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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Tuesday 7 January 2020

House of Commons

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The House met at half-past Two o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Speaker's Statement

Mr Speaker: On behalf of the whole House, I wish to express my deepest sympathies with the people of Australia as they continue to experience horrific wildfires, which are laying waste so much, and to send a message of solidarity to our Commonwealth colleagues in the Australian Parliament. We pay tribute to the firefighters and to all those who are putting their lives at risk.

The magnitude of the disaster unfolding in Australia should shock us all, with human and animal lives and precious species of fauna being destroyed. This is a wake-up call for the world. All Australians are in our thoughts and prayers. I rang the Speaker of the Australian House of Representatives five days ago to express our worries and concerns. There will be an oral statement on Thursday, so Members who wish to speak on the matter will be able to do so then.

I draw Members' attention to the fact that the book for entering the private Member's Bill ballot is now open. It will be open until the House rises today and while the House is sitting tomorrow. New Members should not forget that this is their great chance to make history—although the Whips may not wish them to do so. The book will be available for Members to sign in the No Lobby until 6 pm on both days, at which point it will be taken to the Public Bill Office and remain open for signatures until the rise of the House. The ballot itself will be drawn at 9 am this Thursday in the Wilson Room, Portcullis House. An announcement setting out these and other arrangements, including the dates on which ten-minute rule motions can be made and presentation Bills introduced, is published on the Order Paper.

I remind the House that the election of Deputy Speakers will take place tomorrow between 10 am and 1.30 pm in Committee Room 8. Nominations must be submitted to the Table Office by 6 pm today. Further details are in the announcements section of today's Order Paper.

Oral Answers to Questions

TREASURY

The Chancellor of the Exchequer was asked—

Per Pupil Funding

1. **Mark Logan** (Bolton North East) (Con): Whether he plans to increase the level of per pupil funding. [900035]

The Chancellor of the Exchequer (Sajid Javid): First, Mr Speaker, may I associate myself with the message you have just sent to our Australian friends? I also take this opportunity to wish you and all hon. Members a happy new year.

At last year's spending round, I announced a £7.1 billion increase in schools funding for 2022-23 compared with this year. That will level up funding across the country and ensure at least £5,000 a year for every secondary school pupil next year and £4,000 a year for every primary school pupil in 2021-22.

Mark Logan: During the election campaign, my right hon. Friend the Chancellor visited Bolton Lads and Girls Club, which is a real hub for inspiring our children. Does the Chancellor agree that the uplift in funding for schoolchildren right across Bolton North East will ensure that our young people fulfil their true potential?

Sajid Javid: I remember that visit, and I was incredibly impressed by the club.

May I say how delighted I am to see my hon. Friend take his place in this House? I agree with him wholeheartedly. Our plans will ensure that funding for every pupil in every school can rise at least in line with inflation. Schools in Bolton North East will attract £4,800 per pupil in 2020-21 on average and, based on the current number of pupils, that means a 7.7% total cash increase.

Kerry McCarthy (Bristol East) (Lab): Having grown up in Bristol, the Chancellor will be familiar with the education system there, but we have a crisis in funding for special educational needs provision. More children are coming forward with special educational needs, but we do not have the funding to support them. I urge him to pay some attention to that and to donate the necessary funds to remedy the problem.

Sajid Javid: I agree with the hon. Lady about the importance of making sure that special educational needs are properly funded. That is precisely why in the last spending round I increased spending by £780 million, which I believe is the biggest increase in a decade.

Michael Fabricant (Lichfield) (Con): My right hon. Friend, coming from the west midlands, will know that Staffordshire has historically been one of the most underpaid counties per pupil. How will his changes affect counties such as Staffordshire and others in the f40?

Sajid Javid: My hon. Friend is right to raise this issue. He has been a champion of fairer funding for schools, especially in the west midlands, and I agree with him about the importance of this issue. That is precisely why, in the spending round, we made an exception for schools by having a three-year settlement, which means there will be a £7.1 billion increase for schools throughout England by 2022-23, helping to bring fairer funding.

