and huge delay, and it would prolong the paralysis of this Parliament when we need a general election to let the people decide.



**Justin Madders** (Ellesmere Port and Neston) (Lab): I return to the economic impact assessment, because the effect of all this on manufacturing, particularly in my constituency, is critical. I do not know whether the Government are unwilling or unable to release any information they have on this, but surely the Minister can see how important it is that we have all this information before we make any decisions. After all, he would not buy a house without looking at the deeds, would he?

**Stephen Barclay:** The point the hon. Gentleman is missing is that the free trade agreement has still to be negotiated, and what is causing damage to businesses in his constituency and elsewhere is reflected in the comments of people such as Lord Rose, a leader of the remain campaign who now recognises that what is damaging to business is the ongoing uncertainty. We need to bring that uncertainty to an end, and the hon. Gentleman's continued refusal to vote for a deal—while opposing no deal—is prolonging the uncertainty and damaging the interests of businesses in his constituency.

**Eddie Hughes** (Walsall North) (Con): Mr Speaker, I do not know whether you stayed tuned to “The Andrew Marr Show” after watching “Match of the Day” yesterday morning, but if you did, you would have heard my right hon. Friend the Member for Esher and Walton (Dominic Raab) say that Parliament cannot “muzzle” the Prime Minister. If he does not want an extension, he should be at liberty to tell the EU that. Does the Brexit Secretary agree?

**Stephen Barclay:** I very much agree. I do not think the Prime Minister's view will come as a surprise to colleagues in Europe, as he has been clear from day one that he wanted a deal, despite many voices in this House suggesting otherwise, and that it is in the country's interests to leave on 31 October. That remains his commitment, and it is exactly what the Government are committed to doing.

**Mr Speaker:** I think the hon. Gentleman was referring to a show at 9 o'clock on Sunday morning. I do periodically watch that programme—it is not top of my list of priorities, but occasionally I will observe it—but I am bound to say that it was a rather greater priority yesterday morning at 9 o'clock to be playing tennis.

**Peter Grant** (Glenrothes) (SNP): As well as the unsigned letter that the Prime Minister refused even to grace with his name, he sent another letter, signed in his own name, saying, in effect, “Dear Donald, please ignore the first letter I've sent you. I sent it only to comply with an Act of Parliament.” If the purpose of that second letter was not to deliberately attempt to frustrate an Act of this Parliament, what on earth was the second letter for?

**Stephen Barclay:** As I have said in response to several questions, the Prime Minister is entitled to express his view, and that should not come as a surprise to the hon. Gentleman. The Prime Minister has complied with the law, and leading legal figures such as Lord Pannick accept that he has done so. In addition, he has set out his view, as he is entitled to do.

**Mr Iain Duncan Smith** (Chingford and Woodford Green) (Con): I had not planned on speaking, but I just wanted to make a clear point that “Match of the Day”

trumps anything else as far as I am concerned every time. Will my right hon. Friend explain something to me? It finally appears to be the Opposition's position, although I am never clear whether that will change next week, that they want to have a second referendum. Will he explain what anybody could say to the British public when they say, “We didn't trust you last time. Now you have to trust us that we will trust you again on a second referendum.” How could they possibly believe or trust British politicians again?

**Mr Speaker:** I must tell the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) that he shares that penchant with the late and great Anthony Crosland, who greatly enjoyed watching “Match of the Day”. He would often have colleagues around the dinner table in his home and they would be discussing political matters, but moments before “Match of the Day”, Crosland would make it very clear that all further political discussion must cease as he proposed to watch the programme. He would usually don a bobble hat while doing so.

**Stephen Barclay:** Perhaps we could have a similar tradition for the remaining duration of the rugby world cup, to which many Members from across the House would enjoy applying that maxim. My right hon. Friend is absolutely correct on the Opposition's position. I appreciate that they have moved a lot and frequently, but if I take the position set out on Sunday by the shadow Brexit Secretary, the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), it clearly was for a second referendum. That is odd, given that they do not trust the people with the first referendum. The question that the Leader of the Opposition is not answering and needs to answer is: how long does he expect the primary legislation to take? How long does he expect the question testing from the Electoral Commission to take? How long does he expect the operational preparations to take? How long does he expect the regulated campaign period to be for? If his position is to have a second referendum, we need answers to those questions, because he risks leaving this Parliament in paralysis because he is not answering how long he wants to delay Brexit for.

**Martin Whitfield** (East Lothian) (Lab): Just to clarify the Secretary of State's earlier statement about the Bank of England, the bank was, of course, comparing the current withdrawal agreement with a no-deal Brexit, rather than with the current economy. Will the Secretary of State answer my young constituents and say whether he has ever sent a letter that he has not had the courtesy to sign?

**Stephen Barclay:** As I think is the case with all MPs, there have been occasions when I have, for example, dictated letters to my parliamentary office, and they have been sent out as dictated and signed on my behalf.

**Jonathan Edwards** (Carmarthen East and Dinefwr) (PC): When you mentioned your activities at 9 o'clock yesterday morning, Mr Speaker, I was rather hoping that you would say that the pressing engagement was a famous Welsh rugby victory in the quarter final of the world cup. It was slightly fortunate, but a famous victory none the less.

[Jonathan Edwards]

When it comes to the more complicated matter of the future trade relations, every single member state of the European Union, including some constituent parts, such as Wallonia in Belgium, will have to endorse the final free trade agreement. The withdrawal agreement and the political declaration make no mention of the British Government's having to seek the consent of the Senedd in Cardiff or, indeed, of the Scottish Parliament. Why, as things stand, will Wallonia, a constituent part of the Belgian state, have more influence over the future FTA with the EU than Wales and Scotland will have?

**Stephen Barclay:** The hon. Gentleman raises an important point about how we engage with the devolved Assemblies as we take forward the negotiations. It is a fair point and one we are keen to address. I recognise that there have been concerns, particularly in respect of the first phase, about the effectiveness of the Joint Ministerial Committee discussions. One thing that I changed in my own Department was to ask officials to engage at official level much more. The Chancellor of the Duchy of Lancaster has spoken to the Scottish and Welsh Governments in the past day or so, and the Minister of State in my Department went up to Edinburgh for meetings, but the hon. Gentleman raises a fair point on which I am keen to work with him.

**Mr Paul Sweeney** (Glasgow North East) (Lab/Co-op): On Saturday, Parliament voted by acclamation to pass the motion on the withdrawal agreement as amended. Will the Secretary of State confirm that when the withdrawal agreement Bill comes before the House for its various stages, the Government will respect it if the House decides to amend the Bill in certain different ways? We previously saw a Government commitment to respect the indicative votes; if we see a majority emerge in the House for amendments to the Bill, will the Government respect that?

**Stephen Barclay:** The hon. Gentleman will get an opportunity to see the withdrawal agreement Bill once the two urgent questions are finished. On amendments, he will be aware that the scope of the Bill is quite wide, but what amendments are selected will always be for the Chair—the Speaker or, indeed, the Chairman of Ways and Means.

**Geraint Davies** (Swansea West) (Lab/Co-op): The Secretary of State pretends that the Government are unable to make economic forecasts on a new Brexit deal, on the basis that things may change in the Commission or in the world economic environment, but of course the Treasury consistently makes forecasts on what the size of the economy would be relative to what it would be if we stayed in the EU versus various scenarios, so what he says is clearly false. The projection is that there would be a reduction in the size of our economy of approximately 5%. When will the Treasury and the Government come forward with a detailed analysis of how much poorer the poorest will be, how much more corporation tax businesses will have to pay when they face a huge burden of red tape, how the public accounts will be affected and what the impact will be? That way, people will be able to judge what is on the plate, having ordered it from the menu, and then vote again in a people's vote, so that they get what they ordered from the menu rather than the Secretary of State's garbage.

**Stephen Barclay:** I was just pointing out an economic reality. One can set out, as the Treasury frequently does, broad landing zones, but forecasts are inherently difficult because there are so many variables that shape what happens. To say with absolute certainty where things will be in 2033, which is where the forecasts would be trying to determine a precise landing zone, is open to a significant challenge. When the Treasury presented the cross-Whitehall analysis last November, we saw such challenge not only from Government Members; it was also there in the sort of questions that the hon. Gentleman and other Opposition Members were asking.

## Northern Ireland: Restoring Devolution

5.4 pm

**Tony Lloyd (Rochdale) (Lab)** (*Urgent Question*): To ask the Secretary of State for Northern Ireland to make a statement on progress towards restoring devolution in the light of today's extension of the period in which the legal duty to call an Assembly election is removed under section 2 of the Northern Ireland (Executive Formation etc) Act 2019.

**The Secretary of State for Northern Ireland (Julian Smith):** The period for Executive formation under the terms of the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 is due to expire at the end of today, Monday 21 October, so I have laid before Parliament a statutory instrument to extend the period for Executive formation to 13 January 2020. That has the effect of ensuring that Northern Ireland Departments can continue to make decisions in accordance with the Act in the absence of Executive Ministers. Colleagues should be clear that the Act only provides guidance to the Northern Ireland civil service and is no substitute for everyday political decision making.

In reflecting on hundreds of interactions I have had with public sector workers, voluntary workers and members of the public, I understand that this continued absence is a huge disappointment. This extension also delays the legal obligation on me to call an Assembly election, but does not prevent me from calling an Assembly election at any time. The political parties have not reached an agreement to get Stormont back up and running, but extending this legal deadline has no bearing on my continuing efforts to restore the Executive.

As a result, from tomorrow, in relation to abortion law in Northern Ireland, sections 58 and 59 of the Offences Against the Person Act 1861 are repealed, and there will be, in addition, a moratorium on criminal prosecutions. A new legal framework for lawful access to abortion services in Northern Ireland will be put in place by 31 March 2020 in line with the 2018 UN convention on the elimination of all forms of discrimination against women report. I will be consulting on the new framework very soon.

On same-sex marriage and opposite-sex civil partnerships, regulations are to be made no later than 13 January 2020. There are two key areas on which we will consult: how to allow for religious same-sex marriage ceremonies; and the issue of conversion from civil partnership to marriage and vice versa. So that we can tailor the regulations appropriately, there will be a short consultation on these two issues before we introduce religious same-sex marriage in Northern Ireland. This will not detract from the regulations by 13 January 2020, providing for civil same-sex marriages and opposite-sex civil partnerships. The first civil same-sex marriages will take place in the week of Valentine's day 2020.

We also intend to launch a public consultation on a scheme for payments to victims of troubles-related incidents in the coming days. I am also determined to ensure that the Government deliver on our commitments to broader legacy issues.

I cannot overstate the responsibilities of the Northern Ireland parties to find an accommodation and to ensure the future of the devolved institutions that form such an essential part of the peace process.

**Tony Lloyd:** May I begin, Mr Speaker, by thanking you for granting this very important urgent question? Both the number and the importance of the issues that the Secretary of State has already raised with the House indicates how important it is that we have regular dialogue on Northern Ireland, but let me say to Government business managers that that has not been forthcoming at the level that we expect.

May I ask the Secretary of State a number of very specific questions? Brexit, according to the Chancellor of the Duchy of Lancaster, may still result in our crashing out of Europe. Is the Secretary of State certain that he has, already in preparation, the necessary legislative changes to bring before this House in the event of that no-deal Brexit? Even if we have a Brexit deal, is the Secretary of State satisfied that the Northern Ireland civil service, under the legislation that exists, has the necessary authority to make the very difficult decisions that it, and indeed other agencies, may have to make as we move through that Brexit process?

In particular, can the Secretary of State assure the House that the Police Service of Northern Ireland has the resources that it needs in the event of any form of civic disturbance? I do not want to emphasise what kind of disturbance there could be, but we may face a period of prolonged public unrest. Does the PSNI have the resources and the capacity to play that role? Will he also rule out any idea, as we have had in the past, of recommitting the Army to Northern Ireland?

The Secretary of State mentioned the important issues of abortion and same-sex marriage. If Stormont returns in the period between now and 13 January, will he work with Stormont to ensure that we have an acceptable solution? Given that post 1 April Stormont will have the capacity to alter any such law, will he ensure that Stormont and his Department work together to ensure that there is safe and legal abortion for the women of Northern Ireland in Northern Ireland, and that same-sex marriage can take place in Northern Ireland?

In the event that Stormont does not return, the Secretary of State needs to plan now for what will happen on 13 January. We know how quickly time goes by in the context of Northern Ireland. Just look at how quickly time has already gone by—1,000-plus days since Stormont met. The Secretary of State will face a difficult decision, and direct rule is a very unattractive proposition for many reasons. He may have to look at the election option to renew the mandate of a Stormont Assembly that has not met for so long. In any event, will he guarantee that he will work with the Irish Government in Dublin to ensure that strand two of the Good Friday agreement is respected?

There is unease across the Unionist community about the Prime Minister's decision to change the terms under which consent is given by Northern Ireland. The Good Friday agreement was very clear about the need to take both communities together through any decision making around important constitutional issues for Northern Ireland. Does the Secretary of State accept the unease of the Unionist community? Does he also accept that he now has a duty to work hard to regain that trust—a trust that has frankly been betrayed by the decisions of Conservative MPs who once were Unionists and who have now abandoned their erstwhile friends?



**Julian Smith:** I have been very clear that no deal is not a good situation for the United Kingdom, particularly for Northern Ireland. Now that the Prime Minister has secured a deal, I hope that we can focus on getting it over the line.

I pay tribute to the Northern Ireland civil service. They have been the most dedicated civil servants, pushing forward across a range of areas without political decision making. They do have some powers and political decision guidance under the Act, but these are inadequate; we need to get Stormont back up and running to ensure that they have the political direction they need.

On the Police Service of Northern Ireland and security, the Government have additionally invested nearly £20 million and stand ready to continue to support the PSNI financially. I am obviously responsible for security, and this is a sensitive period with police officers under threat day in, day out, but I am comforted that the PSNI is well resourced and is doing an exceptional job. I will keep the situation monitored and keep in touch with the shadow Secretary of State in that regard. On the question of the Army, I do not see the need in any circumstance for the British Army to operate in the way in which the hon. Gentleman describes. The PSNI and our security services are fulfilling all the functions in an exceptional manner.

On abortion and same-sex marriage, there is clearly concern about how the Assembly can have an influence now that the law is changing. It can have an influence, but we need to be clear that, from tomorrow, the law will have changed across those two areas. Obviously we will hear the views of and work with the Assembly, but the law will change from tomorrow.

The consequences of Stormont not getting back up and running are too profound to consider; we have to get this institution back up and running. Powers from Westminster would involve working with Dublin and a whole range of issues that we should not be having to address. The men and women who worked so hard for peace in Northern Ireland need us to—and continue to remind us that we have to—get Stormont back up and running. I will be working, as I have been over the summer, with the Irish Government to get this crucial institution running again.

On the issue of consent, this protocol has been subject to huge debate over the past few days. We have to remember that one of the biggest criticisms of the last withdrawal agreement was the fact that it needed more say for Northern Ireland. It will have no impact on the petition of concern or on the day-to-day operation of the Assembly. This is an exceptional matter; it is a reserved matter. Consulting the Assembly, we will be doing everything we can to ensure that we make that clear. I have been speaking to members of the Unionist community across the weekend. We need to ensure that we now get this deal over the line for the United Kingdom and for Northern Ireland.

**Several hon. Members** *rose*—

**Mr Speaker:** Order. We will continue with the exchanges on the urgent question in a moment. Nominations closed at 5 o'clock this afternoon for candidates for the post of Chair of the Backbench Business Committee. One nomination has been received. A ballot will therefore not be held. I congratulate, and I hope the House will

join me in congratulating, the hon. Member for Gateshead (Ian Mearns) on his re-election as Chair of the Backbench Business Committee. The assiduity and public-spiritedness of the hon. Gentleman are renowned throughout the House. Thank you.

Four nominations were received for the post of Chair of the Treasury Committee, and a ballot will be held between 10 am and 1.30 pm on 23 October in Committee Room 15.

**Several hon. Members** *rose*—

**Mr Speaker:** I call the Chair of the Northern Ireland Affairs Committee, Simon Hoare.

**Simon Hoare** (North Dorset) (Con): Thank you, Mr Speaker.

The people of Northern Ireland clearly want to see Stormont back up and running because they are seeing their health, their education and their welfare suffer. By making this extension, the Secretary of State has provided a window that could possibly see this House overcome the hurdle that seems insurmountable for the parties in Northern Ireland, and that is to legislate for the Irish Language Act, thereby taking it out of the debate between the principal parties in Northern Ireland and removing the hurdle that is the roadblock—I am sorry for mixing my metaphors—to getting Stormont back up and running.

**Julian Smith:** The Irish Language Act is one of a number of issues that are being discussed in the talks process. I would say again that the most important and the best way to resolve these issues is through the Stormont talks. I will continue to work at pace with the Tánaiste to ensure that we encourage parties to come back together and get back into an Executive.

**Several hon. Members** *rose*—

**Mr Speaker:** There are three statements to follow, so we do need to expedite progress. Gavin Newlands can lead us in that mission.

**Gavin Newlands** (Paisley and Renfrewshire North) (SNP): Thank you, Mr Speaker.

Stormont and, more importantly, the people of Northern Ireland have now been without a functioning Executive for over 1,000 days. The Government's report on Executive formation stated:

“The UK Government, working closely with the Irish Government...will now intensify our efforts to put forward compromise solutions to the parties.”

There are no formal talks between the parties at the moment. I fully accept that the Government cannot bind the hands of the parties involved, but if there are no current talks, what exactly did the Government mean by intensifying their efforts, and when will fresh party talks take place?

The Government's reckless Brexit policy and their agreement with the DUP have severely undermined the delicate balance of relationships that built and sustained the Good Friday agreement. Given the breakdown in the Government's relationship with the DUP, does the Secretary of State envisage that this will have an impact on efforts to restore the Assembly and the Executive?



The Government have confirmed that the imposition of direct rule is being considered. This is deeply disappointing. It is clear that devolved decisions are best made by the elected politicians of Northern Ireland. I urge them to get back round the table and to get back to work.

**Julian Smith:** Since taking on this job, I have been meeting the parties almost on a weekly basis, but, as the hon. Gentleman acknowledged, this is an issue for the five parties. It is ultimately up to those parties to come together, and both the Irish Government and the British Government stand ready with ideas and thoughts in order to make that happen.

On the relationship between the Government and the DUP, my responsibilities are for all parties in Northern Ireland, but I have a good relationship with the DUP. I will continue to support the Union to the best of my ability, along with all Members of this House. On the issue of direct rule, I could not have been clearer that Stormont and local decision making is my priority and the best way, in my view, for Northern Ireland to move forward.

**Mr Owen Paterson** (North Shropshire) (Con): I totally sympathise with the Secretary of State and his predecessor, who have time and again come to this Chamber to say, “We want to see the institutions up and running,” which we all do. We see today, with the meeting breaking up in disarray in less than an hour, the task that faces him. At the same time, we see outcomes of public services in Northern Ireland falling behind the rest of UK. We in this Chamber have a responsibility to all citizens across the UK. The hon. Member for Rochdale (Tony Lloyd) rightly said that direct rule is the most unattractive option, but we have a responsibility to see good services delivered. What steps is the Secretary of State taking to prepare to take more power into his own hands, to ensure that the citizens of Northern Ireland get the services they deserve?

**Julian Smith:** We are prepared for all eventualities. On the issue of the all-party talks, I genuinely believe that, whether it is Sinn Féin or the DUP, we are not too far away. We have to do everything we can to encourage parties to come together, in the best interests of Northern Ireland, to secure an Executive.

*Several hon. Members rose—*

**Mr Speaker:** Looking at the number of colleagues wanting to participate, I think we should be able to move on by 5.40 pm, if people ask questions rather than give great speeches.

**Nigel Dodds** (Belfast North) (DUP): The Secretary of State has outlined a number of areas where action will be taken as a result of the Act, but on health, education, crime, policing, investment and all the rest of it, still the Government sit on their hands and allow no government for Northern Ireland. Is he now realising that, with Brexit coming, we must have powers in the hands of Ministers, whether in the Assembly or here? He cannot go on abdicating that decision. Today in Belfast, Assembly Members met, but Sinn Féin boycotted it. Given that the Prime Minister said on Saturday that “a simple majority” should apply in Northern Ireland as well, fully compatible with the Good Friday agreement, can

the Secretary of State apply that principle to the formation of the Executive, because four parties out of five would set it up tomorrow?

**Julian Smith:** Just to be clear on the Assembly, the petition of concern and the arrangements for the Assembly will not change under this scenario. I will say it again: we need Sinn Féin, the DUP and all parties to come together, because powers from here is not the solution to this issue.

*Several hon. Members rose—*

**Mr Speaker:** The original author of the handbook on succinct questions, Sir John Redwood.

**John Redwood** (Wokingham) (Con): The DUP is understandably very unhappy about the customs and single market arrangements in the agreement, so will the Government table a free trade agreement and get on with it, because that would help?

**Julian Smith:** I am not responsible for the European negotiations.

**David Hanson** (Delyn) (Lab): Given that the creation of a new border down the Irish sea will impact on services and businesses in Ireland, north Wales and the rest of the United Kingdom, what impact assessment of the outcome of that border has the Secretary of State asked the Executive to produce, to be shared with political parties?

**Julian Smith:** On the issue of customs and the protocol, we will be doing everything to work with Northern Ireland businesses to ensure that we deliver on unfettered access as we push the Bill through the House of Commons. I spoke to Northern Ireland businesses today and will be engaging with them on an ongoing basis as we move forward with the protocol.

**Maria Caulfield** (Lewes) (Con): Given the absence of an Assembly and Executive, the Historical Institutional Abuse (Northern Ireland) Bill has to be passed in this place, and it will have its Second Reading in the House of Lords next week. What will happen to that Bill should the Assembly be restored? Will we continue with it, so that the victims get the compensation they need as soon as possible?

**Julian Smith:** I hope and expect that we will continue with that Bill to deliver for victims who have waited for far too long.

**Owen Smith** (Pontypridd) (Lab): Will the Secretary of State confirm that, as revealed by the Brexit Secretary in an answer to my right hon. Friend the Member for Leeds Central (Hilary Benn), under the new Brexit dispensation firms in Northern Ireland exporting to the rest of the UK will now be expected to fill in export forms, and could he tell us how that can be squared with the claim that Northern Ireland will remain part of the UK customs territory?

**Julian Smith:** As Northern Ireland Secretary, I will be fighting for the interests of businesses and ensuring that we minimise any disruption to their trade flows. Northern Ireland has a hugely successful business sector, and it will go from strength to strength with this deal.

**Mr Mark Harper** (Forest of Dean) (Con): Following up on the questions from the right hon. Member for Belfast North (Nigel Dodds) and the Chairman of the Select Committee, my hon. Friend the Member for North Dorset (Simon Hoare), my understanding is that four of the five parties in Northern Ireland would like the Executive to be reformed and only Sinn Féin is holding out, at least for the reason my hon. Friend set out, if not for others. What does the Secretary of State think is going to change to enable Sinn Féin to be persuaded to restore the Executive? I listened carefully to what he said and I accept he is working incredibly hard, but I am still not clear about what is going to change to enable the Executive to be reformed and for Northern Ireland to be able to enjoy devolved government.

**Julian Smith:** Sinn Féin, like other parties, has been engaging very positively with me, and I have had good conversations with its senior leaders. As this House makes a positive decision on Brexit in the coming days, I think that is a significant change, and it could be the catalyst for further movement on these talks.

**Sir Jeffrey M. Donaldson** (Lagan Valley) (DUP): I cannot emphasise enough to the Secretary of State how important the principle of consent is to Unionists. The idea that a decision of the momentous nature of the one we will be expected to take in four years' time does not reflect adequately the principle of consent, as expressed in the Belfast agreement, has serious implications for our ability to support the restoration of devolution without that safeguard. I say with all seriousness to the Secretary of State that if this issue is not addressed, it goes well beyond this Brexit deal.

**Julian Smith:** I say again to my colleagues and friends in the DUP and to Unionists across this House and in Northern Ireland that this protocol is for a reserved matter; it is not for the Assembly. The Belfast agreement is extremely clear that there will be matters that are not subject to the consent mechanisms in the Assembly. The Government will continue to work to ensure that this protocol, as the Bill goes through Parliament, is executed in a way that is reassuring to all Members and all parts of the Northern Ireland community. But remember that the issue with the backstop was a lack of consent. This consent mechanism is intended to deal with that, but it has no effect on the Northern Ireland Assembly.

**Dr Julian Lewis** (New Forest East) (Con): Given that service personnel, their families and service veterans are losing out under the terms of the armed forces covenant not being fully applied in Northern Ireland, will the Secretary of State give consideration to the recommendation made in a recent report by the Defence Committee that the Northern Ireland civil service should appoint someone directly to sit on the veterans board that administers the covenant?

**Julian Smith:** I pay tribute to my right hon. Friend for that report and for his Committee's thinking in this area. I am giving consideration to that report and how we can execute parts of that report in a positive manner to ensure that we deliver for the armed forces who served in Northern Ireland.

**Mr Alistair Carmichael** (Orkney and Shetland) (LD): The creation of a customs border down the Irish sea and the necessary declarations that we now hear will be necessary as a consequence is something about which Ruth Davidson and the Secretary of State's right hon. Friend the former Secretary of State for Scotland warned last year. They said then, and it is true now, that it will undermine the Union. Why is the Secretary of State disregarding his right hon. Friend's advice?

**Julian Smith:** I am not disregarding the advice of anybody, but this is a deal that protects the border. This was a key priority for me as Secretary of State. It protects the peace process. I think the economy of Northern Ireland will benefit from this deal. We are delivering on Brexit, but protecting the economy and protecting the peace process. This mechanism, I say again, has no bearing on the Assembly, and I would work over the implementation period with colleagues across Government to minimise any problems for Northern Ireland businesses in exporting and selling into Great Britain.

**Mr Laurence Robertson** (Tewkesbury) (Con): We are supposed to live in a democracy, yet seven of the 18 constituencies in Northern Ireland do not have any representation in the House of Commons. As we have heard, the Assembly has not functioned for nearly three years. It is time to end the prospect of one party being able to bring down the whole institution, so will the Secretary of State consider introducing legislation that stops that happening again?

**Julian Smith:** I have no plans to change the constitution, basis and set-up of the Assembly. However, I think that the lack of representation here—there are seven or eight constituencies unrepresented—is not a good thing. As I have said, we need to get Stormont up and running—1,000 days is far too long.

**Kate Hoey** (Vauxhall) (Lab): The Secretary of State should be an expert on the protocol, so may I ask him a simple question? A friend who gardens in Northern Ireland wants to buy 2 lb of organic garlic from a supplier in England. When the supplier sees the Northern Ireland address will they be obligated to add the EU tariff—currently 10%—and how would my friend prove that he is not moving it to the EU, in the Republic, and how would he reclaim the tariff? The agreement says that the default assumption is that it is going to the EU, which is an important point. That is what people are talking about in Northern Ireland today—not restoring devolution.

**Julian Smith:** As the hon. Lady knows, the Joint Committee in the new protocol will look at all those matters. I expect them to be looked at over the coming months as we go through the implementation period.

**Eddie Hughes** (Walsall North) (Con): Does my right hon. Friend share my view that if the Act is extended by statutory instrument, that will not be a good outcome for the people of Northern Ireland?

**Julian Smith:** I agree with my hon. Friend.

**Lady Hermon** (North Down) (Ind): As members of the Legislative Assembly at Stormont continue to be unable to fulfil their full responsibilities, what consideration has the Secretary of State given to cutting their salaries yet again? The fact that they receive a salary, albeit reduced, has caused immense annoyance, and continues to do so, across Northern Ireland, and has cost millions of pounds, so does the Secretary of State intend to cut those salaries?

**Julian Smith:** I plan to review all elements relating to the Assembly if we are unable to move things forward over the coming days.

**Paul Masterton** (East Renfrewshire) (Con): Post Brexit, the Northern Ireland Assembly will have to make some incredibly serious and important decisions about Northern Ireland's future. Do the kind of shambolic scenes that we saw at the Assembly this morning suggest that the institution is up to that task? If not, and if it is not restored, is the Secretary of State happy that he and his Department have all the powers necessary to take Northern Ireland through the transition and into the immediate period after we have left the EU?

**Julian Smith:** As I said earlier, the parties and individuals who will play a part in the Assembly and the Executive when they are up and running again are of extremely high quality. There is every opportunity for us to get this up and running and for it to go from strength to strength. That is so much more in the interests of Northern Ireland than taking or restoring powers from here.

**Conor McGinn** (St Helens North) (Lab): It is rare these days that a decision made by the House provokes joy and hope, but it will today among thousands of people in Northern Ireland who love each other, are in a same-sex relationship and will finally be able to marry the person they love. However, they will be concerned to hear that, despite the will of the House to introduce equal marriage in Northern Ireland, not in any segmented form, those who are in a civil partnership may be forced to delay their conversion to full, equal marriage. Will the Secretary of State confirm that that will not be the case and that, as of 13 January, all couples in Northern Ireland who love each other will be able to get married?

**Julian Smith:** As I said at the start of my statement, we will be consulting on religious same-sex marriage and on the conversion of civil partnerships to marriages, but all other same-sex marriages will be delivered as per the regulations. The first such marriages will take place in the week of Valentine's Day.

**Andrew Bowie** (West Aberdeenshire and Kincardine) (Con): My right hon. Friend, along with every Member who has spoken today, has expressed concern about the current situation, but after 1,000 days we seem to be in just as bad a situation as ever. What exactly is it that gives him confidence that we are about to find a resolution and that devolution will be restored to Stormont in the near future?

**Julian Smith:** Having been Government Chief Whip during most of the Brexit period, perhaps 1,000 days does not seem quite as bad to me as it does to others. However, it is an awfully long time and we do need to

ensure that we now encourage the parties to get back to the Executive. The Tanaiste and I stand ready and plan to work with the parties over the coming days.

**Dr Roberta Blackman-Woods** (City of Durham) (Lab): Can the Secretary of State confirm that he will bring forward new legislation on abortion in Northern Ireland promptly, and can he say a little more about the process that he will adopt in doing so?

**Julian Smith:** We will bring forward a consultation in the coming days. As I have said, decriminalisation and the moratorium on criminal cases will take effect from tomorrow. We will be delivering in the new year on the law that has now changed.

**Jim Shannon** (Strangford) (DUP): As the Secretary of State will know, the Assembly tried to meet today, when some 33-plus Members tried to initiate a debate to stop the abortion legislation going forward. Unfortunately, Government acquiescence to the legislation ensured that it went through this place. Does he not understand the anger that people in Northern Ireland feel about the abortion changes, and will he bring in changes for the Department of Health, which will have a deficit of £20 million this year, to ensure that it can do what it needs to do in the year ahead?

**Julian Smith:** I understand the huge sensitivities around this issue, but there was a free vote in this House and the law was clear that if the Assembly and the Executive were not up and running by today, the law relating to same-sex marriage and abortion would change. We have now reached that point. With regard to funding for abortions, the Government will continue to pay for travel to England during this period, and we will ensure, as part of the consultation and the changes, that the health service in Northern Ireland has every resource it requires.

**Mr Paul Sweeney** (Glasgow North East) (Lab/Co-op): While we urge a speedy resolution to the impasse in Northern Ireland and the restoration of devolution, does the Secretary of State welcome the levelling up of fundamental human rights across all parts of the United Kingdom, and does he agree that the sort of illiberal grandstanding that we have heard today was most unwelcome and counterproductive?

**Julian Smith:** Again, these are sensitive issues—free vote issues—but the law has changed and the Government will now follow through and deliver on it.

**Gavin Robinson** (Belfast East) (DUP): These responses are calamitous. For the Secretary of State to hold up a copy of the Belfast agreement, yet not to have apprised himself of paragraph 12 of strand two or paragraph 5(b) of strand one, which outline further expansion of north-south arrangements, subject to the Assembly's consent, and paragraph 5(b), which indicates how that consent is to operate, is an outrage. He told the BBC last Thursday that no party would have a veto, but Sinn Féin operated its veto on the restoration of the institutions today, as it has done for the past 1,000 days, and the EU will have a veto in the Joint Committee. Can he answer the question that he was asked earlier: will Northern Ireland goods require customs declarations for what is supposed to be unfettered access to the rest of their own country?



**Julian Smith:** On the first point, I say again to my hon. Friend that there is no change to the constitution of the Assembly. This is a reserved matter and we will do everything we can to assuage many of the concerns that have been raised. On the issue of checks and forms, unfettered access is a key part of the protocol, and I will be working to ensure that we deliver on that, in the interests of Northern Ireland business, over the coming weeks.

## Business of the House

5.39 pm

**The Leader of the House of Commons (Mr Jacob Rees-Mogg):** Following the decision of the House on Saturday 19 October, I should like to make an announcement regarding the business for the remainder of this week:

TUESDAY 22 OCTOBER—Second reading of the European Union (Withdrawal Agreement) Bill, followed by commencement of Committee of the European Union (Withdrawal Agreement) Bill.

WEDNESDAY 23 OCTOBER—Continuation of proceedings on the European Union (Withdrawal Agreement) Bill.

THURSDAY 24 OCTOBER—Conclusion of proceedings on the European Union (Withdrawal Agreement) Bill.

FRIDAY 25 OCTOBER—The House will not be sitting.

**Mr Speaker:** In a moment, I will call the shadow Leader of the House, who doubtless will have a prepared contribution. However, I emphasise to the House that I regard this as a relatively narrow business statement, and I gently discourage colleagues from expatiating on a vast miscellany of matters, which they could happily do on Thursday. Let us keep it narrow, because that is what it should be.

5.40 pm

**Valerie Vaz (Walsall South) (Lab):** This is the first opportunity that I have had on behalf of the Opposition to thank the Clerk of the House, as the senior accounting officer responsible for the House, and all the House staff, Doorkeepers and security officers for looking after us and enabling the House to get together on Saturday to do our work. I also thank the police and security services who escorted right hon. and hon. Members and their families on their way home for keeping us safe.

I thank the Leader of the House for the business statement. Obviously, I was disappointed that he did not give me notice on Saturday that he was going to make a point of order. He will know that a point of order is not the way to alter business. It is a procedural motion of the House on which Mr Speaker can rule, so it would have been helpful if the Leader of the House could have done so. He will know that on that historic day, 24 points of order were made on his point of order. Why did he leave the Chamber when that meant that he could not hear the rest of the points of order? He will need to know that he is the voice of the House in Government.

The Leader of the House has not mentioned when we will have the important debates on the Queen's Speech that were scheduled for Monday and Tuesday. I know that the Government do not appear to care about the NHS or the economy, but we Labour Members think that they are very important topics. This could all have been done in an orderly manner, so will the Leader of the House please say when the remainder of the Queen's Speech debate will be scheduled?

The withdrawal agreement Bill is crucial. It is vital that it receives the proper scrutiny of the House, so will the Leader of the House say when exactly the Bill will be published? It is not right that the Secretary of State for Exiting the European Union says that it has anything to do with an urgent question. The Bill should be



published in a timely manner so that it receives the proper scrutiny of the House. When will the programme motion be put forward? Will the Leader of the House also confirm that the Government have no plans to pull the withdrawal agreement Bill and that it will be voted on, if and as amended?

This whole process could have been conducted in an orderly manner. The Leader of the House will know that there is an appropriate way, through the usual channels, to fix the business of the House. At every stage, the Government have been running scared of this House and democracy, and they are now attempting to force through a flawed Brexit deal that sells out people's jobs, rights and our communities.

**Mr Rees-Mogg:** The right hon. Lady is absolutely right to thank the Clerk and the staff of the House, who were all absolutely magnificent. I reiterate what I said before: every member of my private office volunteered to come in on Saturday, and I think that is simply an example of the commitment to the House of Commons that we see from all our staff. It is really rather wonderful that so many people who work here appreciate and value the Houses of Parliament and have the historic understanding of what a privilege it is to be here.

I join the right hon. Lady in thanking the police for the escorts home they provided, including to me. I have had many kind inquiries about my son. He is a 12-year-old boy. He found nothing more exciting than being escorted home by the police—I am not sure he should have found it so exciting, but he did. On a really serious point, it is very important that right hon. and hon. Members should be able to come and go from the precincts of Parliament feeling safe. We must think about whether we need to do more and whether sessional orders might be helpful in that regard. All right hon. and hon. Members are representing 70,000—sometimes more—constituents and must be able to come and go without feeling under any pressure from any group outside Parliament.

The right hon. Lady refers to my point of order on Saturday. As she will know, there is a long-standing precedent for this, including one example by my late godfather, Norman St John-Stevan, in 1980. More recently, there was one by my right hon. Friend the Member for Epsom and Ewell (Chris Grayling) and one only in September by my right hon. Friend the Prime Minister. I am sure she is aware, as are you, Mr Speaker, of page 408 of “Erskine May”, which gives the Speaker the discretion to turn a substantive point of order into a statement if he so wishes. Mr Speaker did not so wish and therefore I made two points of order to help the House to understand what the business would be today, with of course the promise of a full statement today, which is exactly what is happening. There will be occasions when business changes in response to votes. That is a perfectly normal system within the House.

Yes, of course we will come back to the Queen's Speech, but we do have a deadline of 31 October, which is set in law, for dealing with our departure from the EU, and we need to have the legislation in place by then. The alternative is that we leave without a deal.

The right hon. Lady asked about the Bill. [*Interruption.*] I am sorry; speak up.

**Barry Gardiner** (Brent North) (Lab): My right hon. Friend asked why you left the Chamber.

**Mr Rees-Mogg:** Oh, the right hon. Lady asked why I left the Chamber. That is extremely straightforward: points of order are for the Chair, not the Leader of the House. It would be an impertinence of me to think I could possibly know more than Mr Speaker about the proceedings of the House, and I would not like to give the impression of having knowledge that I could not pretend to have. It is for Mr Speaker to rule on points of order, not other hon. Members. I had made my point of order and listened to several others, but there were no further opportunities for me to speak, because it was a matter for the Chair.

The Bill will be published very shortly. The presentation of Bill will be the first item of public business when we come to the business of the day. At that point, simultaneously, as if by magic, the Bill will appear in the Vote Office for right hon. and hon. Members to peruse. I am sure they will enjoy that. The programme motion will be down tonight in an orderly way—well, I hope it will be orderly, but Mr Speaker will rule on that if it is not—for debate tomorrow. And of course the Bill will not be pulled.

The right hon. Lady is one of the most charming Members of this House, and has enormous grace and thoughtfulness, but when she said we were running scared of democracy, she must have been trying to pull our collective legs. It is this Government who have offered a general election not just once, but twice. How frightened is that of democracy? We are so terrified of the voters that we want them to have the chance to vote. We are so scared that we think they should be allowed to go to the ballot box. No, if there is any scaredness, any frightenedness, if anybody is frit, it is the Opposition.

**Mr Speaker:** Let me endorse what the Leader of the House said in all solemnity about the absolute and precious right of Members and staff to go about their business safely and unimpeded. That has to be an absolute and non-negotiable right. Where that right has been threatened, that threat is to be unequivocally condemned. Sometimes I fear that people think that one form of hollering or protest is acceptable and another is not. The truth is that no behaviour that could be intimidating, threatening or worse can be justified in our democracy.

I note what the Leader of the House said more widely about points of order. Points of order are matters for a response by the Chair. Nevertheless, there was no obligation on him to beetle out of the Chamber during the said points of order, given that most of them were proxies for commentaries upon his own. Nevertheless, I note what he said. There was no disinclination on my part for there to be an emergency business statement. I had rather thought that that was what the Leader of the House was going to proffer, and therefore there was just a genuine misunderstanding between us on that point. I ascribe no ulterior motive to the Leader of the House, and I know that he would not ascribe one to me.

**Sir Patrick McLoughlin** (Derbyshire Dales) (Con): May I press the Leader of the House on when the debate on the Queen's Speech will conclude? We always knew that 31 October was a date, and we always knew when the Queen's Speech would be. Presumably, the timing was agreed between the Government and the Palace.

[*Sir Patrick McLoughlin*]

The fact is that Parliament has spent the best part of three years discussing what it does not want, and it is now time for us to move on. I welcome the business statement, but will we have an opportunity to vote directly on what the Prime Minister has brought back to the House, which is not the Prime Minister's deal but a deal between the European Union and the British Government?

**Mr Rees-Mogg:** My right hon. Friend has made an excellent point. We have indeed spent the best part of three years debating these matters at inordinate length, and it is amazing that anyone thinks there is anything to be said on the subject that has not already been said.

Subject to your ruling earlier today, Mr Speaker, the first opportunity for us to vote on the content of the agreement between Her Majesty's Government and the European Union will be on Second Reading of the Bill tomorrow.

**Pete Wishart** (Perth and North Perthshire) (SNP): I thank the Leader of the House for his short business statement.

May I endorse what was said by you, Mr Speaker, by the Leader of the House and by the shadow Leader of the House about the efficient way in which the House was organised on Saturday? It was a credit to everyone who works in this place. Let me also say that I was appalled at the scenes of the Leader of the House and his son being harangued. There is no excuse for that sort of behaviour in and around the House.

It was entirely right, Mr Speaker, that the Leader of the House was refused the right to bring the motion back today. The Government had an opportunity to engage meaningfully with the meaningful vote, but they chose not to do so, and they cannot simply bring it back on terms that they choose and dictate. The House operates on the basis of motions and amendments to motions, and democracy requires that process to be observed. No one messes with "Erskine May".

What the Leader of the House has proposed in relation to the withdrawal agreement Bill is totally unacceptable. We shall be debating its Second Reading on the same day as the beginning of its Committee stage in the House. I have been in the House for 18 years, and I cannot remember a Bill being presented and debated in such terms, particularly a Bill that will become a full treaty of this country. We shall have three days in which to consider a Bill which, it has been suggested, will contain 100 pages. How on earth will we have a chance to assess it properly? There will be no economic impact assessments. What about the Constitutional Reform and Governance Act 2010, which requires any treaty to be laid before the House for 21 days before it can be ratified? What about the devolved institutions and Administrations whose legislative consent is required before any Bill can be passed? The arrangements for this Bill are simply not good enough.

At least a change in Government business has been announced by the conventional means of a business statement. I hope that the Leader of the House will never again change significant Government business by way of a point of order. He mentioned leaving the Chamber. My hon. Friend the Member for Glasgow

North (Patrick Grady) was addressing the House when the Leader of the House breezed past him. That is no way for a Leader of the House to behave.

Only last week we asked Her Majesty to put on her best crown, get into the State Coach, and come to Parliament to read out the Conservatives' next election manifesto. When is the Queen's Speech debate coming back? Was all that just a supreme waste of time?

The Prime Minister may have died in that ditch as the white flag was raised in the so-called surrender Bill, but we will not give up. We will ensure that this Bill is given the proper scrutiny that it requires.

**Mr Rees-Mogg:** As always, it was a pleasure to listen to the hon. Gentleman. He made a number of points. First, I would quibble with his claim that Her Majesty came here wearing her best crown. Her best crown is probably the Crown of King Edward the Confessor, which is used only at the Coronation. At the state opening of Parliament, the Imperial State Crown is probably Her Majesty's second best crown; but far be it from me to be pedantic about such matters.

The hon. Gentleman mentioned the Constitutional Reform and Governance Act. That Act will be taken care of in the Bill. The point of it is to ensure that non-legislative treaties can be voted on in the House. Legislative treaties inevitably fall into a different category.

The hon. Gentleman must have a remarkably short memory, because he said that he could not recall any Bill being introduced at such short notice. There have been two such Bills in the last year, one colloquially known as the Benn Act, and the other known as the Cooper-Boles Act. I also remind Members that the abdication was dealt with in 24 hours. A king-emperor left within 24 hours, and we are removing an imperial yoke in over a week.

**Several hon. Members** *rose*—

**Mr Speaker:** Order. I intend to move on at quarter past six, so it may well be that not everyone gets in.

**Sir William Cash** (Stone) (Con): With regard to what happened on Saturday, I simply make the point that, as in the case of my right hon. Friend the Leader of the House and his son, and that of a Secretary of State as well, I, too, was subjected to an attempt to "take me out", I suppose we would say. However, there was a remarkable response—not that I was the slightest bit fazed—

**Mr Speaker:** Order. I do not wish to be unkind or discourteous to the hon. Gentleman, but what I am looking for are single-sentence questions. I am very sorry if the hon. Gentleman was unhappily interrupted, but I want a single-sentence question and not an explanation of his experience on Saturday.

**Sir William Cash:** The police were very brave. In respect of this Bill, however, I entirely endorse what my right hon. Friend has said about the Benn Act, which was pushed through in a completely unacceptable manner involving the tearing up of Standing Order No. 14, whereas this Bill is in accordance with all the proper procedures, and will deal with the constitutional freedom of this country so that we can regain our self-government.

**Mr Speaker:** The hon. Gentleman has expressed his views with great force, but I am sorry to say that he is in violation of the convention relating to the business statement in the way that the Leader of the House said was true of the right hon. Member for Leeds Central (Hilary Benn) the other day, as a consequence of which no response to the question is required.

**Hilary Benn (Leeds Central) (Lab):** Can the Leader of the House confirm that the withdrawal agreement Bill that is about to be published will disapply the requirement under the Constitutional Reform and Governance Act that any treaty must be laid before the House for 21 days before it can be ratified?

**Mr Rees-Mogg:** The right hon. Gentleman has done exactly the same, Mr Speaker.

**John Redwood (Wokingham) (Con):** Given that we still have not seen the Bill, may I ask what the deadline is for the tabling of amendments, and until what hour the Government would propose that we sit on these three days?

**Mr Rees-Mogg:** A motion has been tabled in my name to be dealt with later today, allowing for amendments to be submitted prior to the Second Reading. If that motion is approved by the House, it will be possible to submit them later today, by which time the Bill will have been approved. The programme motion will be set out tonight before the rise of the House.

**Ian Mearns (Gateshead) (Lab):** It would be churlish of me, in the current context, to ask for additional time for Back-Bench business. I was mindful of, and very much regret, the harassment of the Leader of the House when he departed from the House on Saturday. With that in mind, I understand that the Government may suggest that over the next three days we might sit until any hour, and if that is the case I hope that they will be mindful of the welfare of all Members, including Back Benchers, on all occasions as they arrive at and leave the House.