Carbon Emissions

2. **Dr Rupa Huq** (Ealing Central and Acton) (Lab): What discussions he has had with Cabinet colleagues on the adequacy of funding allocated to programmes to reduce carbon emissions. [900036]

19. **Helen Hayes** (Dulwich and West Norwood) (Lab): What discussions he has had with Cabinet colleagues on the adequacy of funding allocated to programmes to reduce carbon emissions. [900056]

The Exchequer Secretary to the Treasury (Mr Simon Clarke): The Government take our environmental responsibilities very seriously, and the Prime Minister established the new Cabinet Committee on Climate Change for that very reason. The UK is, of course, the G20 leader in reducing our greenhouse gas emissions while growing our economy. Later this year, the Government will set out further plans to reduce emissions in key sectors such as transport, energy and building while seizing the economic benefits of clean growth. We have launched a review into the transition to a net zero economy and how that will be funded, and the review will publish its findings this autumn.

Dr Huq: I am pleased to see two ideas in the Queen's Speech that were recycled from previous Labour manifestos: the waiving of NHS car parking charges, and renters' rights. Will the Government go that bit further and adopt a third idea, our completely costed green new deal? Greenpeace rated the Labour party as best for the environment, whereas the Conservative party languished in fourth. This idea would help the Government to reach their carbon emission targets, which are woefully off track at the moment.

Mr Clarke: The electorate obviously gave their verdict on the relative credibility of our manifesto. This Chamber, on a cross-party basis, should welcome the real consensus that the UK has done the right thing by becoming the first major western economy to commit to a net zero policy. We have allocated £1 billion for the take-up of ultra low emission vehicles, £350 million for the industrial energy transition fund and £800 million in our manifesto for carbon capture and storage.

The hon. Lady says our ambitions in this area are inadequate, but the Committee on Climate Change report of May 2019 did not consider it credible to reach net zero emissions earlier than 2050. The report called it the "highest possible ambition" supported by the science for us to target 2050 rather than an earlier date.

Helen Hayes: The UK Government currently offer more financial support than any other European state for fossil fuel industries. The oil giant Shell paid no corporate income tax last year due to tax rebates, despite making a £557 million profit in the UK. This situation is unsustainable and unacceptable in the context of a climate emergency. Can the Minister explain how a Government who continue to subsidise fossil fuel extraction to such a degree can ever be trusted to deliver net zero?

Mr Clarke: The most important thing to recognise is that last year was the first year on record in which renewable energy constituted more of our energy mix than fossil fuels. We also need to recognise that oil and gas support many thousands of jobs in the United Kingdom, and we must be careful not to jeopardise economic growth during the transition.

Mr Richard Bacon (South Norfolk) (Con): The best way to reduce carbon emissions is not to produce carbon when building houses. Given that the Conservative

manifesto proposes to extend Help to Buy to people who wish to build their own homes, which the Chancellor of the Exchequer knows all about, will he meet me and the Right to Build taskforce to see how it can implement this excellent policy as quickly as possible?

Mr Clarke: I thank my hon. Friend, who is very persistent in this area. I would be delighted to meet him to discuss following up on this issue.

Stephen Crabb (Preseli Pembrokeshire) (Con): The Minister is right about the growing role that renewables are playing in our energy mix, as 2018 was the greenest year on record for our energy system. Does he agree that the UK's track record on cutting emissions, while maintaining jobs growth and economic growth, is remarkable at a global level and should be applauded?

Mr Clarke: I thank my right hon. Friend for that question. It is worth noting that between 1990 and 2016 the UK reduced its greenhouse gas emissions by 42% while growing its economy by more than two thirds. We should be proud of that record; it shows that we are on track to meet our targets.

Clive Lewis (Norwich South) (Lab): First, let me associate myself with the comments welcoming you to your place and your Chair, Mr Speaker—long may you sit there.