**Mr Speaker:** Let me say, by the way, in case the hon. Member for Stone (Sir William Cash) thought that I was being churlish—which was certainly not my intention—that as far as I am concerned, and long may it remain so, the hon. Gentleman is indestructible. He is indestructible.

**Mr Rees-Mogg:** I might add, Mr Speaker, that the Attorney General, who is sitting next to me, pointed out that the treatment of my hon. Friend the Member for Stone was particularly unpleasant. That gives me another opportunity to thank the police for their sterling work. They are very brave in doing this, because they are heavily outnumbered.

May I begin my congratulating the hon. Member for Gateshead (Ian Mearns) on being re-elected unanimously to his post on the Backbench Business Committee? It is rare in the House to be so highly esteemed by right hon. and hon. Members that no one dares even enter the contest.

The point that the hon. Gentleman has made is a serious one, and I hope that it will be communicated to the Serjeant at Arms so that appropriate measures can be taken.

**Owen Smith (Pontypridd) (Lab):** May I thank the Leader of the House for confirming what I suspect the rest of the country has long thought: that the Queen's Speech does not really matter to this Government and is a sham, which is why it has now been postponed? May I ask him, as he is someone who clearly believes in historical precedent in this case: is he serious that we are going to try and ram through this Bill dealing with an international treaty in three days, when Lisbon was debated for 11 days, I believe, Maastricht for 23, and the treaty of Rome for 22? Is he serious about this?

**Mr Rees-Mogg:** The hon. Gentleman's appetite for debate is touching, but we have been debating these matters for three years. We have had endless debates; we have had endless statements by both this Prime Minister and his predecessor; we have had endless reports from the Brexit Select Committee. It is hard to think of any matter that has been more carefully looked at—and, rather splendidly, not just by this House but by the country at large who have engaged with politics. One of the great virtues of Brexit has been the way it has encouraged our constituents to be interested in our activities.

**Crispin Blunt (Reigate) (Con):** Having noted the careful crafting of your statement today, Mr Speaker, and your response to my point of order about change of circumstances, will my right hon. Friend tell the House when the Government think there will be a potential case for change of circumstances in order that we can actually get what the country needs: a straightforward vote on the withdrawal agreement?

**Mr Rees-Mogg:** Mr Speaker, earlier you were kind enough to quote what I said on 18 March, but not, I fear, in full. I went on to make another sentence, which was:

“Dare I say that there is more joy in heaven over one sinner who repented than over the 99 who are not in need of repentance”, because, I, like my hon. Friend, am greatly in favour of continuing to follow precedents and using them as a guide. And they are a guide, and the guide in this case may be what you yourself, Mr Speaker, said on that day:

“It depends on the particular circumstance. For example, it depends whether one is facilitating the House and allowing the expression of an opinion that might otherwise be denied”.—[*Official Report*, 18 March 2019; Vol. 656, c. 778-79.]

I think this has been a very important guide to the decisions that you have made both recently and historically in your term as Speaker, so no doubt these things will be in your mind as you deliberate and consider further what my hon. Friend has said.

**Mr Speaker:** Yes, and in relation to column 778 of *Hansard* on 18 March of this year, I do not want to be anything but fully generous to the Leader of the House, but there was a further segment—a very delicious and juicy segment—in his question to me, and that was, if memory serves me correctly, whether there would be an opportunity for decision via the Second Reading of the withdrawal Bill, and I confirmed in my reply to him that his thinking on that matter was correct. So I completely accept the sinner and repenteth bit, and it was only in the name of time that I did not quote that, but I am quoting another part, so we have now got the full smorgasbord of the intervention of the right hon. Gentleman before he became a right hon. Gentleman.



**Mr Alistair Carmichael** (Orkney and Shetland) (LD): The requirement to lay treaties for 21 days before ratification is contained in section 20 of CRAG 2010. Can the Leader of the House point out to me where in section 20 of that Act the distinction is drawn between treaties that are legislative and non-legislative in their effect?

**Mr Rees-Mogg:** I think the point is extremely obvious. If Parliament is legislating for something it is voting on it; under CRAG there is no need to have a vote on a treaty that is laid in front of this House.

**Mr Mark Harper** (Forest of Dean) (Con): I listened carefully to what the Leader said. He set out in his business statement the Government's intentions for how long the Bill should take to pass through the House. That will happen only if the House agrees by voting for the programme motion. On Saturday, when the House failed to take a decision in principle following the amendment of my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) being successfully carried, many who voted for his amendment were clear that they wanted the House to be able to vote on this deal and get it through. I think even the shadow Chancellor suggested that it could get through by 31 October. It is only going to do so if that programme motion is carried. Can my right hon. Friend confirm to the House that if any Member votes against that programme motion, it will be fairly clear that what they were doing on Saturday and what they will be doing tomorrow is not trying to give the House more opportunity to consider this matter, but trying to frustrate the decision being taken?

**Mr Rees-Mogg:** My right hon. Friend's grasp of detail is so great that it explains why Baroness Hale thought he was the Chief Whip; he is clearly completely on top of the subject, and that was an entirely understandable error to have made. He is of course absolutely right, and there is a very serious point in this: people who do not vote for the programme motion will be voting not to have Brexit on 31 October. They will need to understand that clearly, and they will not be able to persuade one set of people that they voted for Second Reading and therefore were in favour and another set that they voted against the timetable and were against; that won't work.

**Caroline Lucas** (Brighton, Pavilion) (Green): This Government proposal is, frankly, outrageous given the length and complexity of the Bill. I understand the Leader of the House to have indicated that we would have to table amendments for Committee stage before we have even finished Second Reading, and the complexity of the Bill seems to have confused the Prime Minister himself, who on Saturday for example said there would be no tariffs on goods going between Northern Ireland and Great Britain when in actual fact article 5 of the new Northern Ireland protocol shows that goods at risk of entering the EU could indeed face tariffs. Is that not precisely the sort of detail we expect the Government to get right, and does that not provide more evidence that we need the time to scrutinise this Bill properly?

**Mr Rees-Mogg:** There will not be tariffs on goods that are ending up in Northern Ireland; if they are going into the European Union there may be, but there will not be on goods that are destined for Northern Ireland and not for onward transmission. So what the Prime Minister said was correct. Those who voted for the

Benn Act and the Cooper-Boles Act are on pretty thin ice when they complain about rushing Acts through—and, Mr Speaker, goose and gander, sauce.

**Mr Owen Paterson** (North Shropshire) (Con): Mr Speaker, I accepted your earlier statement, and I agreed entirely with you on substance, but I do not entirely agree with you on circumstances. Because the House passed the amendment put forward by my right hon. and very old Friend the Member for West Dorset (Sir Oliver Letwin)—who put it forward, I am sure, with the very best intentions—that has driven 17.4 million people into a state of utter exasperation. They are convinced—*[Interruption.]* Opposition Members laugh, but people are convinced that this remain Parliament is determined to frustrate them at every turn. So what the Leader of the House has brought forward today is welcome, and my question is simple: when does he think this House may have a chance to debate amendments coming back from the Lords, and when does he see Royal Assent being given, so that we can deliver what the 17.4 million wanted—to leave on the 31st?

**Mr Rees-Mogg:** Those great words “La Reyne le veult” are what we are all looking forward to in relation to the Bill that will be published shortly. I will set out the timetable for the further stages on Thursday in the normal way, but it is all contingent on the Second Reading tomorrow and indeed on the programme motion. But I absolutely share my right hon. Friend's concern that this matter has dragged on for too long: the British people want us to crack on, get it delivered and deal with Brexit. And it is not just the 17.4 million people; up and down this country, people voted for parties that said they would deliver on the referendum result, and one party is trying to do that while one party is trying to frustrate it.

**Sir Jeffrey M. Donaldson** (Lagan Valley) (DUP): We did not vote for the Benn Act; we want Brexit done, but we want to safeguard Northern Ireland's position within the United Kingdom. When Unionists in Northern Ireland voted for Brexit, they also voted to sustain the United Kingdom. Therefore, in the absence of the kind of assurances we need from Ministers, I have to say to the Leader of the House quite frankly that what he is proposing for the scrutiny of this Bill does not do justice to what the constituents I represent need.

**Mr Rees-Mogg:** I am very grateful to the right hon. Gentleman for his intervention. Let me say quite clearly that there is nothing more important to me than the United Kingdom, and that is the United Kingdom of Great Britain and Northern Ireland: Scotland, Wales, England and Northern Ireland. I have said many times, and am more than happy to reiterate at this Dispatch Box, that Northern Ireland is as much a part of the United Kingdom as Somerset, and that as long as the people of Northern Ireland want to remain part of the United Kingdom they should be supported, encouraged and helped in that. It is our country; it is the United Kingdom. I therefore hope that such assurances as our friends in the DUP want, and our other Unionist friends need, can be made to encourage them to believe that this deal will in fact be good for the whole of the United Kingdom, which I genuinely think is the case. I hope that we will come to find that we share that view, rather than being in contradistinction one from another, which is a matter of sadness to me and, I think, to them.

**Mr Steve Baker** (Wycombe) (Con): In my right hon. Friend's approach to the withdrawal agreement Bill, is he mindful that many of the same Members who insisted on statutory meaningful votes are the same Members who then voted for the surrender Act and the same Members who voted on Saturday to make a meaningful vote meaningless and now seem to be opposed to Brexit altogether?

**Mr Rees-Mogg:** My successor—and predecessor—as chairman of the European Research Group, as so often, hits the nail on the head. There are many people who do not like Brexit at all and who have opposed it from the beginning. They use this great mantra when they say, “We don't like this. We don't want to leave with no deal,” when actually what they mean is they do not like Brexit, they did not like the referendum and they want to stop it. That is not true of them all, and my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) is a notable exception to this, but many of them use this terminology and use procedure to try to thwart the will of the British people. They will be exposed.

**Ian Murray** (Edinburgh South) (Lab): This House is normally afforded adequate time when Bills of major constitutional significance land on the Floor of the House. The Scotland Act 2016, which enabled the biggest ever transfer of powers from this place to Scotland, was afforded nine full days on the Floor of the main Chamber. Can the Leader of the House tell me how he will ensure that Back Benchers such as myself can represent our constituents adequately when so little time is being given to such a major constitutional Bill?

**Mr Rees-Mogg:** I refer the hon. Gentleman to the answer I gave some moments ago.

**Mr Peter Bone** (Wellingborough) (Con): Will the Leader of the House say a little bit more about the programme motion? The hon. Member for Edinburgh South (Ian Murray) has just asked for more time for the debate, so would it not be reasonable to expect that the House should sit until any time on these days? Can the Leader of the House also tell us why we are not sitting on Friday? If the programme motion is defeated, will the Government continue with the Bill?

**Mr Rees-Mogg:** The answer on Friday is very straightforward. If we have finished on Thursday, the Bill will pass to their lordships in the other place on Friday. The question whether we should sit through the night is always a balanced one about the desire for debate and the enthusiasm that people have for this. The hon. Member for Gateshead (Ian Mearns) mentioned the pressure on Back Benchers, who needed to be treated in a reasonable way. Is it reasonable to ask right hon. and hon. Members to sit through the night for three nights? Is it a reasonable thing to ask of the staff of the House? I—like you, Mr Speaker—quite like the sound of my own voice, and therefore I am always happy for this Chamber to be sitting, because it gives us the opportunity to do what we both so enjoy, but it may be unreasonable on others, so it is purely a question of balance.

**Kirsty Blackman** (Aberdeen North) (SNP): Can the Leader of the House let us know if an economic impact assessment of the deal has been carried out yet? If it has, will it be published tomorrow, in time for us to look at it before the Second Reading debate?

**Mr Rees-Mogg:** If you ask an economist anything, you get the answer you want.

**Mr Kenneth Clarke** (Rushcliffe) (Ind): Further to the very valid point made by my hon. Friend the Member for Wellingborough (Mr Bone), I do not usually like to dwell on my status as a veteran of long standing in this House, but the fact is that I was here for the Maastricht treaty Bill and for the European Communities Bill when we first joined the European Economic Community. They were both debated for weeks on end, with many all-night sittings. On the Maastricht Bill, we had 20-odd days of sittings to satisfy the Eurosceptic Conservative Members who wanted a full discussion on it. Can my right hon. Friend reassure me that the Government are not simply trying to confine debate by narrowing the time and that they will be content, if the House wishes, to facilitate as much time as we need to consider this matter carefully? I see no reason at all why we should all rise in the evening just so that everybody can go to dinner and not sit on Friday for the convenience of the House of Lords. If the Government are for some reason insistent on dashing for this completely silly and irrelevant date on which they keep staking their fate, they should give us some proper time for debate. Two and a bit days of ordinary parliamentary hours are plainly quite insufficient.

**Mr Rees-Mogg:** My right hon. and learned Friend is somebody who has always wanted us to remain in the European Union and who disapproves of referendums. He has always made that absolutely clear—*[Interruption.]* No, that is relevant because that position deserves admiration because he has not tried to use procedural methods to hide his view. His view has been clear to the House and the country throughout, and I happen to think that that is extraordinarily impressive and straightforward. I bow to his position as the Father of the House, which is one of great distinction and gives him a sense of history for what goes on in this place. I would say to him that using accelerated procedures has come about because of the deadline that we have of 31 October, and here I disagree with him: this is not a phoney deadline. That deadline was set because of the workings of article 50. The point is that this should have ended in March. We have already had one extension and there is other business that this country needs to move on to. The second deadline is 31 October, and we have managed to get a new agreement with the European Union, which everybody said was impossible. That is a significant achievement by my right hon. Friend the Prime Minister, but because of that we now have this deadline to meet. Yes, of course I would be happy to sit overnight if that is what the House wishes. I am not entirely convinced that it is what the House wishes, but we need to get this legislation through, to deliver on what 17.4 million people voted for.

**Mr Speaker:** For the benefit of those observing our proceedings who are uninitiated on this matter, I should emphasise that it is now 49 years, four months and three days since the right hon. and learned Member for Rushcliffe (Mr Clarke) was elected to this House, and he has remained a Member of this House throughout that period. It is a quite remarkable state of affairs.

**Mr Clarke:** Mr Speaker, are you prepared to indulge me with a second question—a follow-up question—to the Leader of the House? My long-standing preference

[*Mr Kenneth Clarke*]

for Britain to be a member of the European Union has nothing to do with my question. I propose to vote for the Bill on Second Reading, and I will vote for Third Reading when we get there. The question is why are the accelerated procedures so accelerated? To have just two and a half days and not sitting on Friday is not a way to accelerate the procedures; it is a way to abbreviate them. Unless we are prepared to contemplate a more expansive debate, there is not the slightest possibility of considering the deal that has been obtained within the time available.

**Mr Speaker:** I think that is what is called the privilege of being the Father of the House; it is otherwise utterly disorderly!

**Mr Rees-Mogg:** Thank you, Mr Speaker. I said that you and I both enjoyed the sound of our own voice, but we are mere amateurs compared with my right hon. and learned Friend.

**Luciana Berger** (Liverpool, Wavertree) (LD): The Leader of the House did not want to answer the important question asked by the hon. Member for Aberdeen North (Kirsty Blackman), but when the Brexit Secretary was asked on television over the weekend whether economic impact analyses of the deal had been done, he did not deny the premise of the question. He said that they had not yet been done, not that they would not be done. So will the Leader of the House tell us when we should expect to receive these very important analyses?

**Mr Rees-Mogg:** I have a low opinion of these analyses. You can get any economist to say what you have asked them to say in the first place. I spent my professional career looking at these analyses, and not one of them was ever right.

**Mike Wood** (Dudley South) (Con): Does the Leader of the House not think it would be a little strange if some of those Members and parties who had dismissed this deal before it had even been published were now to complain that there was insufficient time to scrutinise it?

**Mr Rees-Mogg:** My hon. Friend wins the prize for the best question of the day. There is nothing more I can add to that.

**Mr Paul Sweeney** (Glasgow North East) (Lab/Co-op): Can the Leader of the House confirm today that if the Bill is successfully amended at various stages—perhaps involving a customs union provision or passing the deal subject to a public confirmatory referendum—the Government will respect those decisions by Members of this House and that we will see the Bill through to its conclusion, as amended?

**Mr Rees-Mogg:** As with the European Communities Act 1972, the withdrawal agreement Bill will have to ratify the treaty to be an effective ratification and for it to come into effect.

**Charlie Elphicke** (Dover) (Ind): Does the Leader of the House agree that it is a bit rich for Members of this House who voted for the emergency procedure to be used for the surrender Bill to pass it in a day to now say, “Oh, but we need more time to discuss this deal.”? They like it when it suits them, and they do not like it when it does not. They are trying to subvert democracy and the democratic will of the British people.

**Mr Rees-Mogg:** My hon. Friend asks, “Is it a bit rich?” It is as rich as Jersey cream.

**Tom Brake** (Carshalton and Wallington) (LD): On 3 September, the Leader of the House suggested that Opposition MPs were risking subverting Parliament’s scrutiny role. Exactly how many minutes of scrutiny will we be getting for each page of this Bill?

**Mr Rees-Mogg:** We have had three years, so the right hon. Gentleman can do the calculation. Three times 365 times 24 will give him the answer.

**Lady Hermon** (North Down) (Ind): The Leader of the House will know that the Prime Minister’s new Brexit deal has far-reaching consequences for the people of Northern Ireland. I would very much like the Prime Minister or, indeed, the Leader of the House to come to Northern Ireland to explain in detail to the people why the major changes in this Bill that will affect their futures deserve only three days of consideration. It would be the decent and honourable thing to do.

**Mr Rees-Mogg:** I thank the hon. Lady for all that she does to be a voice for the people of Northern Ireland in this House. It is of fundamental importance to remember always that we are United Kingdom, and the effects on Northern Ireland are important within this proposed legislation. In principle, I would be delighted to accept her invitation, but I am unsure whether the Secretary of State for Northern Ireland would want me to, because it is his bailiwick. However, I would be absolutely honoured to visit Northern Ireland, and it would be a pleasure to return there.

**Mr Speaker:** Bailiwick is an excellent word. The Leader of the House and I share an affection for it.

**Patrick Grady** (Glasgow North) (SNP): I am glad that the Leader of the House has been able to contain himself on the Front Bench right the way through all these questions. Unlike the Father of the House, I fully intend to vote against the Bill on Second Reading and, for that matter, on Third Reading. Having not had the courtesy of sight of a draft programme motion through the usual channels, I wonder whether the Leader of the House can tell us whether the Third Reading debate will have protected time, so that those of us who do want to make every effort to stop Brexit on behalf of our constituents who voted against it will have that opportunity?

**Mr Rees-Mogg:** Time will be made for Third Reading in the normal way according to the programme motion, which the House will have a chance to vote on tomorrow.



## Preparations for Leaving the European Union

6.22 pm

**The Chancellor of the Duchy of Lancaster (Michael Gove):** With permission, Mr Speaker, I will make a further statement on our preparations to leave the European Union on 31 October. Before I do, however, I want to underline the gratitude of Members on both sides of the House to the efforts on Saturday not just of the House authorities, but of the police, as you pointed out earlier. I particularly want to thank the hon. Member for Manchester Central (Lucy Powell) and other Opposition Members for the kind words they uttered on the behalf of all Members.

The Government are determined to do everything they can to leave the EU with a deal. The agreement that the Prime Minister concluded at last week's European Council gives this House the opportunity to honour the votes of the 17.4 million people who voted to leave the EU by doing so on time and in an orderly fashion. Parliament had the opportunity on Saturday to support a meaningful vote that would have allowed us to proceed smoothly to ratification of our deal and exit on 31 October, but the House instead voted in such a way as to put an orderly exit on that date in doubt.

I appreciate and understand the honest intentions and genuinely sincere motives of many of those who voted for the amendment in the name of my right hon. Friend the Member for West Dorset (Sir Oliver Letwin). Let me place on the record once more the high personal regard in which I hold him. I know that he always acts in what he believes to be the national interest, and I deeply deprecate the personal criticism directed towards him. However, the House's decision to request that a letter seeking an extension to article 50 be sent creates no certainty about our exit in an orderly fashion on 31 October.

Before Saturday's proceedings in the House, European leaders, including the President of the European Commission, the President of France and the Taoiseach, deliberately and explicitly explained that Members should not cast their vote on the assumption that the EU Council will offer an extension. There is no certainty in this matter. Furthermore, no formal response from the EU has yet been received to the two letters sent by the Prime Minister on the evening of Saturday 19 October: the first requesting an extension to the 31 October deadline as required under the European Union (Withdrawal) (No. 2) Act 2019, and the second setting out the Government's position that a delay to Brexit would be corrosive, a view shared by the leaders of the EU27.

With no clear agreement yet in this House to ratify our withdrawal agreement and no certainty that an extension will be granted by 31 October, I must take the appropriate steps now to prepare for the increased possibility that the legal default position will follow and that we will leave on 31 October without a deal. The clear advice to me from officials is that we must now intensify contingency arrangements. That is why the Cabinet's XO Committee met yesterday to agree that Government Brexit preparations now move into their final, most intensive phase, and that Operation Yellowhammer should be triggered.

Let me be clear that no one would be happier than me to turn off those preparations and stand down planning for no deal. I do not think anyone in this House can doubt my desire to see a deal concluded. However, if we are to be certain to avoid a no-deal outcome on 31 October, we must vote for the Prime Minister's deal, we must ensure that the vessel that brings certainty passes expeditiously through this Parliament and we must avoid attempts to delay, capsize or hole it below the waterline.

In that spirit, I thank the many parliamentarians across the House who have indicated they will be backing the Prime Minister's deal, which, until he brought it home, many people thought would be impossible to negotiate. The deal ensures that we can leave the EU, and it is entirely consistent with the Belfast agreement and all our other domestic and international obligations. I can also underline that, once a withdrawal agreement has been ratified, the whole House will be involved in agreeing the mandate for negotiations on our future partnership arrangements with the EU, and we will work particularly closely with all parties to ensure that vital protections for workers and the environment are secure.

In underlining the vital role that all MPs will play in securing a strong future partnership, I emphasise that we want business, trade unions and civil society to help shape a bright future outside the EU. It is striking how organisations such as the Chemicals Industries Association, UK Finance, the Country Land and Business Association and the Federation of Small Businesses have welcomed progress on the deal and have asked parliamentarians to end the uncertainty by supporting an agreement. However, as I have explained, in the absence of that certainty, preparations for the risk of no deal must be intensified.

We will now accelerate our efforts to help businesses and individuals mitigate any dislocation and disruption that may ensue. From today, the XO Committee will meet seven days a week to provide strong ministerial focus across the Government. Hundreds of public servants across the UK will have to be redeployed. They will transfer to work in operations centres, ready to identify challenges, work together to resolve problems swiftly and implement contingency plans as required. Government, local resilience bodies and operational partners will be working together, ready to respond 24 hours a day according to need. We are also finalising the latest update of our reasonable worst-case planning assumptions and will share them with the House shortly.

Of course, we must maintain our public information campaign, which, from tomorrow, will reflect the renewed urgency of preparation. The advice will help businesses and individuals appreciate what they must do to prepare, given the uncertainty that still unfortunately prevails. I again urge everyone to check the information relevant to their situation on gov.uk and also the comprehensive summary of actions to take contained in the Government's "No-Deal Readiness Report" published on 8 October.

We are complementing the information campaign with hands-on advice and assistance. The Department for Transport is continuing to give personal advice to hauliers at sites across the UK and the European Union and working with local resilience forums to finalise traffic management plans, ensuring the smooth flow of people and goods across the short straits. In addition, it was announced on 11 October that four operators—

[Michael Gove]

Brittany Ferries, DFDS, P&O Ferries and Stena Line—had been successful in their bids to deliver freight capacity for a six-month period from 31 October to 30 April 2020. They will operate over 13 routes and from eight ports in England: Teesport, Hull, Killingholme, Felixstowe, Harwich, Tilbury, Poole, and Portsmouth. I commend my right hon. Friend the Secretary of State for Transport for the smooth, effective way in which that extra freight capacity has been secured.

Her Majesty's Revenue and Customs is stepping up work to deliver its export webinar programme to thousands of firms. The Department for Environment, Food and Rural Affairs is distributing a farming Brexit advice guide to agriculture businesses. And the Department for Business, Energy and Industrial Strategy is reaching hundreds of companies at readiness roadshows.

We have help desk capacity in place at all key Departments, with advisers ready to give the direct support required. This will build on the estimated 850 recorded engagements with business by the Department for Exiting the European Union and other Government Departments.

We are taking note of all the comments and feedback left on gov.uk by people who seek advice, and we are passing on details of specific issues of concern to the relevant Government Departments. We are also accelerating our programmes of key policy and legislative decisions to ensure full readiness, including making and tabling secondary legislation. We will be tabling the final statutory instruments to ensure that all critical Brexit-related legislation necessary for day one is in force by 31 October. This includes legislation for the new temporary tariff regime for customs and the legislation for avoiding a hard border in Ireland.

It remains the case that Northern Ireland would face unique challenges in a no-deal Brexit, and we will need to take steps to ensure effective governance and to give direction to the Northern Ireland civil service. In the absence of devolved government—today's sitting of the Northern Ireland Assembly being a rare exception in the past two years—my right hon. Friend the Secretary of State for Northern Ireland has made alternative arrangements for governance. Legislation and guidance have been introduced to empower Northern Ireland's superb civil servants to continue taking decisions that are in the public interest. Once again, I record my gratitude to the Northern Ireland civil service, to the Police Service of Northern Ireland and to all those who work in public service in Northern Ireland for their unstinting commitment to safeguarding the welfare of all our citizens.

The arrangement in Northern Ireland has been sustainable to date, but leaving without a deal would represent a formidable challenge to the current position. In that case, we would have to start formal engagement with the Irish Government on further arrangements for providing strengthened decision making, which would include the real possibility of restoring a form of direct rule. We would, of course, do everything to ensure that the interests of all communities across Ireland are safeguarded in any arrangements, but we must all recognise that this would be a grave step from which experience shows us it would be hard to return, particularly in the context of leaving without a deal.

Even as we prepare for the challenges of a no deal, we will make the case at every forum we can for leaving with a good deal. Parliament has previously shown determination and a focused resolve to pass laws expeditiously when the occasion warrants. The deal we have secured honours the referendum mandate this House pledged to uphold and allows the UK to leave the EU whole and entire, and it puts in place the pathway to a new partnership with the EU based on free trade and friendly co-operation.

That is why I, again, urge my colleagues in this House—all of us democrats, first and foremost—now to support the Prime Minister's deal. I commend this statement to the House.

6.32 pm

**Jon Trickett** (Hemsworth) (Lab): I thank the Minister for his courtesy in providing me with a copy of his statement 30 minutes ago. I join him in thanking everyone who serves the House for the arrangements on Saturday, and I pay particular tribute to the civil servants who are working under huge stress to prepare for this remarkable event at midnight a week on Thursday. The House hardly needs reminding, but we are right on the edge of a potential precipice.

The Minister has told us that the Cabinet XO Committee will be meeting daily, and I hope he will be able to keep the House fully informed of its further decisions, as and when appropriate. When the Prime Minister appointed him as Minister for a no-deal Brexit, I think the idea was that he would try to avoid such a situation rather than try to make it possible. His statement fills me with foreboding for the country, because it appears as if the Government really do think that 31 October is a date this House will tolerate. I have to tell him that I do not believe that will be the case. In any event, the Prime Minister himself sent a letter to the European Union—he forgot to sign it, apparently—saying that he will pursue a delay, so 31 October seems to be an artificial date.

I will be brief, as there is still much to do this evening. The Government's own assessment shows that a no-deal Brexit would be a disaster for jobs, for industry and for living standards. Their own assessment says there will be a 10% loss of GDP over the next 15 years, and the Institute for Fiscal Studies says that a no-deal outcome would result in Government borrowing rising by up to £100 billion, debt escalating to 90% of national income and growth flatlining. None of those is just a number on a spreadsheet, as I am sure he understands. These are real people's jobs, livelihoods, communities and even family businesses, often built up over generations—all of them are now at risk.

This is not "Project Fear." It is already happening here and now. Is the Minister aware that the manufacturing trade body, Make UK, has warned that even the prospect of a no-deal Brexit has meant that exporters are already suffering losses? The most deprived regions of the country would be hit hardest by a no deal, and the Government's own figures show that people on the lowest incomes will suffer the most. [Interruption.] Many people are shouting from a sedentary position, "Vote for the deal." The Prime Minister's free trade Brexit deal will result in every person in our country being £2,250 worse off, which is why we will not support the deal.

Instead of taking a no deal off the table, the Government are continuing to spend billions of pounds of taxpayers' money on Operation Yellowhammer, and they are probably diverting thousands of civil servants. How much money

does the Minister estimate will be spent on this futile project? Surely the money would be better spent on rebuilding our country. Can he confirm that Operation Yellowhammer would not even come close to managing the economic disaster the whole country will face if we crash out with a no deal? That is not to mention the problems facing Ireland.

Operation Yellowhammer shows the disastrous impact of no deal on medical, food and energy supplies, which is why Members on both sides—this is a very important point—have repeatedly shown there is no will in this House to turn for a no deal. It will not happen.

Some have argued that a no deal was really just a negotiating tactic, a ruse to force concessions from the EU, but the Government have now finished their negotiations with the EU. Why, then, have they continued to place this sword of Damocles over the whole country?

The Minister claimed this weekend that the risk of leaving without a deal has increased, but how can that be? The opposite is the case, because the House has voted repeatedly to stop the Government crashing us out with no deal. The truth is that the Prime Minister thinks the only way to get legislation for this sell-out deal through this House of Commons is to bully and blackmail MPs with the threat of a no deal, but he has lost the consent of the House. He double-crossed the DUP, and he has taken a bulldozer to most of our procedures. His behaviour has thrown away the good will of hon. and right hon. Members. More than anything else, he has disposed of the good will of the House in the manner of the Godfather casting confetti at a mafia family wedding.

Even at this late stage, I press the Government to change course. A no deal would damage our country, injure our economy and inflict lasting damage on the nation. Abandoning a no deal might have the inadvertent and, some might say, lamentable consequence of placing the Minister for no deal on the Back Benches. Regrettable as that might be, some of us might think it a price worth paying.

**Michael Gove:** I thank the hon. Gentleman for his questions and, in particular, I am grateful for his kind words about the civil service. One of the many things we have in common, as well as representing constituencies that voted leave and being opposed to a second referendum, is that both of us are huge fans of the civil service and appreciate the great work done by civil servants every day for all of us in this country.

The hon. Gentleman asked me to keep the House informed even as the XO Committee sits every day, and I will do my best to do so. I am certain there will be an opportunity for at least one more statement, and I will be happy to respond to any urgent questions in his or any other Member's name that relate to our Brexit preparations.

The hon. Gentleman asked about 31 October and suggested that the date is artificial. I fear it is not, as the date is fixed in legislation as a result of the article 50 process and has been agreed with the European Union. One of the important things that all of us in this House need to bear in mind is that EU leaders have made it crystal clear that they want the deal done, and they want it done by 31 October. The reason why the risk of no deal has increased materially is that EU leaders have

said we cannot be certain that an extension will be granted. In those circumstances, there is one way to bring certainty, and I know that the hon. Gentleman knows this in his heart. The way in which we can bring certainty is by voting for the Prime Minister's deal.

The hon. Gentleman asked about the cost of preparation. One thing the Prime Minister has stressed, and which is absolutely true, is that once we leave with a deal, we will be outside the customs union and the single market, and much of the preparation that will have been done in advance of 31 October will enable businesses to benefit from the free trade agreement that we hope to conclude with the EU and the new trade agreements we will conclude with other nations. There is a bright future ahead but it requires all of us to listen to the voice of this country and get Brexit done.

**Sir Michael Fallon (Sevenoaks) (Con):** I thank the Chancellor of the Duchy of Lancaster, and his colleagues and officials, for all the work they have done to help minimise any potential disruption in Kent. Can he also reassure the House that the security agreement with the EU that will be needed to help protect us against any further vulnerability to terrorism or organised crime will be put in place as soon as possible? Can he say what that timetable might be?

**Michael Gove:** My right hon. Friend makes a good point. It is the case that we co-operate with EU nations in a variety of forums, not just through the EU; that the security of all benefits as a result; and that many of the shared tools for law enforcement and national security that we have allow EU citizens to benefit from intelligence gathered by our agencies. We hope to conclude a new arrangement as quickly as possible, as part of our future partnership with the EU. My right hon. Friend the Home Secretary has written to Frans Timmermans, the Commissioner responsible for security, to say that in the event of no deal we continue to share access to tools such as ECRIS—the European Criminal Records Information System—SIS II and Prüm. So far, Frans Timmermans has not indicated that he would collaborate, but we believe it is in everyone's interests to ensure that we would.

**Tommy Sheppard (Edinburgh East) (SNP):** I thank the Chancellor of the Duchy of Lancaster for advance sight of the statement. It leads me to my first question, which is: what is he not telling us? What does he know that we do not know about this entire process? He must know something, otherwise I do not understand why he continues to commit hundreds of extremely highly qualified civil servants and to waste hundreds of millions of pounds of taxpayers' money in the service of an objective that we have consistently ruled out. He himself said as recently as March that no deal is something that must be avoided, the Benn Act has made no deal illegal unless this House agrees to it and now the Prime Minister has sought an extension to the process from the EU in order that no deal can be avoided. I admit that the Prime Minister has acted with the maximum bad faith and with all the enthusiasm of a petulant schoolboy, but none the less he has written the letter, and the letter has been received and accepted. That means that the only way the scenario that he is planning for can unfold is if this House fails to pass the Government's withdrawal Bill, which I hope it will, and the EU then declines to extend beyond 31 October. Is Government



[Tommy Sheppard]

policy therefore now based on the assumption that the EU will refuse to extend the article 50 deadline beyond 31 October? If it is not, why does he continue with this wasteful exercise?

I agree with the right hon. and learned Member for Rushcliffe (Mr Clarke): how come this date of 31 October has become elevated to the extent it has? The Government have this Halloween fetish now. The only reason 31 October matters—rather than, say, a week, month or year later—is to save face for this Prime Minister. It is a rum day indeed when the Government of the day are more concerned about the vanity of the Prime Minister than they are about making good legislation and doing what is good for the country. Is the truth not that all this talk of Yellowhammer and no-deal preparations is a propaganda exercise, trying to whip up fear and anxiety to drive people into the welcoming arms of the Prime Minister's deal, in relief and thankfulness? It won't work, Chancellor.

**Michael Gove:** One of the many reasons I had hoped the hon. Gentleman would have become deputy leader of the Scottish National party was shown in the way in which he delivered his questions without notes, with great fluency and authority. All of us in this House recognise what a great speaker he is. What a pity, however, that a very well delivered speech got one or two fundamental aspects of the position in which this House finds itself wrong. He asked about the money that is being spent. As I pointed out in response to my opposite number, the hon. Member for Hemsworth (Jon Trickett), this money will be wisely spent come what may, because we needed to make sure that businesses across the country, including in Scotland, are prepared for life outside the single market and the customs union. That money, which the Scottish Government have asked for, has been given to the Scottish Government and they have spent it. If they and the SNP believe there was no point in spending that money, I imagine they would have returned the cheque to the Chancellor of the Exchequer saying "Not required here." That was not the case, so they clearly do feel, as we all feel, that it is important to make preparations.

The hon. Gentleman made two other points. He asked why fetishise the date of 31 October. That is the date in law that has been passed in this House and by the EU as the date by which we must leave, following the extension of article 50. It is not a date that was chosen by my right hon. Friend the Prime Minister and it was certainly not one chosen by me. It was a date that this House accepted, following negotiation with the EU, and that is the law. It is also the case that, in law, any extension has to be granted by all EU27 member states. We are sometimes accused in this House of being insular, but the President of the Commission, the Taoiseach and the French President have all made it clear that there is no guarantee that any extension will be issued. All those of us who value relationships with our friends and neighbours in Europe should take heed of what they say; no extension is guaranteed, and no certainty exists. That is why we must back this deal, and I hope that SNP Members, who have done so much to say why no deal is unwelcome, will, at this late stage, repent and recognise that the interests of our United Kingdom are served by their presence in the Lobby supporting this deal.

**John Redwood** (Wokingham) (Con): There is no such thing as a no-deal exit; if we leave without the withdrawal agreement, there would be all sorts of agreements and arrangements in place. So will the Government do more to tell the country about the 2017 facilitation of trade agreement between all World Trade Organisation members to ensure smooth borders, the government international procurement agreement to allow Governments to transact business, and the customs, haulage and aviation arrangements and agreements, which are all in place. People should stop scaremongering.

**Michael Gove:** My right hon. Friend makes a very fair point. If we leave without the withdrawal agreement being ratified, we will leave without that deal. "No deal" is sometimes used to cover that specific outcome, and it is with respect to that widely accepted description that I use the term. He is right to say there are other agreements, and there will continue to be agreements, that we have concluded, both with individual EU member states and with the EU overall, which will govern our relationship. However, I am strongly of the view that a withdrawal agreement which has been ratified in this place will be the best possible way in which we can ensure both that we recognise the Brexit referendum vote and that we continue to have free trade and friendly co-operation.

**Hilary Benn** (Leeds Central) (Lab): One of the main concerns that has been expressed about the consequences of leaving without an agreement is the potential for delay for lorries moving across the channel, an issue on which the Chancellor of the Duchy of Lancaster has given evidence to the Brexit Select Committee. Will he tell the House what the Government's latest assessment is of the percentage of lorries leaving the United Kingdom that would have the correct paperwork on 1 November if this eventuality, which none of us wants to see happen, comes to pass, and therefore what kind of delay we might be looking at in those circumstances?

**Michael Gove:** I will share with the House the revised planning assumptions in Yellowhammer very shortly. It is the case that the level of business readiness has increased, and we expect that a significantly increased number of vehicles will be ready. That obviously has an effect on flow at the border, but we are being deliberately cautious. We are copper-fastening those assumptions and I hope to share them with the House very, very shortly.

**Mr Owen Paterson** (North Shropshire) (Con): Following on from the comments made by my right hon. Friend the Member for Wokingham (John Redwood), I entirely agree that there is no such thing as no deal; there is not leaving with a formal withdrawal agreement and with a whole lot of side deals. Will my right hon. Friend the Chancellor of the Duchy of Lancaster make a point of publicising those deals to educate the Opposition? Will he inform the House of what further meetings he has planned with the French authorities? They have been bullish that traffic at Calais/Boulogne will flow and that they have made the necessary preparations. Contrary to what the right hon. Member for Leeds Central (Hilary Benn) said in his question, the lorries do not need paperwork; it is all done electronically.

**Michael Gove:** My right hon. Friend makes a number of good points. The first is that in the no-deal preparation document, which was shared with the House on 8 October

and runs to some 150 pages, we ran through many of the arrangements that have been put in place—some agreed and some the unilateral decision of the EU—to make sure that if we leave without an agreement, we can mitigate the risks in all our interests. It was interesting that on that occasion the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) did not ask any questions about that document; he asked about other process questions. I am always available to answer questions about those provisions.

My right hon. Friend is right that significant investment has been made by the French Government to ensure that, exactly as he says, electronic information can be exchanged before trucks arrive in Calais, to allow them to move smoothly through the green lane and, if they are carrying fish or shellfish, to move smoothly to the border inspection post at Boulogne-sur-Mer.

**Tracy Brabin** (Batley and Spen) (Lab/Co-op): On a recent trip to a pharmacy in Birstall, the staff and I had a conversation about their anxiety about generic drugs becoming more expensive because of delays and tariffs, and also because pharmaceutical companies might not want to launch their drugs in the UK because they are now more expensive. With 81% of pharmacists saying in a recent survey that they are worried that drugs are going to be delayed because of a no-deal Brexit, I asked the Chancellor of the Duchy of Lancaster directly a couple of weeks ago whether he believed that anyone would die because of a no-deal Brexit. He was robust in his answer and said no unequivocally; is that still the case?

**Michael Gove:** First, I thank the hon. Lady for her question, because it gives me the opportunity to echo her in saying how much we value the work of local pharmacists and how critical they are to the effective operation of our NHS in providing all our constituents with the treatments that they need in an effective and timely way. Talking of the effective and timely delivery of medicine, it is the case that the freight transport that my right hon. Friend the Secretary of State for Transport has secured is enough for more than 120% of our category 1 priority medical goods needs. It is also the case that the steps we have taken to ensure business readiness and to improve flow over the short straits should ensure that there will not be the shortages or delays about which the hon. Lady is concerned.

**Crispin Blunt** (Reigate) (Con): Does my right hon. Friend agree that uncertainty has a price, and that price is growing not only in the United Kingdom but, importantly, in the European Union? It is absolutely in the EU's interests to bring this uncertainty to a close by declining our formal request for an extension and forcing the House to a decision. It was as true on 29 March as it is for 31 October: the only way the House is going to vote for a deal negotiated by the Government with the membership of this House as it is constructed today is if there is a straight choice between deal and no deal. The rhetoric from the Opposition about the unacceptability of no deal will then be called out, we will get the deal, we will have the certainty of a transition period and a proper place to negotiate our future relationship, and 14 months in which to do it. If the EU delays, we are pitched into further uncertainty and further cost.

**Michael Gove:** My hon. Friend is 100% spot on and I am completely in agreement with him.

**Mr Chris Leslie** (Nottingham East) (IGC): Further to the question from the right hon. Member for Leeds Central (Hilary Benn), I want to be clear that the Brexit Secretary revealed today that article 271 of the deal would institute exit summary declarations for goods being sent from Northern Ireland into Great Britain. Just to be absolutely clear, that is goods being transferred within the United Kingdom. Will the Chancellor of the Duchy of Lancaster confirm that those plans are being put in place, potentially for 1 November? Is he content with those declarations being put in place, or is there a chance that they will not happen? What has he estimated the cost of administering those declarations will be? How many does he anticipate that there would be?

**Michael Gove:** If we leave without a deal and that is the situation that prevails on 1 November, no such checks would be required at all.

**Mr Leslie:** No—with your deal!

**Michael Gove:** I can only answer the question that was asked.

**Mr Steve Baker** (Wycombe) (Con): I wholeheartedly congratulate my right hon. Friend and officials right across Government for the magnificent public information campaign that he is running. I hope he will not mind my saying that it is the campaign I would have dreamed of securing from the autumn of 2017 when I first started asking for one. Will he confirm that he has had adequate discussions with business groups to ensure that businesses are properly prepared?

**Michael Gove:** That gives me the opportunity to say a profound thank you to my hon. Friend who, as a Minister in the Department for Exiting the European Union, undertook heroic efforts to ensure that we were as well prepared as possible. In so far as we were not well prepared, it was because of other factors, because his own efforts in that regard were focused, public spirited and highly effective.

It is the case that we have had conversations with lots of business organisations to ensure that they are as well prepared as possible. As I have said before, the impacts of leaving without a deal will depend on different economic sectors reacting in different ways.

**Kate Green** (Stretford and Urmston) (Lab): Whether we leave with a deal or without one, I am sure the right hon. Gentleman will agree that children's best interests must always be protected. Will he say whether the Government will either continue or replicate the arrangements under Dublin III that ensure that unaccompanied asylum-seeking children can come to this country and be reunited with their family members?

**Michael Gove:** I am absolutely convinced that we will maintain those arrangements.

**Charlie Elphicke** (Dover) (Ind): I thank my right hon. Friend the Chancellor of the Duchy of Lancaster, the Secretary of State for Transport, their teams and officials, and particularly the hard-working civil servants and officials in Kent who have worked tirelessly on this important project to make sure that we are ready. I have had blood-curdling warnings of chaos at Dover and the channel ports and of gridlock on Kent's roads in the

[Charlie Elphicke]

event of a no-deal Brexit. Will my right hon. Friend assure me that if the deal goes through, there will not be problems on Kent roads or at the channel ports?

**Michael Gove:** My hon. Friend is absolutely right. We have an opportunity. There have been various different projections—reasonable worst-case scenarios and other projections—in respect of what might happen in the event of no deal. I absolutely assure him that if the House takes the opportunity it now has to vote for the deal, none of those scenarios will materialise and we will be able to move to the next stage of our relationship with the EU, based on free trade and friendly partnership.

**Anna Soubry (Broxtowe) (IGC):** Although I find it difficult to believe, I appreciate that the right hon. Gentleman is not familiar, as apparently many Cabinet Ministers are not familiar, with the deal that they have negotiated with the EU, but others have looked at it in detail. I refer back to the question from my hon. Friend the Member for Nottingham East (Mr Leslie). Article 271 of the deal specifically says that goods leaving Northern Ireland and coming into Great Britain must provide an exiting summary declaration. Is the right hon. Gentleman familiar with that? Will he confirm that that is the case? In that event, are the procedures in place and have businesses in Northern Ireland been fully apprised of the impact that will have on them and on those receiving the goods? This is the deal—his deal.

**Michael Gove:** The right hon. Lady's parliamentary colleague, the hon. Member for Nottingham East (Mr Leslie), asked about arrangements on 1 November. We would only need to have different arrangements on 1 November—

**Anna Soubry:** This is your deal!

**Michael Gove:** I am answering the question. We can have a nice conversation outside, but I will take this opportunity to answer the question before the right hon. Lady comes back. The hon. Gentleman's question related to events and provisions on 1 November. I note that the right hon. Lady is referring to the deal and yes, it is the case that those provisions would come into effect if we had the deal, but of course we will make sure that they are seamless.

**Several hon. Members** *rose*—

**Mr Speaker:** Order. Progress is very slow and needs to speed up, otherwise people will not get in. It is as simple as that.

**Rachel Maclean (Redditch) (Con):** Local businesses in my constituency overwhelmingly tell me that it is not the future form of Brexit that we are arguing about in here that is causing them the most concern; it is the constant and endless delay and confusion—

**Mr Speaker:** Order. That is not a question. I want one sentence. I do not want a speech about the hon. Lady's opinions about all of this. What I want is a short question—end of.

**Rachel Maclean:** Of course, Mr Speaker. Does my right hon. Friend agree that the best way to avoid no deal is to vote for a deal?