For what have been described as a "post-truth" Government, here are two clear and simple facts: first, COP 26 is coming to the UK and, secondly, the eyes of the world will be on this Government's climate crisis policies—or, rather, the appalling lack of them. As Australia burns, millions in African states face climate-driven famine and floods have swept the north of England, will this Government give a damn about this existential threat and act, not posture?

Mr Clarke: It must be said that that was a rather ungracious recognition of the Government's work in this area. We are clear that COP 26 is the centrepiece of the Government's work on climate this year; the Prime Minister gave a presentation to Cabinet on it today. There is no question but that, led by our former Friend on these Benches Claire Perry, we have an excellent head of the COP, and we will have maximum ambition. The UK is clear that we are committed to the Paris agreement and delivering on it in full, and by committing to net zero we have led the world in this area.

Andrew Bridgen (North West Leicestershire) (Con): Does my hon. Friend agree that it is important that this Government do everything they can to help energy-intensive industries to reduce their carbon footprint and do not merely regulate and tax, as some would do, because that risks exporting not only the carbon, but the jobs?

Mr Clarke: My hon. Friend is absolutely right to say that we must avoid shedding jobs as we change our energy mix. As I mentioned in an earlier answer, we got £350 million allocated to the industrial energy transformation fund. I am also a big supporter of new technologies such as carbon capture and storage, which can address the challenges of decarbonising energy-intensive industries.

Sir Edward Davey (Kingston and Surbiton) (LD): Happy new year, Mr Speaker. May I associate myself and my colleagues with your remarks of support for the people of Australia? In that regard, may I ask the Treasury Front-Bench team whether this March's Budget will be a Budget for the climate emergency? If it is, will Ministers look at the ideas of the outgoing Governor of the Bank of England to decarbonise finance and green the City and come forward with the rules and regulations that will catalyse private investment to beat climate change?

Mr Clarke: I thank the right hon. Gentleman for his question. We are clear that this is a central priority for the Budget in March. Obviously, I am not going to disclose details of that today, but the Government have a clean growth strategy. We are clear that green finance lies at the heart of the UK's offer to the world, and obviously that goes for both the private and public sectors; we need to bring together the whole strength of the country to make a truly radical offer.

Productivity

3. **Kevin Hollinrake** (Thirsk and Malton) (Con): What fiscal steps he is taking to increase productivity throughout the UK economy. [900037]

7. **Stephen Hammond** (Wimbledon) (Con): What fiscal steps he is taking to increase productivity throughout the UK economy. [900042]

12. **Andrew Selous** (South West Bedfordshire) (Con): What fiscal steps he is taking to increase productivity throughout the UK economy. [900048]

18. **Gareth Davies** (Grantham and Stamford) (Con): What fiscal steps he is taking to increase productivity throughout the UK economy. [900055]

22. **Nicola Richards** (West Bromwich East) (Con): What fiscal steps he is taking to increase productivity throughout the UK economy. [900059]

The Chancellor of the Exchequer (Sajid Javid): Increasing productivity is the best way to boost wages, improve living standards and enhance prosperity. We have worked hard to build a stronger, fairer economy, dealing with the deficit, helping to get people into work, and cutting taxes for families and businesses. We will continue to invest responsibly, including by investing billions more in infrastructure, creating a new national skills fund and boosting investment in research and development. We will invest to unleash the potential of the whole country, so that no place is left behind.

Kevin Hollinrake: Productivity is damaged if SMEs feel that there is no fair system for resolving disputes with their bank, yet the eligibility rules for the new Business Banking Resolution Service exclude 85% of historical claims, including, incredibly, those that have been through the recently discredited Lloyds bank customer review. Will the Chancellor meet me to discuss how we make this fit for purpose and not simply a fig leaf to cover past banking malpractice?

Sajid Javid: My hon. Friend speaks with experience on this subject and is right about the importance of access to finance. I know that he has broadly welcomed the voluntary Business Banking Resolution Service but is not happy with the way it is exactly working at the moment. I know that he has a meeting coming up with the Economic Secretary on this important issue.