**Michael Gove:** That was a great question and the answer is yes.

**Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab):** Operation Yellowhammer documents previously revealed that a no-deal Brexit would affect food provision, and that those on low incomes in the UK would be most affected. Food banks are increasingly concerned about the impact of a no-deal Brexit on their food supplies, so have the Government issued any guidance or undertaken any preparation with food bank providers to ensure that their operations are not severely affected by no deal?

**Michael Gove:** As it happens, the hon. Gentleman's question gives me an opportunity to pay particular tribute to the hon. Member for Leicester West (Liz Kendall), who came to see me with a representative selection of organisations that run food banks. We had a good conversation about making sure that we can continue to support them in the future come what may. I am absolutely confident that the successful operation of food banks and all the wonderful people who work in them will not be affected by Brexit, whether it is deal or no deal.

**Sir Roger Gale (North Thanet) (Con):** With or without a deal, my right hon. Friend is aware of the fact that I believe there is woefully inadequate provision for the healthcare and pensions of expat UK citizens. I would like to be able to support the withdrawal Bill. Can he give me an assurance that this matter is under active and positive consideration?

**Michael Gove:** It absolutely is. If we secure the withdrawal agreement Bill, there will be absolutely no need for us to worry about those particular circumstances, but for the reasons that I outlined earlier, we are negotiating hard with individual EU member states. I particularly commend Spain, where we have the largest number of UK expats, for making sure that there will be fully reciprocal arrangements on healthcare.

**Tom Brake (Carshalton and Wallington) (LD):** Will the Minister confirm that, in a no-deal scenario, no patient will have their treatment delayed or cancelled if they are dependent on radioisotopes?

**Michael Gove:** Yes, and there is a specific arrangement to ensure that radioisotopes can be flown into East Midlands airport.

**Richard Drax (South Dorset) (Con):** May I offer my sympathy to my right hon. Friend and other colleagues who were subjected to the thuggish behaviour on Saturday? Does he agree that the sooner this deal is done, the better, and that there should be no more delay?

**Michael Gove:** I completely agree, and I am very grateful to my hon. Friend for everything that he says. He is a model of civility inside and outside this House, and I do hope that the standard of debate across the country can match the standard of debate that he always indulges in.

**Mr Speaker:** Agreed.



**Ruth George** (High Peak) (Lab): In one response, the right hon. Gentleman confirmed that there is, as yet, no agreement on reciprocal security arrangements for the data that we need to make sure that we can keep our borders safe. What is the Secretary of State doing to make sure that we will still be safe on 1 November?

**Michael Gove:** The first thing, of course, is promoting a deal. The second thing to say is that there are tried and tested alternatives that we can use to make sure that we keep people in this country safe. The third thing is that, once we leave the European Union, there are a number of things that we can do, which the Home Secretary has outlined, that will allow us to be even safer. There are steps that the Border Force can take, steps that we can take on the border to no longer recognise ID cards, and steps that we can take to increase the criminality threshold for entry.

**Alan Mak** (Havant) (Con): Hampshire's local resilience forum is playing a key role in preparations for Brexit. Will my right hon. Friend ensure that it has the right resources and support to make a success of those preparations?

**Michael Gove:** My hon. Friend is right. Hampshire LRF attended a meeting of the EU Exit Operations Committee last week, and I was incredibly impressed with the work that it is doing. We will continue to work closely with it.

**Mr Clive Betts** (Sheffield South East) (Lab): If this House passes the Government's withdrawal Bill with amendments, will the Government take those amendments back to the EU and seek its agreement to them, or in that situation will they simply try to pursue a no-deal Brexit?

**Michael Gove:** I think the EU has been very clear that we need to ratify the treaty as agreed. To be fair to the other 27 EU member states, they have laboured long and hard to come to an agreement. If this House were now to say that it did not like the agreement, I think that their patience would be sorely tested.

**Eddie Hughes** (Walsall North) (Con): Will my right hon. Friend update the House on the discussions that he has had with European leaders and what their view is as to another extension?

**Michael Gove:** Earlier today, I was talking to Ministers in the Irish Government, and I have been talking to representatives of other EU member states over the course of the past week or so. They are clear: they do not want an extension. They want this done by 31 October. There are many people in the House who admire other European nations, but, on this occasion, they seem curiously deaf to the plea, which is a unified plea across the EU, to get this deal done.

**Kate Hoey** (Vauxhall) (Lab): The Secretary of State has been a long-term supporter of the Union and of Northern Ireland. He must know in his heart of hearts that this is actually driving a wedge between Northern Ireland and Great Britain. The issue of unfettered access to goods for small businesses is going to absolutely destroy that relationship. Can he really say that this is actually good for Northern Ireland?

**Michael Gove:** I am very grateful to the hon. Lady for her comments. Having worked in Northern Ireland and having so many friends in Northern Ireland, I can absolutely say that its position in the Union is very dear to me, and therefore it is of concern to me that there are people in Northern Ireland, particularly within the Unionist community, who feel heartsore about what they perceive to be the consequences of this deal. In every hour of every day ahead I will be doing everything that I can to provide reassurance and to ensure that we can put provisions in place that will make sure that people in Northern Ireland appreciate that we love them and want them to stay.

**Mike Wood** (Dudley South) (Con): The shadow Minister cites Make UK, but it is clear that endless extensions are hugely damaging to its members' interests. Is my right hon. Friend aware of any major business or organisation that is calling for yet more delays?

**Michael Gove:** Not one.

**Dr Sarah Wollaston** (Totnes) (LD): Very serious concerns have been raised by shellfisheries about no-deal preparations for their sector. The Secretary of State will know that they have to have an aquatic animal health certificate alongside a raft of other red tape for each consignment. Mussel fishermen in my constituency are very concerned about that, because they have been told that they will need to give five days' notice, but their customers do not order with five days' notice. Will he ensure that officials from the Department for Environment, Food and Rural Affairs will meet me and my constituents to ensure that the problems that are arising will be addressed?

**Michael Gove:** Absolutely, yes.

**Ruth Jones** (Newport West) (Lab): The Government's Yellowhammer papers, as we have already heard, state that low-income groups will be disproportionately affected by any price rises in food and fuel. What does the Minister suggest I say to the families on low incomes in my constituency of Newport West to reassure them that their plight has been recognised, and what will the Government do to mitigate this disproportionate impact on poorer families across the UK?

**Michael Gove:** I am grateful to the hon. Lady for raising this issue. Across this House, we are concerned, obviously, about the welfare of the most vulnerable in our own constituencies and across the country. I respectfully say to her that, when people say that they are worried about the consequences of no deal, as indeed I am, the thing to do is to support the deal, and I hope that she will.

**Lady Hermon** (North Down) (Ind): I am very grateful to you, Mr Speaker, for calling me to speak. If the United Kingdom were to leave the European Union on 31 October, and on that date we still had no functioning Assembly at Stormont, what are the Government planning for the good governance of Northern Ireland? Will it, or will it not, be direct rule? It is a straightforward question, and I would very much appreciate a straight answer.

**Michael Gove:** We want the Assembly to be up and running. We recognise that time is short. In those circumstances, we will talk to the Government of Ireland, but direct rule, which I know is a step that no one

[Michael Gove]

should take lightly, will be required in order to ensure that the Northern Ireland civil service gets the political and ministerial direction that it needs.

**Ian Paisley** (North Antrim) (DUP): At 5 o'clock this evening, in the Public Accounts Committee, Jim Harra of Her Majesty's Revenue and Customs informed the Committee, when asked about the transfer of goods from Northern Ireland to GB under the agreement the Chancellor is proposing, that

"an export declaration is required for all movement of all goods from Northern Ireland to GB"

in order to ensure that the EU's obligations are properly discharged. The Chancellor says that he holds the Union very dear. These arrangements make the Union very expensive.

**Michael Gove:** We will be doing everything we can to ensure that there is unfettered access for goods from Northern Ireland into the rest of the United Kingdom. Deal or no deal, we will also be bringing forward additional steps to ensure that businesses in Northern Ireland are supported and protected come what may.

**Jim Shannon** (Strangford) (DUP): I have been contacted by Northern Ireland's fishing sector, which does not want this Government deal, so can the Minister confirm that Northern Ireland's fishing sector will have the same opportunities and freedom to fish as the fishing sectors of England, Scotland and Wales in the event of no deal?

**Michael Gove:** Yes, absolutely. One of the benefits of leaving the European Union is being outside the common fisheries policy, and I know that the fishing interests that the hon. Gentleman represents were and are looking forward to our leaving the European Union. Let me say again that it is the Government's absolute intention to ensure that we provide all the financial and administrative support required by all of Northern Ireland's businesses as we leave—whatever the circumstances. The whole enterprise of leaving the European Union is one that we took as one United Kingdom, and it is very important that we pay particular attention to representatives of Northern Ireland as we try to secure the best possible outcome for all our citizens.

**Harry Dunn**

7.10 pm

**The Secretary of State for Foreign and Commonwealth Affairs and First Secretary of State (Dominic Raab):** With permission, Mr Speaker, I want to update the House on the tragic case of the death of 19-year-old Harry Dunn in a car accident in Northamptonshire, and on what we in the Foreign Office and Her Majesty's Government are doing to support his family in their search for justice.

As the father of two young boys, I can only begin to imagine the grief and suffering of losing a child. It is every family's worst nightmare, and I am sure the whole House will join me in expressing our deepest sympathies to Harry's family for their unbearable loss.

Let me start with the facts of this case and the steps that the Government have taken in recent weeks to support the police investigation. On 27 August, Harry Dunn was killed in a road traffic collision while riding his motorbike in Croughton, Northamptonshire. The suspect in the police investigation is an American woman. As has been widely reported, at the time of the accident, the American involved had diplomatic immunity.

The UK Government had been notified of the American family's arrival in the UK in July 2019, and this diplomatic immunity was the result of the arrangements agreed between the UK Government and the US Government back in 1995. Under those arrangements, US staff at RAF Croughton and their families were accepted as part of the US embassy in the UK. Pursuant to these arrangements, staff and their families were entitled to immunity under the Vienna convention on diplomatic relations. Under the exchange of notes in relation to the Croughton annexe, these arrangements waived immunity for employees, but the waiver did not cover spouses.

Let me return to the specific case of Harry Dunn. On 28 August this year, the US embassy notified us that the spouse of a member of staff at RAF Croughton had been involved in an accident. On 30 August, the US asserted that the spouse was covered by immunity, so a waiver was needed. To enable the police investigation to follow its proper course, on 5 September the Foreign and Commonwealth Office formally requested the US embassy to waive immunity. Given the seriousness of the incident, our view was—and remains—that justice needs to be done.

If the suspect's immunity had been waived, Northamptonshire police would then have been able to compel her to co-operate fully with their investigation. However, on 13 September the FCO was informed by the US embassy that it would not waive immunity and that the individual would be leaving the country imminently, unless the UK had strong objections. We duly and immediately objected in clear and strong terms, and we have done so ever since. Nevertheless, under the Vienna convention UK police could not lawfully have prevented the individual from leaving the UK. When the FCO followed up with the US embassy on 16 September, it informed us that the individual had departed the day before. We immediately informed Northants police.

When the FCO's views were sought on timing, officials asked the police to delay telling Harry's family by a day or two, so that they could inform me and other Ministers and agree the next course of action. I am aware that the police did not tell the family until 26 September, which

was 11 days after the individual in question had left. As the primary point of family liaison, the decision as to when to tell the family was properly a matter for the police, and I know that they considered it very carefully.

I turn to the issue of a waiver. I reassure the House that representations have been made to the US Government at every level of the Administration. The head of the diplomatic service summoned the US deputy ambassador. I have raised the case twice with the US ambassador in order to express my disappointment with the US embassy's decision not to waive immunity, and to request that that decision be reversed. I spoke to US Secretary of State Mike Pompeo in the same terms on 7 October, and the Prime Minister raised the case with President Trump on 9 October.

The scope of immunity is a complex area of law, because in some circumstances there may be residual immunity that can continue once an individual returns home, depending on their status and the particular facts of the case. Our position in this case is that immunity clearly ended when the individual concerned left the UK. The US Government in turn stated on 8 October that since the individual had returned to the US, in their view immunity was "no longer pertinent". We took time and care to resolve this point, because of its relevance to the case. We also wanted to be fully confident in the legal position before we communicated it to the family, given their anguish and frustration with the obstacles to the investigation. Once the position was clear, I conveyed it directly to them by letter on 12 October. We continue to urge the US authorities and the individual in question to fully co-operate with the investigation. The case is now with Northamptonshire police and the Crown Prosecution Service, and it is for them to consider the next steps as part of their criminal investigation.

At every stage in this process, we have sought to clear away any obstacles to justice being done. At the same time, I have been mindful of the need to avoid anything that could be construed as political interference, in case that might later be argued to prejudice the proper and fair course of the investigation, and thereby prevent justice from being done.

Let me turn to our next steps. First, we will continue to do all that we can to support the police and the Crown Prosecution Service during this process, and I can reassure the House, as I assured Harry's family when I met them on 9 October, that we will continue to fight for justice for them. Secondly, I have already commissioned a review of the immunity arrangements for US personnel and their families at the Croughton annexe holding privileges and immunities under the Vienna convention on diplomatic relations. As this case has demonstrated, I do not believe that the current arrangements are right, and the review will look at how we can ensure that the arrangements at Croughton cannot be used in this way again.

In one night, a tragic accident took the life of a young man with his whole future ahead of him. That loss has devastated his family, as it would any of ours. I reassure the House that this Government will do everything we can to give them the solace of justice being done. Our hearts go out to them. I commend this statement to the House.

7.17 pm

**Emily Thornberry** (Islington South and Finsbury) (Lab): I thank the Foreign Secretary for advance sight of his statement.

First and foremost, our hearts go out to the family and friends of Harry Dunn, especially to his parents, Charlotte and Tim, and their partners, Bruce and Tracey. As the mother of a 20-year-old boy myself, I can only imagine the devastation they feel at Harry's loss. But in their case, that loss is compounded by the complete lack of justice for their son, the complete lack of respect they were shown in their meetings not only with Donald Trump but, I am afraid, with the Foreign Secretary—with the family describing one meeting as a photo opportunity, and the meeting with the President as an attempted ambush—and, finally, by the complete lack of answers that they have had to even the most basic questions about why their son's case was handled in the way it was and why Mrs Sacoolas has received the treatment that she has.

The Foreign Secretary's statement today is welcome, in so far as it is a first attempt by the Government to set out a chain of events before Parliament, but it still leaves so many questions unanswered and so many facts unestablished. In the time I have today, I would like to work through those questions with the Foreign Secretary in chronological order.

Let me start by pressing the Foreign Secretary on the issue of immunity. He can correct me if I am wrong, but my understanding is that spouses and dependants enjoy diplomatic immunity by virtue of the protection enjoyed by the employee. But if, as he has just said, it was agreed between the UK and the US with respect to Croughton that the diplomatic immunity of employees was waived, can he explain the legal basis by which it still applies to spouses? He has talked today about it being an "exchange of notes". Was it an exchange of notes or was it a memorandum of understanding, and could he please explain the difference? Why is there this anomaly? Was it done deliberately, and if so, what is the justification for that?

A second, related question is whether, if the United States has agreed to waive the full diplomatic immunity of Croughton employees under the Vienna convention, those employees are still entitled to the limited immunity provided under the Visiting Forces Act 1952. If so, surely the legal position should be that the spouse is entitled only to the same protection as the employee. In that case, based on Crown Prosecution Service guidance and previous precedent, the immunity would have applied only if Mrs Sacoolas had been driving from RAF Croughton to her home address, which is an impossibility given that her home address was RAF Croughton. The Foreign Secretary has been talking particularly about the Croughton annexe. Is that the same as RAF Croughton, does it apply to RAF Croughton as a whole, or is it a different area?

Finally on the question of immunity, if the protection enjoyed by spouses of Croughton employees is so clear-cut, why did it take the UK embassy three days to assert it in respect of Mrs Sacoolas? If she and other Croughton spouses do, as the Foreign Secretary said, enjoy full diplomatic immunity under the Vienna convention, why was Mrs Sacoolas's name never placed on the diplomatic list? When the Foreign Secretary states that the US embassy



[Emily Thornberry]

notified us that the spouse of a member of RAF Croughton was involved in an accident, who is “us”? Is it the police, the Foreign Secretary and his private office, or some other part of the Foreign and Commonwealth Office?

Moving on to the aftermath of this tragedy, will the Foreign Secretary agree, in the interests of transparency, to publish all correspondence and records of all other communications and meetings between his Department, Northamptonshire police and the CPS, and between his Department and US officials, about the handling of this case subsequent to 27 August? It is particularly important to look in detail at what happened between 30 August, when the US asserted diplomatic immunity, and 15 September, when Mrs Sacoolas left, because, as I understand it, the FCO was told that she would leave the country imminently unless the UK raised strong objections. What strong objections did the UK raise, at what level, and by whom? Were assurances requested that she would not leave the country until the issue of immunity had been clarified, particularly given the memo of understanding—or the exchange of documents—as this seems to be extremely murky? What liaison was there between the FCO and Northants police prior to Mrs Sacoolas leaving, and did either the police or the FCO know that she would be leaving before she did so?

All these questions need to be answered. Did Mrs Sacoolas leave on a scheduled flight? Did she leave from Mildenhall? Had the ports been alerted pending resolution of her status? Will the Foreign Secretary explain why his Department asked Northamptonshire police to delay informing Harry Dunn’s family of the departure of Mrs Sacoolas for, to quote him, “a day or two”? Why did they not have the right to be told immediately? What possible legal, let alone ethical, basis was there for the Foreign Secretary to be interfering in operational police matters? Surely this family had the right to be informed straight away. Why, indeed, did it then take the Northamptonshire police 10 days to tell the family?

Given that the Foreign Secretary has made it clear that the supposed diplomatic immunity status granted to Mrs Sacoolas has ceased to apply since her return to the United States, while I am not asking him to intrude on the independent decisions of prosecuting authorities, can he say whether he has been advised on whether there are any barriers to the CPS commencing extradition proceedings to return Mrs Sacoolas to the UK?

As the Foreign Secretary will know, tomorrow Harry Dunn’s family are due to meet the chief constable of Northamptonshire police. As I mentioned earlier, this brave family have already had one disappointing meeting in his office—and another in the Oval Office. In fact, may I ask a question in relation to that? Was the Foreign Office aware that the White House had summoned the family to the White House, let alone that the President was intending to ambush them with a meeting with Mrs Sacoolas? If so, did the Foreign Office think it appropriate not to give this vulnerable family some assistance? They have many legitimate questions, and they are not getting answers. Unfortunately, they have been led to believe that they will not get any answers from the chief constable of Northamptonshire tomorrow either, as it is his intention merely to offer them his

personal condolences. That is not good enough. The time for condolences and sympathy is over. What Harry’s family need now are answers, the truth and some justice.

**Dominic Raab:** May I thank the right hon. Lady for the tenor of her opening remarks? I join her in expressing my deepest condolences to the family. I also agree with her that the natural grief that any parent would suffer as a result of losing their child has certainly been compounded by having to go through these legal and what will feel like bureaucratic obstacles. Equally, on our side, we have to ensure that justice is being done by adhering to the legal route; otherwise we impair the very objective that I think we are all seeking to achieve.

The right hon. Lady raises a number of issues. On the suggestion that there was an attempt at a photo opportunity, it had actually been requested by the representative of the family to bring media to the meeting that I hosted, and I declined because I thought it was inappropriate. I expressed my deepest condolences and sympathies to the family and made it clear when I met them that I would do anything that I could and that they should feel free to come back to me directly if there was any support that they felt they needed.

The right hon. Lady asks about the difference between an exchange of notes and a memorandum of understanding. The exchange of notes and exchange of letters under international law is not decisive; what matters is the tenor of the language. However, they effectively implement administrative arrangements under the Vienna convention of diplomatic relations, so they would be of similar status to an MOU.

The right hon. Lady asks about the anomaly that spouses were not covered by the waiver arrangements. I agree that that is an anomaly. That is why I have instituted a review. Since 1995, we have not seen—certainly, having looked very carefully at this, I am not aware of—any case that has tested them. Therefore, this is probably the first time that the anomaly has come to light, certainly to me, but also, given that they have not really been implemented or tested in this way, more generally to the Foreign Office. The exchange of notes covered the technical and administrative employees at the Croughton annexe—which was the subject of another of her questions—whereas the diplomatic list that she refers to applies to members of the US embassy.

The right hon. Lady asks what we knew at the point at which the individual left this country to go back home to the US. We were made aware, I think, a day or two before—I can check—and we registered our strong objections. The right hon. Lady suggested—this is very important—that there should have been checks at ports or that we should immediately have tipped off the police. It would have been unlawful to arrest the individual under the Vienna convention on diplomatic relations, so that would not have been, I think we can all agree, a responsible or productive thing to have done. Indeed, it would have been an illegal thing to do.

The right hon. Lady asks about the family’s visit to the US. We were aware of that visit. I was not aware of who Mrs Dunn would meet, but I did make it clear during our meeting that I would help with anything and gave her the direct line to my office. Indeed, we have contacts with the representative of the family, and no request was made to us for support when they went to the US, nor were we aware of the details of that trip.

The right hon. Lady asks about the delay in informing Harry Dunn's family once Ms Sacoolas had left the country. As I said before, it was one or two days. The reason that we asked for a little bit of time—this request was not made by me, and I was not aware of it, but by my officials—was to make sure that we could be very clear on what the next course of action would be, and, indeed, precisely so that they could inform Ministers before the family were aware, because we were aware that there would immediately be questions coming back about what we would do next. There was a further delay from the police. I know that they have been very mindful of the sensitivities of the family at every stage, but ultimately that is, I am afraid, a question for them.

The right hon. Lady asks about barriers to justice being done. Ultimately, that must be for the CPS and the police to decide, and we are obviously in close contact with them, but I am currently aware of no barriers to justice in this case. At every stage during this process, I have been keen to ensure, as have my officials, that we can remove any obstacles to justice being done.

The right hon. Lady talked about the need for transparency, which I know she has made some remarks about in the media. In the same spirit, I point out that, while we have never had a case that has tested these arrangements since 1995—at least, as far as I am aware, and I have checked very carefully—the arrangements were reviewed in 2001. That review was an opportunity to address this issue. It was left unresolved, but the number of staff at the Croughton annexe was substantially increased. In fact, it doubled in size.

That is the full background to not only this case but the arrangements made for the Croughton annexe. I think that the whole House will join me in not only expressing our condolences but trying to ensure that, independently and in the correct way, the police and the CPS are free from political interference and any bureaucratic obstacles to see justice done. Having talked to the parents of Harry Dunn, I know that ultimately, that is the solace that they are looking for right now.

**Andrew Lewer** (Northampton South) (Con): This awful loss has created a huge shock across Northamptonshire, but especially in the constituency of my right hon. Friend the Member for South Northamptonshire (Andrea Leadsom), and I commend her for the work she has done over this. All that sadness is nothing compared with that of the family. My right hon. Friend the Foreign Secretary has made comments about avoiding political interference, given the judicial proceedings that we seek. Does he agree that all of us must be mindful of the need to be extremely careful, given the desired objective?