Stephen Hammond: High-quality infrastructure is a key factor in improving productivity, so will my right hon. Friend consider establishing both a sovereign wealth fund and an infrastructure bond, which would enable part of the financing solution to allow that necessary infrastructure to be implemented?

Sajid Javid: The Government's fiscal policy will allow for a step change in infrastructure investment, which is what we need to level up and unleash the potential of the whole country. That is why I am open to looking at ideas for new financing instruments, but I would need to be satisfied that they represent good value for money, that they can be sustained for the long term and that they are consistent with our wider fiscal objectives. I would be happy to discuss that with my hon. Friend.

Andrew Selous: Only 15% of people who start their working lives in entry-level jobs progress beyond such jobs by the end of their working lives. To deal with that situation, will the Chancellor look again at the national retraining scheme to see what we can do to help people to progress further in work, to reduce poverty as well as increase productivity?

Sajid Javid: As usual, my hon. Friend raises an important issue. Some excellent work has been done on the issue, including work to which my hon. Friend has contributed. In our manifesto, we set out our intention to have a new national skills fund, which will help to transform the lives of people who are trying to get on to the work ladder, to get new qualifications or to return to work. I know that my hon. Friend will welcome that.

Gareth Davies: Transport infrastructure is a critical factor for improving productivity in my constituency. Can the Chancellor assure me that the Government will make the necessary investments in key arterial roads such as the A1 in Lincolnshire?

Sajid Javid: First, may I welcome my hon. Friend to his place? He raises the important issue of infrastructure investment and its importance to productivity. I understand the incredible importance of the A1 in Lincolnshire, and a number of colleagues have raised it with me. We will soon publish our second road investment strategy, which will set out our plans, but I can assure my hon. Friend that in this Government's infrastructure revolution no part of our country will be left behind.

Nicola Richards: Having spoken to business leaders in West Bromwich and throughout the west midlands, I know that tackling productivity and imbalances across the region is vital and key to levelling up our economy. Will the Chancellor commit to working alongside me to tackle the imbalances in West Bromwich East and the wider west midlands?

Sajid Javid: Yes, I will. May I also welcome my hon. Friend to her place? I remember my visit to her constituency last month; we met some excellent local businesses. She is right to talk about the need for further investment in the midlands. As a west midlands MP, I understand that as well, and I know exactly how much more potential can be unleashed. I look forward to working with my hon. Friend throughout this Parliament to do just that.

Peter Dowd (Bootle) (Lab): Is that it? The Prime Minister's special adviser now wants a civil service—perhaps modelled on the Cabinet—comprised of “Weirdos and misfits with odd skills”.

As a member of that Cabinet, what weird explanation does the Chancellor have as to why, according to the Office for National Statistics, productivity is falling at its fastest annual pace for five years?

Sajid Javid: We have just had an unprecedented decade of growth: it is only the third time since 1700 that we have had an uninterrupted decade of growth, and that is thanks to the work of this Government. When it comes to weirdos and misfits, I know that there are many on the Opposition Benches, but they need not apply.

Peter Dowd: That speaks volumes, does it not? The worst recovery since the industrial revolution—is that what this Government can be proud of? It is absolutely pathetic. More bluster from the Chancellor, but the facts are absolutely clear: most people are worse off under Tory economic mismanagement, working longer hours on flatlining real pay. So, what targets has the Chancellor set for improved productivity? Will he make way for another weirdo or misfit when, inevitably, those targets are not met?

Sajid Javid: We should never forget that the Labour Government gave us the deepest recession in almost 100 hundred years, and the British people were clever enough not to allow them to do it again. Now, they throw stones at the firefighters who put out the fire that they set in our economy. That is what they do. We will not take any lessons from the Labour party.

Alison Thewliss (Glasgow Central) (SNP): May I first pay tribute to the economist Professor Andrew Hughes Hallett, who passed away on Hogmanay?