**Dominic Raab:** My hon. Friend is right. It is particularly incumbent upon me as the Foreign Secretary to ensure that, while remaining in touch with the family, which I have been at pains to do, and clearing the obstacles, there is nothing inadvertently that I do, or that the FCO does, which could later allow a particularly innovative defence lawyer to claim that the proceedings had been prejudiced in advance. I have taken that duty very seriously.

**Stephen Gethins** (North East Fife) (SNP): I would like to express my condolences to Harry Dunn's family. For a family to lose a child and a loved brother is

appalling, but these are particularly appalling circumstances, and it is particularly appalling that a grieving family is having to endure this, as the Foreign Secretary acknowledged. He also acknowledged that this is a police matter, but there are concerns. Will he reassure me that every pressure will be brought to bear on the US authorities, to see that justice is done? Special relationship or none, these things have to go both ways. That means that the US authorities must co-operate fully, which means that if the Crown Prosecution Service seeks extradition—I know he cannot comment on this—it must be given.

What can the Foreign Secretary tell us about the advice that was given to Northamptonshire police and the immigration service about immunity? I am glad that he is undertaking a review, and I was concerned when he said that the current arrangements are not right. When can we expect him to come back to the House with the findings of that review? To echo what the shadow Foreign Secretary said, he must publish the documentation that has been asked for. I would like him to set out the timescale for the review and give us some reassurances about the US Administration. This is a deeply sad and tragic case, and justice must be done.

**Dominic Raab:** I echo the hon. Gentleman's condolences and thank him for the remarks he made at the outset. He asked about pressure on the United States. We have made very clear our disappointment with the refusal to waive, and we have requested a reversal of that decision at every level in the Administration, from the ambassador here through to the representations that the Prime Minister made to the US President.

The hon. Gentleman asked about requests for extradition. They would, of course, be made by the CPS under the UK-US extradition treaty. I am not aware of any obstacle, but I want to be very mindful of the responsibility I have not to say anything prejudicial. He also asked about the review of the arrangements at the Croughton annexe. I am keen for that to be conducted as soon as possible, and certainly before the end of year.

**Dr Julian Lewis** (New Forest East) (Con): Although the Foreign Secretary has given a very full account of the representations made to the American authorities, he has not given any narrative of what the American authorities said in return, in justification of their behaviour. Can he throw any light on what their attitude and excuses are, and can he at least confirm that it had nothing to do with the nature of this lady's husband's job?

**Dominic Raab:** Nothing that was communicated to us touched on the point that my right hon. Friend made. There was not a particularly clear reason other than, as a matter of practice, the US made it clear that it would not waive immunity in a case like this. I appreciate that, from the point of view of the family and, indeed, the Foreign Office, that is unsatisfactory.

**Dr Rosena Allin-Khan** (Tooting) (Lab): Tonight a family are grieving and going through something that we find incomprehensible, and yet they know that there is a lady over the Atlantic who has all the answers. Does the Secretary of State think it is outrageous that the family were taken to America to face an ambush in the White House by Mrs Sacoolas, who has not returned to the UK to face justice?

**Dominic Raab:** I thank the hon. Lady for her question. The first thing I should say is that I think the fact that the US President was willing to meet the family directly was a positive. I certainly think that the sensitivities of handling the introduction with Mrs Sacoolas could have been done better, although I know from the family and their representative that they want to not only see the individual concerned co-operating with the police but also understand a bit more about what happened from her. I think that it was done with the best of intentions, but I agree that the handling of it left something to be desired.

**Michael Tomlinson** (Mid Dorset and North Poole) (Con): No one can fail to be moved by the tragic circumstances surrounding the death of Harry Dunn. The Foreign Secretary has carefully set out what steps he has undertaken and plans to undertake. He said that the Foreign Office has formally requested the US embassy to waive immunity. Can he confirm that, however much any of us wishes it were otherwise, it is simply not lawful or possible for him unilaterally to remove immunity?

**Dominic Raab:** My hon. Friend is absolutely right. In addition to that, it clearly would not be possible or responsible for the police to try to do so. They are there to uphold the law, and however unfortunate the circumstances are, we cannot ask them to do the reverse.

**Jamie Stone** (Caithness, Sutherland and Easter Ross) (LD): This is truly a dreadful business, and it is quite clear to me and my party that the Government take this most sorry episode very seriously indeed. The events of 15 October come over to me and, I am sure, many people in this country as being some sort of hideous play on comic opera, with Harry's parents taken to the Oval Office, where, almost by sleight of hand, Mrs Sacoolas, was in the next room. Surely that cannot be within the

rules of diplomatic engagement, and surely we should make representations to say that it is not acceptable for our citizens to be treated in this fashion.

**Dominic Raab:** As I said in my opening statement, we had made it clear that we were willing to support the family directly, and they have a representative who acts on their behalf. We were not asked for any support in relation to the US visit, and those arrangements were therefore made, I assume, between the representative and the US Government. Ultimately, at all these points, it is impossible to overstate the anguish and frustration that the family feel at every new bureaucratic hurdle that is placed in their way. I understand that, and that is why we have been so mindful about removing those obstacles, because the thing that this family want above all is to see justice done.

### BILL PRESENTED

#### EUROPEAN UNION (WITHDRAWAL AGREEMENT)

#### *Presentation and First Reading (Standing Order No. 57)*

Secretary Stephen Barclay, supported by the Prime Minister, Michael Gove, the Chancellor of the Exchequer, Secretary Priti Patel, Secretary Julian Smith and the Attorney General, presented a Bill to implement, and make other provision in connection with, the agreement between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union which sets out the arrangements for the United Kingdom's withdrawal from the EU.

*Bill read the First time; to be read a Second time tomorrow, and to be printed (Bill 7) with explanatory notes (Bill 7-EN).*

**Mr Speaker:** Item one of the scheduled business is voided, in the light of the statement and ruling that I gave shortly after 3.30 pm, so that business does not take place today.



## Business of the House

### *Motion made, and Question proposed,*

That, in respect of the European Union (Withdrawal Agreement) Bill, notices of Amendments, new Clauses and new Schedules to be moved in Committee may be accepted by the Clerks at the Table before the Bill has been read a second time.—(*Rebecca Harris.*)

**Mr Chris Leslie** (Nottingham East) (IGC) *rose*—

**Mr Speaker:** I can see that the hon. Gentleman wishes to contribute to the exchanges on this matter. He does not have to do a salute.

7.39 pm

**Mr Leslie:** Thank you very much, Mr Speaker. I was clearing my throat at that particular moment. I am grateful to have caught your eye.

This may look like an innocuous motion from the Government, essentially suggesting that hon. Members, prior to Second Reading, should be allowed to table amendments for the Committee stage, but these are highly unusual circumstances and this motion relates to probably one of the most momentous pieces of legislation that has happened certainly in the last 50 years. It is of course preferable to give hon. Members as much time as possible to table amendments for the Committee stage and potentially for the Report stage, although there is normally an intervening period between the Committee stage and the Report stage.

For the benefit of the House, I want to highlight that, as far as I know, the programme motion for this Bill has not yet been published, although I have heard some quite frightening rumours about what the programme motion is likely to look like. One suggestion I have heard—I invite the Leader of the House to disabuse me of this—is that, as well as seeking Second Reading tomorrow, the Government also intend to commence the Committee stage and have a number of hours in Committee tomorrow.

**Mr Speaker:** Order. I very gently interrupt the hon. Gentleman to say that that information was divulged, and therefore this prospect was foreshadowed, in the business statement that the Leader of the House delivered earlier, so it is not something on which we need to dilate further.

**Mr Leslie:** I am very grateful, Mr Speaker. I may not have been in the Chamber at that moment in time, but I am still quite shocked at the idea of having the Second Reading take place and then moving straight on to the Committee stage on Tuesday—tomorrow. The reason this is relevant to this motion today is that the House is expecting Members to frame and draft amendments to a Bill that we have not yet had the opportunity to see. It has just this preceding moment received its First Reading. The time is now 7.41 pm, and we are expected to table amendments for a Committee stage that will take place tomorrow—I think on clauses 1 to 4 of the proposed Bill.

While this motion is, I think, absolutely the minimum required, it is worth reflecting on the appalling notion that this Bill is going to be rammed through in this way and in this particular fashion. I say this for a very good reason. Many hon. Members will remember—the Leader of the House is too young, possibly, to remember many of these things—that the practice when considering

legislation that amends aspects of European treaties has quite a long pedigree. The House of Commons Library has rather helpfully produced a briefing paper about the parliamentary process of Bills in respect of EU treaties. We know that the Commons Committee stage on the treaty of Rome was not three days or two days, but 22 days; for the Maastricht treaty, 23 days; for the treaty of Lisbon, 11 days; for the treaty of Amsterdam, five days; for the Single European Act, four days; and for the smallest of them all, the treaty of Nice, three days. In total, there were five days of Commons consideration for the treaty of Nice reform.

This is an unprecedentedly short period of time to dedicate to a massive and momentous piece of legislation. Personally, I am very worried that the motion we are now debating is the first in a series of attempts by the Government to presage what is essentially the ramming through of a piece of legislation in what I regard as a disorderly way. Order in this place is a matter for you, Mr Speaker, but from my perspective, in terms of good law making, this has all the hallmarks of the Dangerous Dogs Act 1991 and all those other bad pieces of legislation. We know that legislation that has not had a chance to be properly scrutinised tends to end up with ill effects or unforeseen consequences for our constituents.

At a quarter to eight in the evening, what are hon. Members really supposed to do? Presumably, by now, the Bill has been published and is hot off the press and available for us to scurry to the Vote Office and look at. Perhaps the Leader of the House—I have not had the opportunity to see it—can tell me how many pages there are in that legislation. He is asking in this motion for us to go and write amendments to that piece of legislation and table those this evening for them to be in order for a Committee stage that is taking place tomorrow. I do not know whether the Leader of the House can say on how many occasions a Bill of such magnitude and importance has had a Second Reading and Committee stage on the same day. Perhaps he can give me some examples, but I do not see that that was the case in any preceding piece of European Union legislation going back to the early 1970s, before I was even born. I am really worried about this motion being the first of many such motions. I think it is necessary as an absolute minimum, but everybody needs to be alert to the fact that it is not just an unfair way to treat the House of Commons, but quite a dangerous approach to take.

**Bill Wiggin** (North Herefordshire) (Con): The hon. Gentleman may not have noticed, but the Bill has just arrived at the Speaker's Chair, and it is not as chubby as he might have feared.

**Mr Leslie:** I do not know what the hon. Gentleman's definition of "chubby" is, but this is 110 pages of legislation, with at least six complex schedules to it. Let me see what the tally of clauses is within it: there are 40 clauses in this particular piece of legislation.

Perhaps the hon. Gentleman can cite to me what he understands clause 38 to be or perhaps the Leader of the House can tell me what he thinks clause 39 is, but I doubt that they can. The point I am rather facetiously making is that it is impossible for them to have digested it in that time. I am quite sure that they and other hon. Members—I can see hon. Members beyond the Bar doing so—are saying, "Oh, this is just remainders making these points. Of course they're going to say that. That is

[Mr Leslie]

just what they do. They should just shut up, take it on trust and ram the Bill through or nod it through. Everybody's impatient, everybody's frustrated. We are really tired. Let's just do it." But that is not good enough. Our constituents' livelihoods and their jobs are at stake in what happens with this very significant piece of legislation.

**Stephen Gethins** (North East Fife) (SNP): First, the hon. Gentleman is making an excellent point. Our constituents will be profoundly affected by this significant Bill, and to try to ram it through for political purposes is something that I know my constituents will not accept. Secondly—and I notice the remarks on the Benn Act—we rely on the Government usually having control of the Order Paper, but we were able to get control of the Order Paper for one day. Does he therefore agree with me that perhaps the opposition parties should get some more days to consider issues that we think we should be debating?

**Mr Leslie:** I really do not want to be either greedy or unreasonable. I just think we need to be fair and give due diligence to this piece of legislation. I am not saying we should have—what was it?—the 23 days in Committee on the Maastricht treaty. By the way, when I was very young, I watched its passage from the Gallery in this place many moons ago. I know many Conservative Members, some of whom are still in the House, who fought that Maastricht legislation tooth and nail, and they tabled amendment after amendment during the 23 days in Committee. However, I bet hon. Members anything that if they were told at nearly 8 pm on a Monday night that they had to table amendments for a Committee stage that would take place some time on the Tuesday, the next day, they would be absolutely up in arms—and quite right too.

There are a number of consequences that follow, and they are relevant to the motion we are discussing now. For example, will Clerks be available this evening, and to what hour, for hon. Members to ask advice about drafting amendments that have to be taken tomorrow? Will those amendments tabled tonight be starred, which essentially means that there is no guarantee of their relevance on the amendment paper? What is the procedure in respect of tabling amendments this evening and their being regarded as legitimate? If they are tabled tomorrow morning, even at 8 am, will those amendments be valid, and equally valid by the time we get to the afternoon? People watching these proceedings may say, "Oh well, this is all very technical—this is the wiring of the House." These things matter, because important amendments may need to be tabled.

**Jamie Stone** (Caithness, Sutherland and Easter Ross) (LD): The hon. Gentleman is making a thoughtful case. Certain Government Members have suggested that the impasse that we seem to be in brings Parliament into disrepute and that public confidence in Parliament has been eroded. Constituents of mine who are watching this will say to me, "Jamie, you are kidding. You are putting this huge piece of legislation—something that could endanger our livelihoods—through in three days flat." I would suggest that that damages the reputation of this Parliament. [Interruption.]

**Mr Leslie:** The hon. Gentleman is quite correct, and I can hear the impatience of Ministers of the Crown bubbling over—not perhaps the Leader of the House, who does not often bubble over in that way. We are all fed up with this process, but we should not sweep under the carpet concerns about the legislation simply because Ministers of the Crown are impatient. This is our job. We are employed to do it, and we were elected by our constituents in 2017, long after the referendum in 2016, to scrutinise this legislation. [Interruption.]

**Stephen Doughty** (Cardiff South and Penarth) (Lab/Co-op): Madam Deputy Speaker, there is a lot of noise. The hon. Gentleman is making some strong points, but does he agree that there are many people in the House, on different sides, who want a deal to go through, or do not want a deal to go through, or want to amend things in different ways. There are varied views on Brexit, and they want to be able to table amendments, including to early parts of the Bill, in a proper way. I imagine that some members of the European Research Group might be unhappy with the first few clauses, which continue to assert the supremacy of EU law over UK law for the transition period. Other Members, including Opposition Members, who would like to see a deal voted through, would want to propose sensible amendments to improve the Bill so that they feel able to vote for it. I do not understand why the process is being rushed in this way.

**Mr Leslie:** The hon. Gentleman is correct. I am surprised that a Minister of the Crown did not propose the motion at the Dispatch Box—it was going to be nodded through had I not cleared my throat to let the Speaker know that I was worried about it when the Question was put. Perhaps the Leader of the House will reply to the debate. [Interruption.] I am glad he says that he will.

The hon. Gentleman was correct, because those first few clauses, which I understand will be debated tomorrow afternoon, if the programme motion succeeds, have many ramifications about which hon. Members are concerned. I point generally in the direction of where ERG members normally sit or lounge in various forms on the Government Benches. They are not here, and I gently suggest to the Leader of the House that in such exceptional circumstances—[Interruption.] Certainly not the hon. Member for Winchester (Steve Brine)—I would not say that he would ever be a member of the ERG; absolutely not, I know his views well. I wonder whether the Leader of the House, given the circumstances surrounding the motion, has taken exceptional steps to alert all hon. Members, perhaps with an email this evening saying that the clauses are likely to be debated and they will need to table amendments tonight if they are not to be starred amendments. Has he gone to any lengths to alert hon. Members to these unusual and, in my view, dangerous circumstances?

**Anna Soubry** (Broxtowe) (IGC): As I understand it, the hon. Members for Wigan (Lisa Nandy) and for Stoke-on-Trent North (Ruth Smeeth) obtained assurances from the Government that there would be a procedure whereby the House could consider properly, during the implementation period, the future trading relationship between us and the European Union. I do not know, but I have been told that it looks like that is not in the Bill. Have the two hon. Ladies been informed, because

given the hour it is difficult to see how they could table amendments to deliver the promise that was made to them by the Government?

**Mr Leslie:** It is indeed very serious. In this modern era, people think, “Oh well, politicians make promises across the Chamber, and if they are ignored or not honoured, that is just the nature of political to-ing and fro-ing.” That is not good enough, and I know that in his heart, if the Leader of the House makes a commitment at the Dispatch Box to hon. Members that certain amendments will be considered and given credence by the Government, he will allow time for amendments to be tabled. I am not sure that the timetable proposed in the motion is fair for those hon. Members. All it will do is annoy them further and offend them, and it will not necessarily win their support for the legislation. I suspect that he is making a rod for his own back with the timetable.

**Stephen Doughty:** To give a practical illustration—it is important that Members in the Commons and the Lords understand what has happened this evening—I became aware of the situation only 20 or 30 minutes ago. I went to the Vote Office and asked to see the programme motion if it had been published. The Vote Office told me that it did not have a copy and that I could not see anything. It told me that I might be able to find one in the Table Office. Members have not even had a look at the timetable. The vast majority have no idea whether or not they can table amendments, but they need to do so in relation to these parts of the Bill.

**Mr Leslie:** That is an incredibly important point, and I am sure, Madam Deputy Speaker, that you will want to reflect, in what appears to be not just an emergency procedure that the Government have invoked but a quite unprecedented one, on whether the programme motion details are available in the Vote Office. I am not sure whether that is the case.

**Madam Deputy Speaker (Dame Eleanor Laing):** Order. I was almost going to make a point of order—in fact I realise that I am making a point that, I think, is a point of order. It might help hon. Members to know—and this is perfectly normal procedure every day—that until tomorrow’s Order Paper is published, it is available for any Member to see in the Table Office. If anyone wants to see what is on tomorrow’s Order Paper, they can go to the Table Office and discover that. Once it is published it will be available in the Vote Office. The hon. Gentleman is correct, technically, but the information is there if Members wish to see it.

**Mr Leslie:** I have been in the House for very many years, Madam Deputy Speaker—more, perhaps, than hon. Members and I care to remember, but I did not know that I would not be able to obtain from the Vote Office details of a programming arrangement tomorrow for the Committee stage of a Bill that has not yet had its Second Reading. Now that this has been aired, we are all supposed to toddle along to the Table Office to obtain them—that is another innovation of which I was not aware—and I shall certainly do so.

**Stephen Gethins:** There is concern among Opposition Members—this will not surprise the hon. Gentleman or others—that the Conservative party never quite got to

grips with devolution. Does he agree that, given the short timescale, there is inadequate time for the Welsh Assembly and the Scottish Parliament to consider this in a proper fashion, as we should do through the devolution settlement?

**Mr Leslie:** I do not always agree with what happens in the Scottish Parliament or the Welsh Assembly, but they certainly have a right to be consulted, and certainly when a Bill of this magnitude is being railroaded through. If it were a one or two-page Bill with a couple of clauses, the Leader of the House would have a case to make: it would be a simple issue, and hon. Members could be fully aware of its contents.

There was no reason why the Government had to wait until this evening to publish the Bill. I do not understand the notion that it had to be withheld. I went to the Vote Office earlier this evening and asked to see a copy of the Bill. I was told, “Oh no, not until First Reading.” The Government have published draft legislation online for many years, so there was an attempt to withhold details—deliberately, I suspect—from hon. Members until after 7.30 pm, to make it as difficult as possible for me and other hon. Members to take the time to look at the Bill, find its flaws, draft amendments, consult the Clerks and ask for their assistance with the legal framing of such amendments, perhaps consult colleagues to obtain signatures for the amendments—there are only a number of hours to do that—then table the amendments in time for the Committee stage tomorrow of a Bill that has not even had a Second Reading. It really is a ridiculous state of affairs.

**Madam Deputy Speaker:** Order. I hesitate to interrupt the hon. Gentleman, but I will point out, just before he moves on to his next point, that there has been an innovation, and he has probably been instrumental in bringing it about. I am happy to tell the House that, as of a few moments ago, tomorrow’s Order Paper is now available in the Vote Office. It is not quite ready to be published, but it is on paper and it contains a lot of information. Any Member can find it in the Vote Office. I am grateful to the hon. Gentleman for drawing the matter to the attention of the House.

**Mr Leslie:** I am grateful, Madam Deputy Speaker. Ordinarily, I would be humbled to have had a hand in such an innovation, but I am actually a little annoyed that we have reached this state of affairs. In the past I have tabled the occasional amendment to such pieces of legislation, but in this case it will be quite a challenge. I am now more determined to table my amendments this evening, in the hope that they will reach the Order Paper. I would therefore like to apologise to the Clerks in advance, because I am afraid that I will be pestering them later tonight, possibly at quite a late hour, because what other choice do we have in our democracy?

**Mike Wood (Dudley South) (Con):** I know how concerned the hon. Gentleman is about pestering the Clerks at a late hour, but he could make that hour somewhat less late if he wrapped up his contribution now and got on with drafting his amendments.

**Mr Leslie:** Well, the hon. Gentleman’s intervention has just added a minute to that process. That is always the way with Government Members; it is a case of, “Just shut up; sign on the dotted line; don’t criticise;



[Mr Leslie]

everybody's tired; don't bother looking at this; take it all on trust." That we have reached such a situation is perhaps a consequence of having opened the Brexit box in 2016. It need not be this way. There is false cause for the 31 October deadline that the Government are rushing towards, which is all about the promises that the Prime Minister has made in various political circumstances. We know that an extension request has been made, and we know that it is entirely feasible. There is no real reason to truncate proper scrutiny of this legislation.

I, for one, learned only today that article 271 of the deal that the Prime Minister has struck with the European Council contains proposals that will mean that goods being shipped across from Northern Ireland to Holyhead or Liverpool will need an exit summary declaration form to be shown in order for them to cross the Irish sea within the United Kingdom. I am staggered that we are seeing that level of fettering of the transmission of goods within the United Kingdom. I would like to table an amendment on the impact that will have on constituents in Northern Ireland and Great Britain.

**Jim Shannon** (Strangford) (DUP): Last Friday one of the supermarket giants told the agrifoods sector in Northern Ireland that it could no longer source all of its chicken product in Northern Ireland, because that was simply becoming too expensive as a result of the matters that the hon. Gentleman refers to. That means that the agrifoods sector in Northern Ireland will lose 80% of the chicken business with that supermarket giant. That is an example of what is happening, yet the Government are telling us that it will make no difference and that we will be okay. Well, we are not going to be okay.

**Mr Leslie:** The hon. Gentleman is completely correct. What makes it worse is that he and I might want to table an amendment—it would be to the early clauses of the Bill—seeking to mitigate the impact of that proposal, or indeed to remove it altogether, but potentially we will have to table it tonight for consideration tomorrow. How on earth are we legitimately supposed to do that? I know that we will have another debate on the programme motion tomorrow—I might seek to catch your eye on that occasion, Madam Deputy Speaker—but tonight we are debating a motion on whether the House should allow hon. Members to table amendments this evening, with the good grace of the Government, so that they can be considered tomorrow. I think that is the absolute minimum requirement, but this is a very bad business indeed.