The Bank of England has said that pessimism and uncertainty around Brexit have had an impact on investment and productivity. That uncertainty has been compounded in Scotland by the fact that our Government found out only today in the media that the UK Government will finally be setting their budget, yet they have absolutely no certainty over whether that budget will include the £1.2 billion in Barnett consequentials promised by the Prime Minister during the election campaign. When does the Chancellor intend to meet the Scottish Finance Secretary to apologise?

Sajid Javid: I welcome the hon. Lady to her new position as, I think, Treasury spokesperson for her party.

When it comes to productivity, it is important that the Scottish Government play their role. They should examine their own policies, especially those on tax and infrastructure and skills, and see how they have let down the Scottish people time and again.

Alison Thewliss: It is a huge disappointment. The Chancellor does not even have the dignity to apologise to Derek Mackay for making this announcement only in the media. Furthermore, the right hon. Gentleman may not be aware, but 11 March is the date by which councils in Scotland legally have to set local tax rates. The Convention of Scottish Local Authorities has described this delay as extremely worrying. Its resources spokesperson, the Conservative councillor Gail Macgregor, has said that this will significantly impede local authorities and disadvantage Scotland's communities. Will the Chancellor tell me whether he thinks it is fair that Scottish local government must set its budgets blindfold without any notion of what its block grant will be? Is not the truth that he has given absolutely no thought to Scotland at all?

Sajid Javid: In the election that we have just had, we talked time and again about the need to unleash the potential of the entire United Kingdom, and of course that includes all of Scotland. Scotland has been let down time and again by the SNP Government, who are charging Scottish people the highest taxes in the United Kingdom and providing the worst public services.

Mr Speaker: I call Rachel Reeves.

Rachel Reeves (Leeds West) (Lab) indicated dissent.

Mr Speaker: Let us take somebody else then.

Catherine West (Hornsey and Wood Green) (Lab): May I say how warm your words were, Mr Speaker, vis-à-vis the Australian Parliament and how well they will be received?

With regard to productivity, what plans does the Chancellor have in the upcoming Budget to tackle the lack of investment in further education? Investment has been cut by 50% since 2010, and productivity relies very much on colleges and high-quality education outside the university sector.

Sajid Javid: The hon. Lady is right to raise the importance of FE and technical skills—I went to an FE college myself—and it is one reason why, in the spending round back in September, I allocated an increase of £400 million for the forthcoming year to FE budgets, which is the biggest increase in a decade. In our recent party manifesto, we set out plans for £2 billion of investment in the FE estate throughout England.

Youth Services

4. **Marsha De Cordova (Battersea) (Lab):** What fiscal steps he is taking to ensure the adequacy of funding for youth services. [900038]

The Economic Secretary to the Treasury (John Glen): In September, the Chancellor announced a new £500 million youth investment fund to build and refurbish youth centres and deliver high-quality services to young people across the country. That will include £250 million of capital investment, which is expected to deliver 60 new youth centres, 360 refurbished facilities and more than 100 mobile units for harder-to-reach areas.

Marsha De Cordova: Over the past decade, spending on youth services has been cut by more than £1 billion. In constituencies such as mine and across London, the number of youth clubs has almost halved. Will the Chancellor finally own up to the devastating effect that austerity has had on young people in my constituency and commit to funding a proper statutory youth service in his upcoming Budget?

John Glen: What I can promise the hon. Lady is that the Government are committed to funding local government with a settlement, which was announced before the election, of an additional 4.4% in real-terms increase that will give local authorities that additional spending power alongside the youth investment fund announcement that I mentioned earlier.

Mr Steve Baker (Wycombe) (Con): Will my hon. Friend take steps to ensure that young people in Wycombe are not disadvantaged by excessively coarse aggregate measures of deprivation, which can obscure real need in constituencies such as mine?

John Glen: I recognise the challenge of getting to the heart of the problems in different constituencies, and I would be happy to meet my hon. Friend to better understand his specific concerns so that we can get to the heart of the problem in his constituency.

Loan Charge

5. **Christian Matheson (City of Chester) (Lab):** What recent representations he has received on the application of the 2019 loan charge. [900039]

11. **Julie Marson (Hertford and Stortford) (Con):** What recent progress has been made by Sir Amyas Morse on the independent review of the 2019 loan charge. [900047]

The Financial Secretary to the Treasury (Jesse Norman): Happy new year, Mr Speaker. Given that it is my first time at the Dispatch Box since you became Speaker, let me just say that I recall running an operation in 2014 to prevent your predecessor from rigging the selection of the Clerk of the House of Commons; I think it speaks to the esteem in which you are held across this House that one could imagine no such thing under your speakership.

The Government published Sir Amyas Morse's independent review of the loan charge on 20 December, alongside the Government's response to his recommendations.

Christian Matheson: Clearly the loophole had to be closed, but not in the retrospective fashion that has hit so many of my constituents. If these arrangements were already illegal when my constituents were charged, why was it necessary to bring in the loan charge in 2017 at all?

Jesse Norman: As the hon. Gentleman will be aware from reading the review, it is a very thorough and comprehensive piece of work and Sir Amyas goes into this question. He has accepted the case for a loan charge in principle—he recognises that it was important to address the issue of abusive tax avoidance—but he

said that it should apply to loans taken out after a specific date. In his judgment, that represents a fair balance between the concerns that the hon. Gentleman raises and the loan charge, and the Government have accepted that.

Julie Marson: The Morse report and the Government's response are very welcome, and will help many of my constituents in Hertford and Stortford who have been deeply affected by the loan charge. Will the Minister agree to meet me so that I can share with him some of my constituents' experiences and residual concerns and discuss the Government's response in more detail?

Jesse Norman: I hope I may join the Chancellor in congratulating my hon. Friend on taking her place in this Chamber. I have met many colleagues about this issue and would be delighted to meet her. She will understand that I cannot deal with individual cases, but I would be happy to meet her to discuss the issues of principle.

Infrastructure Investment Distribution

6. **Dame Diana Johnson (Kingston upon Hull North) (Lab):** What steps he is taking to ensure an equitable distribution of infrastructure investment between London and the north of England. [900041]

The Chief Secretary to the Treasury (Rishi Sunak): May I congratulate the hon. Lady on being recognised in the new year's honours list? It is a fitting tribute to her years of service, especially her campaigning work on contaminated blood; she deserves praise for that work.

Infrastructure is a top priority for the Government. We will be publishing the national infrastructure strategy alongside the Budget, and I can say now that that strategy will contain our ambition to level up across the United Kingdom, ensuring that every part of our country—not just London—has the opportunity to spread and drive growth in their communities.

Dame Diana Johnson: I thank the Minister for his kind words.

It is good that there is consensus across the House about the need to invest, particularly in transport in the north. I note that the Chancellor agreed with those comments in the story published in *The Times* on 27 December. I just wondered whether this House and my constituents will really have to wait until the beginning of March to get the actual detail of what this will mean. Is it not right that this House hears first, rather than the newspapers?

Rishi Sunak: I think the hon. Lady is referring to the Government's plans to review all our frameworks, processes and mechanisms to allocate investment spending. That work is under way, and the Chancellor and other Ministers will update the House, as required, as more details emerge.

Anneliese Dodds (Oxford East) (Lab/Co-op): A very happy new year to you and everyone in the House, Mr Speaker.

The regional investment gap of £63 billion in transport alone is compounded by deindustrialisation. Yesterday, a senior Minister—anonously—dismissed concerns over customs and rules of origin barriers as “lobbying from industries that are in secular decline”,

but they are felt by all advanced manufacturers. What will the Chancellor do about his colleagues who seem to blithely accept further regional job losses in manufacturing?

Rishi Sunak: I was in the Tees valley earlier this week, and what I heard there from manufacturers was incredible support for this Government’s agenda of spreading opportunity, driving investment in regional infrastructure and sensible taxation of manufacturing companies, all of which will lead to higher growth, more jobs and better investment for their community.