**Luciana Berger** (Liverpool, Wavertree) (LD): I thank my hon. Friend for giving way, and I apologise for not being here for the start of his remarks—I was getting a copy of these two documents. How on earth am I supposed to digest 110 pages of a Bill and 122 pages of accompanying explanatory notes, before determining what my amendments might be and how to attach them to the right part of the Bill?

**Mr Leslie** *rose*—

**Madam Deputy Speaker (Dame Eleanor Laing):** Order. I beg the hon. Gentleman's pardon, but I do not think that the hon. Lady was here for the start of these

proceedings. Was she? Perhaps she had been here but then went out. That is fine, but we have to be a little careful about sticking to the normal rules. We are in an unusual situation, but we will observe the normal rules. If she was here, that is quite all right, but I thought that she was making a point that had already been made—of course, it would not be unusual for a point to me made more than once.

**Mr Leslie:** Of course my hon. Friend did explain her circumstances; she saw that we were debating an issue that she is concerned about. She quite rightly questions how on earth, logistically, she is supposed to read the Bill, draft her amendments, consult the Clerks, discuss the amendments with hon. Members who might want to sign them, and then table them before the close of business this evening. Other hon. Members watching these proceedings from their offices will also be thinking that this is the most important piece of legislation for decades, affecting their constituents, the manufacturing sectors and the service sectors, and with public services expecting revenues that will now not come in because the economy will be adversely affected. It affects so many people and all aspects of their lives. That includes businesses in Northern Ireland that did not realise that they would have to get an export summary declaration just to ship their goods across the Irish sea. Yet we are all supposed to table amendments for consideration in Committee tomorrow, on the same day as Second Reading. I am absolutely staggered that the Government have the brass neck to come to the House with that proposal.

**Tom Brake** (Carshalton and Wallington) (LD): Does my hon. Friend agree that if we had more time to debate these issues, it might be possible to clarify the cost to business of the forms that he has just mentioned, so that we get a better understanding? It could be a phenomenally large figure. We know that Her Majesty's Revenue and Customs has costed some of the changes under a no-deal exit at £15 billion, in relation to the customs forms that might need to be completed.

**Mr Leslie:** It is sometimes said from the Government Benches—perhaps not necessarily by the Leader of the House—that with a billion here and a billion there, pretty soon it adds up to quite a lot of money. The issue of an impact assessment has already been raised. My hon. Friend the Member for Liverpool, Wavertree (Luciana Berger) and I have already tried to see whether there is a chance of having some level of analysis, which of course was disparaged by the Leader of the House. He said that in his entire career he has never seen a piece of analysis that he agreed with—I really think he treats the whole profession of researchers and analysts with great disdain.

It really is not on for the Government to expect hon. Members, under the terms of this motion, to have a fair and decent opportunity to frame amendments for consideration in Committee tomorrow. I appeal not just to the Leader of the House to reconsider, but to the Chair—to you, Madam Deputy Speaker—to protect the interests of Back Benchers on the practicalities of how we are supposed to frame amendments tonight and then seek the advice of the Table Office, the Clerks and others, because this is a totally unacceptable state of affairs.

**Several hon. Members** *rose*—

**Stephen Doughty:** On a point of order, Madam Deputy Speaker. I want to respond to your helpful comments about the programme motion and the information now available in the Vote Office and the Table Office—thank you for that. In the past the Clerks have been incredibly helpful to me and to other Back Benchers who want to table amendments to such complex pieces of legislation. They have often emailed the programme motion to all Members of the House, along with the Bill and other documents. Given the late hour and the rush in which this is being done, it would be very helpful if the programme motion and the Bill could be emailed to all Members, and made available on the House of Commons apps, along with information on the availability of Clerks to help with amendments if this motion passes, so that we have fair play on a level playing field and everyone knows where they stand.

**Madam Deputy Speaker (Dame Eleanor Laing):** The hon. Gentleman makes a very reasonable point, and I shall endeavour to find out what can be done to help hon. Members. I assure him and the House that whatever can be done will be done to expedite these processes and to make it easier for hon. Members to become conversant with exactly what will happen tomorrow and on subsequent days.

8.10 pm

**Richard Graham (Gloucester) (Con):** I rise to make a couple of observations on the debate so far on the business of the House raised by the Leader of the House. I am afraid that I do not share the views of the hon. Member for Nottingham East (Mr Leslie), with whom I have had many friendly exchanges over the past 10 years, because the vast majority of what will be discussed until midnight tomorrow, midnight on Wednesday and for as long as it takes on Thursday has been discussed in this House for three and a half years in huge detail. The idea that at this stage there is not enough time to come up with a reasoned amendment could be true only in one small and particular way, which I will come to. However, the bulk of the issues that we will discuss on Second Reading—money, citizens' rights and Northern Ireland—have been discussed and laid out in vast detail for a very long time. To suggest otherwise is frankly disingenuous and close to showing disrespect for our constituents, who feel that this has been going on for a large slice of their lives.

There is one way in which the Bill that will be presented tomorrow has changed relatively recently, and that is therefore relevant. I daresay that my hon. Friend the Member for Strangford (Jim Shannon) will have similar views on this. The provisions of the Northern Ireland protocol have been significantly revised. There are some 100 pages to the Northern Ireland protocol in the original agreement and the changes that have been made affect only a relatively small number of pages. None the less, they have a considerable impact on those in the United Kingdom who either live in Northern Ireland or have significant business across the Irish sea.

I therefore seek the thoughts of the Leader of the House on how the House, and particularly those of us who represent the Conservative and Unionist party, can best be reassured about the impact of business trading arrangements between Northern Ireland and Great Britain, because I am quite sure that just as the Government's clear intention is to ensure minimal change to the

existing arrangements between Northern Ireland and the Republic of Ireland, they surely also intend to ensure that there is minimum change in the arrangements between Northern Ireland and Great Britain. If the Leader of the House can reassure us on those points and on how the Government will be able to provide further information for us all before tomorrow evening's debate, that would be extremely welcome.

In other respects, much of what is in the documents that have been laid in the Vote Office will be extremely familiar to Members, and I am sure that we will cover them in more detail tomorrow evening.

8.13 pm

**Anna Soubry (Broxtowe) (IGC):** I gently say to the hon. Member for Gloucester (Richard Graham) that his last remarks really are palpable nonsense, because the Prime Minister has told this House—in fact, he and all the other members and supporters of the Government have been very proud to tell us all this in no uncertain terms—that he has negotiated a new deal. It is not a little variation here or a change there, but a new deal. Sadly, I now find myself in a position where, even though in recent times, I do not agree with pretty much anything that our Prime Minister says, I absolutely agree with him on this: he has indeed negotiated a new deal. It is not good enough for Government Members to blithely trot out what are now becoming really offensive comments and lies, saying that anybody who has—*[Interruption.]* Let me finish. They say that anybody who has almost the audacity to say that we should look at things in the normal manner, especially something of such magnitude that will impact on our country, our children and grandchildren for generations to come, is trying to thwart the will of the people and do something profoundly wrong and undemocratic. It is simply not good enough.

I respectfully suggest that the simple truths are as follows. It is undoubtedly the case that the majority of people in this place share exactly the same views as all the people we represent. We are all fed up to the back teeth with Brexit. Some of us have been saying that for quite a while, but just because it has been three and a half long years—not helped by such things as calling a general election, which did not solve the impasse in this place but merely added to it—does not mean that we should all become frightfully impatient and rush towards the final post, especially given the huge change that has been made to our future relations with the European Union.

I read the Irish protocol not just once, but twice, and the second time that I read it I was even more disturbed than the first. Right hon. and hon. Members might remember that I stood up in this place last Thursday—days go into a blur, as you will understand, Madam Deputy Speaker—and said that on first reading, it represented two very important changes. One is that it removes the backstop not just for Northern Ireland, but for England, Wales and Scotland, so for England, Wales and Scotland that backstop, which was the bare-bones customs union, has now gone completely. In effect, in the absence of the free trade agreement, which will not be negotiated in the 10 months that, in reality, will be available to negotiate it, we will leave at the end of the so-called implementation/transition period without any deal. We will fall back on World Trade Organisation rules. I believe that the hon. Member for Gloucester does not want that—I have

[Anna Soubry]

always believed that—but I say respectfully to him that he has to understand what has happened to the party that I used to be a member of. It has now swung over to the hard Brexiteers, and the European Research Group, with its determination to get that very hard, no-deal Brexit, is now running the show, so we absolutely face that very real prospect.

**Richard Graham:** As I am sure the right hon. Lady will agree—she has been the victim of this herself over the past few years—keeping a close control on language is really important. She says that I have been speaking “palpable nonsense”. I ask her gently to withdraw that, because the point that I made was that the only bit of the withdrawal agreement that has been renegotiated is the Northern Ireland protocol. That is fundamentally at the heart of what is being presented to us tomorrow and that is exactly what she defined herself.

As for the right hon. Lady’s comments about what I do or do not think about future trade arrangements and so on, I am very grateful to her for speaking on my behalf, but I can do the job myself—it is okay. As for our fellow colleagues on the ERG, what they think and what they are feeling, that is, again, entirely up to them and I am not acting as a spokesman for them either. What is under discussion this evening is simply the business of the House and how long we will have to debate the changes that have been made and the legislation that we are being asked to approve. I am in support of that and she is not; that is perfectly understandable.

**Anna Soubry:** Even I do not do interventions as long as that, Madam Deputy Speaker. I have just explained to the hon. Gentleman that this is not simply a change to the Northern Ireland protocol. [Interruption.] I will say it more gently: with respect, that is not the case. Yes, there is a change to the Northern Ireland protocol, but there are two other big changes. First, England, Scotland and Wales now find themselves without any customs union backstop. Secondly, in relation to our future relationship with the European Union, there were provisions in the political declaration and the withdrawal agreement that would have ensured as close a relationship with the EU in the future as possible, but those have been taken out. That is precisely the sort of amendment that hon. Members may want to make to the Bill, to put those things back into the agreement.

I will conclude by turning again to Northern Ireland. Nobody, especially a Conservative and Unionist, should be under any doubt about the profound changes that this deals makes to our United Kingdom. It does not just set up a border in the Irish sea; we have heard one example of the sort of regulatory changes and consequences it will have for businesses in Northern Ireland and those in the rest of the United Kingdom taking in their goods, and from the hon. Member for Strangford (Jim Shannon) we heard of the real-life consequences for businesses and people in Northern Ireland.

Over the past three and a half years, I have had some connection with various people in Northern Ireland. Some of us have done radio and television programmes in that time—I did one such programme today—and I have had other experiences and people contacting me. There is real anger in Northern Ireland, and not just from the Unionist community; it is found right across

Northern Ireland from people who now see that they are to be treated entirely differently from the rest of the United Kingdom. That cannot be right, and not only is it not right for Northern Ireland; the consequences in Scotland—here I fall out with my friends in the Scottish National party—will undoubtedly be profound, because their cause, which they champion so ably if not always successfully, will be enhanced. It is important therefore that amendments to the Bill, which has profound consequences for our Union, be made properly.

**Stephen Gethins:** Come the next independence referendum, the right hon. Lady, who I respect, and I will be on different sides, but I want to make it clear that throughout this process the SNP has worked constructively with colleagues across the House. I do not want to see our friends and neighbours south of the border subjected to the disastrous jobs-destroying kind of Brexit we both oppose. I want to reassure her that we will continue to work with her even if the end points for us both might be slightly different.

**Anna Soubry:** I am very grateful to the hon. Gentleman for that.

**Steve Double (St Austell and Newquay) (Con):** On a point of order, Madam Deputy Speaker. Far be it from me to try to do your job, but I thought we were debating the business of the House motion. We seem to be rehearsing a debate that we are likely to have all over again tomorrow.

**Madam Deputy Speaker (Dame Eleanor Laing):** I thank the hon. Gentleman for his point of order. He makes a very reasonable point. I have been listening very carefully to the right hon. Lady. She is straying towards being out of order, but as yet she is not out of order. I take the position that she is addressing the need for the Bill to be done unusually quickly and so I have allowed her to deal with those issues. That said, I am quite sure that she will not stray further than she ought to.

**Anna Soubry:** I have very nearly finished.

The hon. Member for Fife—

**Stephen Gethins:** North East Fife.

**Anna Soubry:** North East Fife—very pleasant place. He made exactly the point. He and his party may well want to table amendments to this important Bill, but we know what is happening and the constraints that have been placed on the tabling of those amendments and on the debate.

**Jamie Stone:** I would like to make two points. First, as Members have heard me say before, my wife is from Northern Ireland, and I completely endorse the point about the concern in the Six Counties about the speed with which the Bill is to proceed. Secondly, as the hon. Member for North East Fife (Stephen Gethins) said, the consultation with Holyrood and the Welsh Assembly has not been at all in the spirit of devolution, which is most regrettable, to say the least. That is because the Bill is being rammed through at an unholy gallop.

**Anna Soubry:** I completely agree with the hon. Gentleman and endorse everything he says.



Finally, I must put this on the record yet again. I am sick and tired of people in this place claiming that people who share my views about the need for a people's vote never vote for anything. It is a fact—history will record it—that there was a time before the general election in June 2017 when a consensus existed in this place to deliver on the referendum in the least harmful way to trade and prosperity. The SNP, Conservatives, Labour, the Lib Dems, Plaid Cymru and several Independent Members would have voted for the single market and the customs union—and on many occasions we did. It may not be some hon. Members' version of Brexit, but the consensus was there. We could have done it years ago, but unfortunately a Conservative Government wrongly took a different view by setting down red lines and did not form a consensus. If we have the time to consider and amend the Bill properly, who knows—we could yet find that consensus.

8.26 pm

**The Leader of the House of Commons (Mr Jacob Rees-Mogg):** I am conscious of what you said, Madam Deputy Speaker, about sticking to the terms of the debate and the motion in my name.

I thank the hon. Member for Nottingham East (Mr Leslie) for his characteristically civilised approach to the debate—he always ensures that the temper of the House is kept relatively cool—and for the important points he made, but the motion is very narrow and is merely a facilitation for the House. It is not really about what happens tomorrow, when there will be an opportunity on Second Reading, as is now customary, to debate the programme motion, if that is what people want. It merely relates to amendments to the European Union (Withdrawal Agreement) Bill.

As I said in my business statement earlier, the public expect us to do what is necessary to pass the Bill so that we can leave with a deal on 31 October. That is the reason for the urgency.

**Stephen Gethins:** Perhaps the Leader of the House can reassure me on the point we raised about the devolved Administrations. I do not think this Conservative Government take the devolved Administrations into account. How will they be involved, will the legislative consent motion be granted, and what did he make of the joint letter from the First Ministers of Scotland and Wales that was delivered to the Prime Minister today?

**Mr Rees-Mogg:** The Government always take the concerns of the devolved Administrations very seriously. Leaving the European Union is primarily a reserved matter—it is a matter for the United Kingdom Government—but that is no reason not to have constructive and continuous engagement with the devolved Administrations.

The Government tabled a programme motion today. You said that it was available in the Vote Office, Madam Deputy Speaker, but I wonder whether it might be useful to Members who have not had a chance to go to the Table Office if I were to run through the timetable briefly, for the sake of *Hansard*. You nod most elegantly, Madam Deputy Speaker, and I take that as an encouragement to carry on.

The Second Reading debate will be a normal Second Reading debate, and will continue until 7 pm tomorrow. The programme motion proposes three hours of debate

after its commencement in the first stage of the Committee procedure. On the second day, there will be 12 hours of sitting divided into four sections of three hours, with a three-hour section specifically reserved—the right hon. Member for Broxtowe (Anna Soubry) may be pleased about this—for motions relating to a second referendum. Members who are concerned about that issue will therefore have an opportunity to debate it. On Thursday, there will be eight hours for proceedings on consideration up to and including Third Reading: six hours on the Report stage, and two hours on Third Reading.

**Mr Leslie:** I am not entirely sure how a programme motion could necessarily relate to amendments that have not yet been tabled, but will the Leader of the House please clarify which parts of the Bill he intends to be covered in the Committee stage tomorrow?

While I have the Floor, may I ask another question? The position of Leader of the House covers some of the role of safeguarding the interests of Members, although I know that that is primarily the role of the Chair. May I ask what facilities will be available this evening to assist Members with the drafting of amendments for a Committee stage that will begin tomorrow?

**Mr Rees-Mogg:** Tomorrow's proceedings in Committee will be on clauses 1 to 4, new clauses relating to part 1, and new schedules relating to part 1. Further details are, of course, available on the printed paper.

**Luciana Berger:** Will the Leader of the House give way?

**Mr Rees-Mogg:** I am not going to give way.

**Luciana Berger:** I wanted to ask for clarification.

**Mr Rees-Mogg:** Oh well, all right. I am sorry if I have not been clear.

**Luciana Berger:** I am grateful to the Leader of the House. I ask this question for the record and for the benefit of people outside this place, and also, in fact, so that I myself can fully understand the position. If Members wish to submit amendments to part 1, what will be the last moment at which they are able to do so?

**Mr Rees-Mogg:** The last moment for submitting amendments will be the point of Second Reading. It will, of course, be at the discretion of the Chairman of Ways and Means, but I should be very surprised if manuscript amendments were refused tomorrow. There will be time for amendments to be submitted right up until the completion of the Second Reading debate.

It is in the nature of the House not to assume anything, and the tabling of amendments is therefore always possible at a late stage if proceedings are taken in close proximity. That will be the position tomorrow, although obviously it is the Chairman of Ways and Means who determines what amendments are taken in Committee. It would be wrong for me to give an authoritative answer, but I hope that that is helpful general guidance on how things tend to work.

**Mr Leslie:** What about assistance for Members?

**Mr Rees-Mogg:** Tomorrow there will be a full service. The tabling of amendments tomorrow will prove acceptable, inevitably. Tonight a Clerk is sitting here working hard, as always. Clerks do work very long hours, and are very assiduous—we mentioned that earlier today, when we thanked the staff of the House for the work that they had done on Saturday—and I think I can reassure the hon. Gentleman that they will not work any less hard tonight.

This motion has one very simple purpose: to suspend the normal rule that amendments may be tabled by Members only once Second Reading has been achieved. We have tabled it simply for the convenience of Members, to make it easier for them to consider and then table any amendments. My intention today is purely to assist those who wish to table amendments, and I therefore encourage all Members to support the motion.

I apologise to those who have raised specific points in relation to the debate tomorrow. I will not respond to those points tonight, because that is not what this debate is about. I am sure that if they raise them on Second Reading they will receive full answers from those who participate in that debate, but if they feel that they have not received such answers, I will write to the Ministers concerned to ensure that they do receive them.

*Question put and agreed to.*

*Resolved,*

That, in respect of the European Union (Withdrawal Agreement) Bill, notices of Amendments, new Clauses and new Schedules to be moved in Committee may be accepted by the Clerks at the Table before the Bill has been read a second time.

## Business without Debate

### EUROPEAN SCRUTINY COMMITTEE

*Ordered,*

That Kate Green be discharged from the European Scrutiny Committee.—(*Bill Wiggin.*)

### SCOTTISH AFFAIRS COMMITTEE

*Ordered,*

That Christine Jardine be discharged from the Scottish Affairs Committee and Jamie Stone be added.—(*Bill Wiggin.*)

## Further Education: St Austell

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

8.35 pm

**Steve Double** (St Austell and Newquay) (Con): It is a joy for me to be able to bring this debate before the House this evening. I want to raise an issue that is very important to residents of St Austell: the future of further education provision in the town.

St Austell is the town where I was born and grew up. It is where I have lived and worked my whole life; I have raised my own family there and indeed was educated there. It is a town of contrasts, and it is a town with much potential.

It has an illustrious history, having been a bit of a boomtown, particularly as the heart of the Cornish china clay industry at its peak, when it was the beating powerhouse of industry in mid-Cornwall. It was an international exporter; it exported Cornish wares and, indeed, Cornish men and women around the world.

Nowadays the china clay, although still very important, does not perhaps have the impact it used to have, but we are still famous for the international attraction of the Eden Project and also as a bit of a film set. For those who watch “Poldark”, the port scenes are shot in Charlestown, the port nearest St Austell. We are quite used to seeing Ross Poldark around our area.

As well as exporting Cornish goods, St Austell and its hinterland now import hundreds of thousands of tourists every year—people who come to see our stunning bay and our beaches and our picturesque ports, and also to sample some of the amazing food and drink we now produce. We have lots to be proud of, and I am sure there is a bright future for St Austell and for Cornwall as a whole, thanks to the historic levels of investment that the Government are putting in. But along with the positives there are also a number of challenges. There are several wards in St Austell that are among the most deprived in the UK.

St Austell is a populous town for Cornwall; it has the biggest population of any town in Cornwall, and one thing that it has had throughout its history is a rich education provision. It has two very good secondary schools, and I think I am right in saying that one of them is the only state comprehensive school that currently has two former pupils as sitting Members of this House: Poltair school in St Austell is where I and my hon. Friend the Member for Wycombe (Mr Baker) were educated, and we are very proud of that.

Previously St Austell also had two colleges. It had a sixth-form college that served both the secondary schools and also the Mid Cornwall College of Further Education, where I studied for a diploma in business studies way back in the 1980s. Throughout that time it had further education provision that was easily accessible and on the doorstep for those who lived there and wanted to further their education in either of those colleges. Many people, like me, remember those days very fondly.

However, in recent years the two colleges—the sixth-form college and the FE college—merged into one college under the oversight of Cornwall College, having its campus in St Austell, fittingly in the building that was formerly the headquarters of English China Clays; that is one of many Cornwall College campuses across Cornwall.

It is true to say that Cornwall College has faced a number of fairly substantial challenges in recent years, largely through poor leadership and financial mismanagement. Its 2017 post-16 area review report highlighted the fact that it was not financially viable or resilient and that it had weak solvency, but recommended that it should remain a stand-alone college. I am grateful that, as a result of that review, the Government invested £30 million of Government funding in the college to restructure its finances and put it on a more secure footing. In return for receiving that funding, Cornwall College has committed to significantly changing its operating model, a process known as Fresh Start. A modern and secure IT system infrastructure will also be implemented, and there will be investment in exceptional training and learning experiences for students and for businesses.

I am afraid that some of Cornwall College's challenges still persist, however, and some are the result of a new college, Callywith College, opening in Bodmin just a few years ago. That college is run by the Truro and Penwith College Group, and its opening has led to Cornwall College in St Austell haemorrhaging A-level students to the Bodmin campus. We were told that the reason for Callywith opening was that it would expand the choice of provision across Cornwall. At the time, I had grave reservations about the impact that the new college would have on the Cornwall College campus in St Austell and, sadly, my concerns have proved to be well founded.

**Jim Shannon** (Strangford) (DUP): I thank the hon. Gentleman for giving way. I spoke to him beforehand in relation to this. Does he recall the 2012 report of the Commission for Rural Communities, which showed the existence of a rural dimension to barriers to training, careers advice and youth services? As the representative of a market town constituency like my own, does he agree that it is essential that these barriers are broken down?