Vehicle Excise Duty: Motorhomes

8. **Sir Desmond Swayne** (New Forest West) (Con): If he will make it his policy to reduce the level of vehicle excise duty for motorhomes. [900044]

The Exchequer Secretary to the Treasury (Mr Simon Clarke): The Government introduced a graduated system of vehicle excise duty to encourage the uptake of vehicles with lower carbon dioxide emissions and to help to meet our legally binding climate change targets. I have held productive talks with representatives of the industry and my hon. Friend the Member for Southend West (Sir David Amess) to discuss this matter, and I am sensitive to their concerns. As with all taxes, we keep VED under review, and any announcements are for future fiscal events.

Sir Desmond Swayne: When we escape the clutches of EU regulation 2018/1832, will the Minister restore the status quo ante as at September last year?

Mr Clarke: My right hon. Friend stands up with a positively lengthy question. As he knows, I share his enthusiasm for escaping certain EU regulations when we leave the EU on 31 January. We are, however, convinced of the need to incentivise the reductions in our transport emissions that I have referred to, which represent a third of the UK’s total CO₂ output.

Sammy Wilson (East Antrim) (DUP): Does the Minister think that this green tax, which has increased vehicle duty by 1,000% for many motorhomes—which are used, on average, for 31 days per year and do about 2,000 miles per year—is fair, and will he review it?

Mr Clarke: The figure of 1,000% is somewhat misleading. Only motorhomes with the very highest emissions would fall into that category, and the extra VED applies only in the first year. But of course we keep all taxes under review. I am sensitive to the concerns of the industry; clearly, a significant number of jobs are supported by it. As always, we keep these things under a watching brief.

Street Crime

9. **Nick Fletcher** (Don Valley) (Con): What fiscal steps he is taking to help reduce street crime. [900045]

The Chief Secretary to the Treasury (Rishi Sunak): May I warmly welcome my hon. Friend to his place, as a fellow Yorkshire MP? I am pleased to tell him that the Government are determined to keep our families and communities safe by backing the police with the resources that they need. That is why we have committed to finding 20,000 new police officers by the end of 2023 to help to keep our streets safe. To that end, we have additionally announced £750 million of investment so that the first 6,000 can be in place by the end of next year.

Nick Fletcher: Will my right hon. Friend work closely with the Home Secretary to ensure that Don Valley gets its fair share of the 20,000 police officers so that my constituents not only feel safer but are safer on the streets?

Rishi Sunak: My hon. Friend is absolutely right. I am pleased to tell him that South Yorkshire will be allocated 151 of the initial wave of new police officers. That comes on top of the 55 that are being recruited this year, and, in addition, £1.6 million of funding has been allocated to his local force for a violence reduction unit that will further help. I hope that provides him and his constituents with the reassurance they need. We are committed to keeping them safe.

Cat Smith (Lancaster and Fleetwood) (Lab): My constituents in Fleetwood have been left reeling over an unprecedented spate of armed robberies in shops in the town over the festive period. Does the Minister think that the cuts to police numbers and the fact that they now have to be replaced was the wrong decision to make a decade ago? Does he not see that not just the cuts to police numbers but cuts to youth services that help to work with young people have been the wrong decisions?

Rishi Sunak: The hon. Lady talks about things a decade ago. A decade ago, this country was borrowing £150 billion—the largest deficit in peacetime history. That is why this Government had to take action to restore our public finances to a place of sanity, and that is why now, because of the careful management of the economy, we are able to invest in 20,000 new police officers and additionally give them the powers they need to keep us all safe.

Richard Drax (South Dorset) (Con): We welcome the 50 new police officers for Dorset that we fought so hard to get, and 120 more are planned over the next two years. Can my right hon. Friend please confirm that we will definitely get these extra officers for Dorset?

Rishi Sunak: I am pleased to give my hon. Friend that reassurance. That is why the Chancellor committed in the spending review to specific additional funding of £750 million for the first year, for the first 6,000, and additional funding will follow to ensure that we deliver on the commitment of 20,000 new officers across the country.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Does the Minister agree that we not only need more police officers but a new partnership forged locally between youth services, the police and the educational sector? Is it not time for some new cross-party thinking about how we tackle the crime and disorder on our streets at the moment?