**Steve Double:** I am grateful to the hon. Gentleman for intervening—I would have been disappointed if he had not intervened on me in the Adjournment debate this evening—and he makes a good point. I must admit I am not familiar with the report that he refers to, but I agree that there are a number of barriers to young people in many of our rural market towns getting the training opportunities, education opportunities and further education opportunities that they need in order to fulfil their potential. That is precisely the point I am making tonight. I am seeking to ensure that we protect the opportunities that we currently have in the town of St Austell and, hopefully, improve them.

As I was saying, the opening of the new Callywith college campus has had a detrimental impact on Cornwall College in St Austell. We will not improve choice for students if the opening of a new college results in the college in their own town stopping the provision of A-level courses, which is precisely what happened earlier this year. In August, the day before the GCSE results were released, Cornwall College in St Austell announced that it would no longer be providing A-level courses for new starters. This was due to the falling numbers of students enrolling on the courses.

Apart from the way in which the communication of that decision was handled—being announced at a time when students were anxious enough about getting their

GCSE results without having this issue dropped in their lap—the decision has left in doubt the future of long-term provision of A-level courses in St Austell. It cannot be acceptable that the town with the largest population in Cornwall does not have A-level provision locally. At a time when we are encouraging our young people to stay in further education until they are 18, this decision is unhelpful in trying to achieve that end. Moreover, many of the most deprived wards that I referred to earlier are within easy walking distance of the St Austell campus, and those students and their families will now face the challenge of having to pay hundreds of pounds a term, in some cases, for transport to get to either Bodmin or Truro. Additionally, many potential students may be put off doing A-levels if they face a commute of perhaps an hour at the beginning and end of each day. The loss of the A-level courses will be detrimental to social mobility for the young people of St Austell.

I joined colleagues across the House to welcome the Government's recent announcement of an additional £14 billion for the education system. Many schools across Cornwall will benefit from that additional funding, which will go some way to closing the historical funding gap that schools in Cornwall have faced. I particularly noted the £400 million that will enhance and protect further education provision. It is clear that St Austell's current and future young people need A-level provision locally in order to fulfil their potential. It is crucial for social mobility that our young people are able to achieve their aspirations and have access to A-level courses.

The provision of further education across Cornwall needs to be reviewed and looked at strategically. Part of that review needs to include a determination to maintain as wide a provision as possible in the town of St Austell. Truro and Penwith College is seeking to expand its provision in Bodmin and to change the status of Callywith College into a free school to enable that expansion. That would mean more than £30 million of DFE free-school investment being handed over to the further education sector. Will the Minister look carefully at the proposals before agreeing to anything and consider the wider impact of any further expansion of Callywith College in Bodmin on the provision of further education by Cornwall College? Having invested tens of millions of pounds in both Cornwall College and Truro and Penwith College, we must carefully consider the best way forward to ensure that the taxpayer gets value for money from that investment.

John Evans is the new principal of Cornwall College. He took up post at the start of last month, and I have spoken to him at length. He needs to be given the opportunity to improve Cornwall College's performance without the threat of aggressive expansion by another college some 12 miles up the road. If the Minister shares my concerns, we must maintain as broad a further education provision as possible in the town for the sake of social mobility and the future aspirations of St Austell's young people. Before any decisions are made that will change Callywith College's status and allow it to expand, will she ensure that the wider impact on further education in mid-Cornwall is carefully considered?

8.47 pm

**The Parliamentary Under-Secretary of State for Education (Michelle Donelan):** I congratulate my hon. Friend the Member for St Austell and Newquay (Steve Double) on



[Michelle Donelan]

securing today's debate. He is an excellent champion for his constituency and never misses an opportunity to stand up for his constituents.

I begin by emphasising and reassuring the House that further education provision is at the heart of the Government's plans. We have heard much today about how Cornwall College has removed A-level provision from the St Austell campus, how learners have been affected, and how students in the area need access to good-quality post-16 provision, and we take such matters seriously. The Government have a duty to protect the interests of students, which we always prioritise. However, it must be noted that decisions about the provision that a college delivers are for the college to make. Unfortunately, I may disappoint my hon. Friend a little this evening, but I will try to be as honest and frank with him as possible to help his constituents.

I appreciate that the decision will have been of concern to students who had already applied to the college. We cannot escape the clear fact, though, that A-level provision had been diminishing over time at the campus to around 100 learners over the two years of study. When we consider that the generally accepted minimum is that 200 learners are needed to ensure financial viability and quality within a school sixth form, the difference is stark. Quality must always be prioritised, as learners must continue to come first. It is also worth noting that the college had been offering around 13 A-levels, so with most providers offering in excess of 20 and the best providers offering up to 40, the choice being offered was somewhat limited. I am sure my hon. Friend wants his young constituents to have the choice they deserve in order to broaden their opportunities.

In addition, work at Cornwall College had shown that its A-level provision was making a loss, and a stocktake by the Further Education Commissioner questioned the quality of the learner experience with such low numbers. When the college took the decision to stop its A-level provision, it worked with other providers in the area to ensure that all applicants had a suitable destination to study. To be clear, no current student will suffer. The college will remain committed to ensuring that current learners can complete their second year of A-levels.

With the closure of A-levels at St Austell, potential learners will be faced with two options: alternative courses at St Austell, or A-levels at an alternative college or school. I appreciate that this will disappoint my hon. Friend, who is passionate about St Austell and the need for it to have its own A-level provision. Having looked into the local provision, I can see there is a wealth of post-16 provision in the area.

One example is Callywith College. Although the college has not yet been inspected, it has been open since 2017 and is supported by Truro and Penwith College, which has a long track record of being outstanding. Callywith College is now in scope for inspection, and results to date suggest strong outcomes compared with national benchmarks, which is extremely encouraging.

Callywith College, a 16-to-19 free school, is 15.6 miles from St Austell and offers 29 A-levels, substantially more than the current provision. The college is a 25-minute

drive away, and a bus service from St Austell and surrounding areas has been arranged, with the journey taking about 35 minutes.

Another option is Bodmin College, an 11-to-18 academy that is 13 miles and about a 20-minute drive from the St Austell campus. It offers 20 A-levels, and the journey on public transport will take a little over an hour.

The Truro campus is 25.5 miles and a 45-minute drive away, and it delivers more than 39 different A-levels. It is rated outstanding, so students already travel considerable distances to go there, although I appreciate that the journey on public transport would be over an hour.

I have heard my hon. Friend's concern about transport costs, but the Cornwall post-16 transport policy confirms support for all students with a journey in excess of three miles, so all those affected will qualify. The transport is subsidised at around 75%, with the individual paying the first £500, although providers have access to bursary funding that can offset all of that £500.

We must consider provision other than A-levels, and Cornwall College continues to provide a broad offer across its two general sites, with 40 courses available from foundation learning right up to level 3. Those courses cover a broad range from bricklaying to media, engineering and hospitality, giving students a broad choice.

The outcome of a Further Education Commissioner review of FE provision in Cornwall last summer was that Cornwall College had to work with Truro and Penwith College to consider how they would work together for the mutual interests of Cornwall learners.

I reiterate that choice and quality must always be at the core of our decision making, and they must remain our priorities because learners must always be at the heart of all decisions and provision. Although the college's decision was disappointing for the college and for learners in the area, it needs to be considered against a backdrop that it had been struggling financially for some time and was unable to rectify the situation. Since May 2017, it has been operating through a Fresh Start process, following the assessment of its financial health as inadequate in April 2016 and the recommendations from the area-based review in April 2017. Since July 2017, the Further Education Commissioner has engaged in formal intervention, with an initial stocktake completed in October 2017. As my hon. Friend pointed out, the college has applied for support through the Department's restructuring facility, and successfully secured in excess of £30 million. That cannot be used to support unviable provision; it is there to support the college to restructure and maintain sustainable provision.

The college has also been inspected by Ofsted, with the last inspection having taken place in May 2019, when the outcome was "requires improvement". That is not the type of provision that students in my hon. Friend's constituency will be getting at the other options. The self-analysis undertaken through Fresh Start, the Further Education Commissioner stocktake and the Ofsted review has required the college to undertake a fundamental review of its provision and estates, and make some difficult decisions in order to achieve long-term stability. Unfortunately, the decision before us today is one of those. The college's progress to sustainability has proved long and complex, and will take significant time to achieve. I can assure my hon. Friend and his constituents that we are carefully monitoring the situation. The Further

Education Commissioner's team is present at the monthly Fresh Start meetings and has undertaken two stocktakes over a period of five months, making 14 recommendations.

Nobody wants to see a college fail or struggle financially. It is in everyone's interest that the FE sector is on a stable footing and able to offer high-quality provision that delivers on our transformational policies such as T-levels, apprenticeships and better basic skills. Further education is at the heart of this Government's plans to improve productivity, fill the skills gaps and equip people with the skills that both they and the country need. So I know my hon. Friend will be pleased to learn that we are now actively considering the efficiency and resilience of the FE sector, and will be assessing how well current funding and regulatory structures support world-class provision. That is part of the Dame Mary Ney independent review.

It is also important to note that we are committed to ensuring that post-16 providers, including FE colleges, can deliver high-quality training. To that end, last month we announced significant increases in funding: overall 16-to-19 funding will receive an increase of £400 million in 2020-21 alone, which is an increase of 7% and the biggest year-on-year increase since 2010, with funding increasing faster for 16-to-19 than in five-to-16 schooling. That is on top of the additional £500 million per year

we are making available for T-levels, and this additional funding will ensure that we are building the skills that our country needs for us to thrive in the future.

I have noted my hon. Friend's concerns in relation to free school status and the potential change. My colleague Lord Agnew, the Minister responsible for the school estate, will be looking at that, and I am happy to facilitate a meeting between them and also a further meeting with me if that is of use.

In conclusion, I wish to thank my hon. Friend for bringing this debate to the House. I know that the removal of A-level provision from the St Austell campus will be disappointing to students who wanted to go there and to those who have studied there before and have a personal reminiscence of that. However, we can be reassured that we always prioritise quality and choice, so that all learners in the St Austell and surrounding areas will continue to have a wide range of high-quality post-16 options from which to choose. Those, taken together with our skills and technical education polices, will ensure that people of all ages in St Austell have the opportunity to get the education, training and skills they need and deserve.

*Question put and agreed to.*

8.58 pm

*House adjourned.*





# Written Statements

## UK-US Access Agreement

Monday 21 October 2019

### HOME DEPARTMENT

#### UK Counter-Unmanned Aircraft Strategy

**The Minister for Security (Brandon Lewis):** I am pleased to announce today that I am publishing the Government's UK Counter-Unmanned Aircraft Strategy ("the strategy").

In recent years unmanned aircraft including drones have evolved rapidly in capability, availability, and their uptake for commercial and leisure use. The development of unmanned aircraft technology presents significant opportunities. In coming years drones have the potential to revolutionise industries such as logistics and even personal transport.

We want to safeguard this potential in order to maximise the economic benefits drones can bring to the UK. This strategy aims to do that by setting out our approach to countering the threat the malicious or negligent use of drones can bring, as happened at Gatwick Airport in December 2018. It will provide the security the public and drone users require to continue to enjoy the benefits of leisure and commercial drone use, and facilitate the growth of the drone industry.

The Government have been working for some time to reduce the risks associated with illegal drone use. Since the Gatwick incident, we have made significant progress in our ability to respond to illegal drone activity. But given the challenge posed by rapid advances in drone technology, and the threat it has the potential to pose, the Strategy will provide overarching direction to our efforts.

The UK Counter-Unmanned Aircraft Strategy focuses on mitigating the highest-harm domestic risks resulting from malicious use of aerial drones. These include:

- Facilitating terrorist attacks;
- Facilitating crime, especially in our prisons; and
- Disrupting critical national infrastructure (CNI)

The strategy is forward-looking, flexible and will evolve along with the underlying technology to keep ahead of the threat. It encompasses the roles of both Government and industry, and sits alongside CONTEST, the UK's Counter-Terrorism Strategy, and the UK's Serious and Organised Crime Strategy. It offers a single vision to ensure coherence, efficiency and value for money. It will also promote UK prosperity and inward investment, showing our intent to create a safe and collaborative environment for the incorporation of drones into business and society, as well as for the UK becoming a world leader in counter-drone technology.

The strategy is only concerned with countering the malicious, illegal use of aerial drones. A forthcoming aviation strategy will set out the Government's strategy for the safe use of emerging aviation technology, including legal drone use.

Copies of the strategy are available in the Vote Office and to download from the [www.gov.uk](http://www.gov.uk) website.

[HCWS24]

**The Minister for Security (Brandon Lewis):** During the passage of the Crime (Overseas Production Orders) Act earlier this year, the Secretary of State for Defence, my right hon. Friend (Mr Wallace), the previous Minister of State for Security and Economic Crime, made a commitment to attempt to secure assurances related to the US use of the death penalty in relation to data acquired from a UK telecommunications operator pursuant to the UK/US agreement, and to formally update this House as to the outcome of those attempts.

The UK/US agreement was signed on 3 October 2019 and a Command Paper was laid before this House on 7 October. The agreement is a vital tool to facilitate law enforcement in the prevention, detection, investigation, and prosecution of serious crime, and to protect the public. It will remove any legal prohibitions which would otherwise prevent communications service providers (CSPs) in each country from complying with lawful orders for the production of electronic communications from the other, avoiding a conflict of laws and greatly facilitating the investigation and prosecution of serious crime.

We have agreed a binding position with the US, enshrined in the body of the agreement, preventing them from using material obtained from a UK telecommunications operator under the agreement as prosecution evidence in a US case where the death penalty may be imposed, unless they obtain the prior permission of the UK to use that material as prosecution evidence.

This will allow Ministers to make a decision on a case-by-case basis, continuing the existing practice under mutual legal assistance. It is the policy of this Government to continue to oppose the death penalty in all circumstances.

The death penalty has been recognised as a UK essential interest on the face of the agreement, enshrined in article 8 section 4:

Where an issuing party has received data pursuant to legal process from a covered provider, and

The United Kingdom has declared that its essential interests may be implicated by the introduction of such data as evidence in the prosecution's case in the United States for an offence for which the death penalty is sought;

Prior to use of the data in a manner that is or could be contrary to those essential interests, the issuing party shall via, the receiving party's designated authority, obtain permission to do so. The receiving party's designated authority may grant permission, subject to such conditions as it deems necessary, and if it does so, the issuing party may only introduce this data in compliance with those conditions. If the receiving party does not grant approval, the issuing party shall not use the data it has received pursuant to the legal process in that manner.

[HCWS25]

### NORTHERN IRELAND

#### Executive Formation: Extension Period

**The Secretary of State for Northern Ireland (Julian Smith):** The period for Executive formation under the terms of the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 is due to expire at the end of today, Monday 21 October.

I take extremely seriously my obligations towards the good governance of Northern Ireland in the absence of locally-elected Executive Ministers. The expiration of this legal period without an Executive in place, and in the absence of other decision-making legislation, would leave Northern Ireland in an unacceptable position.

For that reason I am today laying before Parliament a statutory instrument to extend the period for Executive formation to 13 January 2020, the only such extension permitted by the current legislation. That has the effect, among other things, of ensuring that Northern Ireland Departments can continue to make decisions in accordance with the Northern Ireland (Executive Formation and

Exercise of Functions) Act 2018 in the absence of Executive Ministers. The legal obligation on me to call an Assembly election would move too, to fall on that date. This does not prevent me from calling an Assembly election at any time.

I am disappointed that the political parties have been unable to reach an agreement to get Stormont back up and running before this legal deadline. But extending this legal deadline has no bearing on my continuing efforts to restore the Executive, which will continue in the days and weeks ahead.

[HCWS26]

# Petitions

Monday 21 October 2019

## OBSERVATIONS

### EDUCATION

#### Funding for Hollingwood Primary School

*The petition of Parents, carers, staff and pupils of Hollingwood Primary School,*

Declares that Hollingwood Primary School has seen a decline in funding per pupil of £297 and £249,143 overall in the sum allocated to the school between 2015 and 2019; further that the school is facing significant budget pressures as a result and is having to make changes to save money that impact directly on its ability to provide a well-rounded education for all pupils.

The petitioners therefore request that the House of Commons urges the Government to increase per pupil funding and reverse the cuts made to school budgets.

And the petitioners remain, etc.—[Presented by Judith Cummins, *Official Report*, 4 September 2019; Vol. 664, c. 317.]

[P002515]

*Observations from The Minister for School Standards (Nick Gibb):*

A great education is fundamental to the success of children, their families and our communities, as well as the success of our country. That is why we are investing a total of £14 billion additional funding for schools over the next three years, which will allow for a cash increase of £2.6 billion next year, with increases of £4.8 billion and £7.1 billion in 2021-22 and 2022-23 respectively, compared to 2019-20.

This is in addition to the £1.5 billion per year we will continue to provide to fund additional pension costs for teachers over the next three years. By 2022-23 the core schools budget will rise to £52.2 billion. This delivers on the Prime Minister's promise to increase school funding by £4.6 billion above inflation, levelling up funding to give all young people the same opportunities to succeed. The IFS has said that this investment will restore schools' per pupil funding to previous levels in real terms by 2022-23.

Overall, school funding is increasing by 5% in 2020-21 alone. We will continue to distribute that funding through the National Funding Formula (NFF), which ensures that funding is based on schools' and pupils' needs and characteristics, not accidents of geography or history. Next year this will also ensure that per-pupil funding for every school can rise at least in line with inflation next year; and faster than inflation for most.

We have now published illustrative figures for 2020-21 showing what each school has been allocated under the NFF for the next year, which is available at: <https://www.gov.uk/government/publications/national-funding-formula-tables-for-schools-and-high-needs-2020-to-2021>.

Under the NFF, Hollingwood Primary school will attract £4,176 per pupil for 2020-2—reflecting an increase of 4.6% in pupil-led funding compared to last year. Of

course, local authorities continue to remain responsible for determining school budgets at a local level, in consultation with their schools, so individual allocations may differ from the figures above.

A rich and varied curriculum is critical for a child's future success, and we trust headteachers to spend their budgets in a way that achieves the best outcomes for their pupils. In addition to this significant extra investment, we will continue to provide schools with practical support to help them get the very best from every pound, including advice on savings that can be made on the more than £10 billion non-staffing spend spent across England last year.

#### Funding for St John's CE Primary School

*The petition of Parents, carers, staff and pupils of St John's CE Primary School,*

Declares that St John's CE Primary School has seen a decline in funding per pupil of £306 and £248,890 overall in the sum allocated to the school between 2015 and 2019; further that the school is facing significant budget pressures as a result and is having to make changes to save money that impact directly on its ability to provide a well-rounded education for all pupils.

The petitioners therefore request that the House of Commons urges the Government to increase per pupil funding and reverse the cuts made to school budgets.

And the petitioners remain, etc.—[Presented by Judith Cummins, *Official Report*, 4 September 2019; Vol. 664, c. 319.]

[P002514]

*Observations from The Minister for School Standards (Nick Gibb):*

A great education is fundamental to the success of children, their families and our communities, as well as the success of our country. That is why we are investing a total of £14 billion additional funding for schools over the next three years, which will allow for a cash increase of £2.6 billion next year, with increases of £4.8 billion and £7.1 billion in 2021-22 and 2022-23 respectively, compared to 2019-20.

This is in addition to the £1.5 billion per year we will continue to provide to fund additional pension costs for teachers over the next three years. By 2022-23 the core schools budget will rise to £52.2 billion. This delivers on the Prime Minister's promise to increase school funding by £4.6 billion above inflation, levelling up funding to give all young people the same opportunities to succeed. The IFS has said that this investment will restore schools' per pupil funding to previous levels in real terms by 2022-23.

Overall, school funding is increasing by 5% in 2020-21 alone. We will continue to distribute that funding through the National Funding Formula (NFF), which ensures that funding is based on schools' and pupils' needs and characteristics, not accidents of geography or history. Next year this will also ensure that per-pupil funding for every school can rise at least in line with inflation next year; and faster than inflation for most.



We have now published illustrative figures for 2020-21 showing what each school has been allocated under the NFF for the next year, which is available at: <https://www.gov.uk/government/publications/national-funding-formula-tables-for-schools-and-high-needs-2020-to-2021>.

Under the NFF, St John's Church of England Primary school will attract £4,236 per pupil for 2020-21—reflecting an increase of 1.84% in pupil-led funding compared to last year. Local authorities continue to remain responsible

for determining schools' final budgets at a local level, in consultation with their schools, so individual allocations may differ from the figures above.

A rich and varied curriculum is critical for a child's future success, and we trust headteachers to spend their budgets in a way that achieves the best outcomes for their pupils. In addition to this significant extra investment, we will continue to provide schools with practical support to help them get the very best from every pound, including advice on savings that can be made on the more than £10 billion non-staffing spend spent across England last year.

# ORAL ANSWERS

Monday 21 October 2019

	<i>Col. No.</i>		<i>Col. No.</i>
<b>DEFENCE</b> .....	673	<b>DEFENCE—continued</b>	
Armed Forces: Capability and Strength .....	686	Outsourced Departmental Contracts .....	681
Army Personnel .....	673	Service Personnel Families: Pupil Premium.....	687
Commonwealth Veterans .....	688	Service Personnel: Recruitment and Retention.....	677
Defence Industry.....	682	Strait of Hormuz: UK Shipping .....	675
Defence Manufacturing Capabilities.....	684	Topical Questions .....	689
Leaving the EU: Defence Exports.....	688		

# WRITTEN STATEMENTS

Monday 21 October 2019

	<i>Col. No.</i>		<i>Col. No.</i>
<b>HOME DEPARTMENT</b> .....	29WS	<b>NORTHERN IRELAND</b> .....	30WS
UK Counter-Unmanned Aircraft Strategy .....	29WS	Executive Formation: Extension Period .....	30WS
UK-US Access Agreement.....	30WS		

# PETITIONS

Monday 21 October 2019

	<i>Col. No.</i>		<i>Col. No.</i>
<b>EDUCATION</b> .....	7P	<b>EDUCATION—continued</b>	
Funding for Hollingwood Primary School.....	7P	Funding for St John's CE Primary School .....	8P

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**not later than  
Monday 28 October 2019**

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## CONTENTS

Monday 21 October 2019

**Oral Answers to Questions [Col. 673] [see index inside back page]**  
*Secretary of State for Defence*

**Speaker's Statement [Col. 695]**

**European Union (Withdrawal Agreement) Bill and Extension Letter [Col. 707]**  
*Answer to urgent question—(Stephen Barclay)*

**Northern Ireland: Restoring Devolution [Col. 721]**  
*Answer to urgent question—(Julian Smith)*

**Business of the House [Col. 732]**  
*Statement—(Mr Rees-Mogg)*

**Preparations for Leaving the European Union [Col. 745]**  
*Statement—(Michael Gove)*

**Harry Dunn [Col. 760]**  
*Statement—(Dominic Raab)*

**European Union (Withdrawal Agreement) [Col. 768]**  
*Bill presented, and read the First time*

**Business of the House [Col. 769]**  
*Motion—(Rebecca Harris)—agreed to*

**Further Education: St Austell [Col. 784]**  
*Debate on motion for Adjournment*

**Written Statements [Col. 29WS]**

**Petitions [Col. 7P]**  
*Observations*

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

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