Rishi Sunak: I fully agree with the hon. Member's comments. That is why we are funding violence reduction units, which start to build partnership working at a local level between social services, police and local authorities. The Queen's Speech contained a Bill that will further strengthen that duty on local authorities, police and other partners to work together to deliver the benefits that he rightly observed.

Frontline Health Services

10. **Rob Roberts** (Delyn) (Con): What fiscal steps he is taking to support frontline health services. [900046]

The Chancellor of the Exchequer (Sajid Javid): We are delivering on our five-year NHS settlement confirmed in January 2019, which is the largest cash injection in our public services since the second world war and will provide the NHS with an additional £33.9 billion more per year by 2023-24 compared with 2018-19. The settlement will shortly be enshrined in law.

Rob Roberts: Flint Community Hospital in my constituency of Delyn was closed by the Betsi Cadwaladr health board back in 2013, with the loss of a minor injuries unit and several important community beds where the elderly especially were able to recover from surgery close to their friends and family. Despite this being devolved to the Welsh Government, what hope can my right hon. Friend give to the people of Delyn and Flint that funds will be available so that such vital services in the community can be resurrected?

Sajid Javid: My hon. Friend will know that the NHS is this Government's No. 1 spending priority. I just wish that it was the same for the Labour Government in Wales, who have let down Welsh people time and again, especially when it comes to healthcare. In the recent spending round in September, the Welsh Government received an additional £600 million, much of which can be put to good use in the NHS system in Wales. I hope that they are wise enough to help the Welsh people and, in particular, to look again at resurrecting Flint Community Hospital.

Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): One of the major crises is the recruitment of GPs, so it is not just money that needs to be thrown at the issues. What steps is the Treasury taking to ensure that when money is provided, it is spent well and, crucially, that it is not stop-start funding, so that the NHS can properly plan for the long term, particularly in the recruitment of frontline staff?

Sajid Javid: It is worth reminding Members that one of the reasons the NHS has so many problems, including with the recruitment of GPs and in hospitals, is the PFI policies of the previous Labour Government, which have cash starved many NHS trusts for far too long. We are now putting that right with our historic settlement. The hon. Member is quite right about the importance of recruiting more GPs to have more appointments, and that is why we set out in our manifesto exactly how we are going to do that.

Andrew Percy (Brigg and Goole) (Con): The extra billions for the NHS are to be welcomed, but the real challenge in Goole, Scunthorpe and Grimsby hospitals

is a backlog in capital. Can my right hon. Friend assure me that, come the Budget, there will be capital funding to ensure that our hospitals can be upgraded?

Sajid Javid: I can give my hon. Friend that assurance. He makes an important point. As he will know, the Government will have a comprehensive spending review later this year, and there will be a multi-year capital settlement. Having the right amount of capital to ensure that we do all that is required for our NHS will be a priority.

Tim Farron (Westmorland and Lonsdale) (LD): Some 50% of people living with cancer require radiotherapy treatment, and yet only 5% of the cancer budget is spent on radiotherapy. What that means in real terms is that constituents of mine have to make two, three or four-hour roundtrips to get life-saving daily treatment. Will the Chancellor commit to spending money on radiotherapy provision, to provide satellite units at places such as Westmorland General Hospital?

Sajid Javid: The hon. Gentleman raises a very important issue. We are absolutely committed to providing the resources necessary for the NHS to provide even better cancer treatment for all our constituents. That is one of the reasons for this record financial settlement. Capital is also necessary, and further capital investment to have better cancer treatment will also be a priority.

Net Zero Emissions

13. **Nickie Aiken** (Cities of London and Westminster) (Con): What fiscal steps he is taking to ensure that the Government meet their target of net zero emissions by 2050. [900050]

The Exchequer Secretary to the Treasury (Mr Simon Clarke): It is a great pleasure to welcome my hon. Friend to her place. The clean growth strategy sets out our proposals to decarbonise our economy during the 2020s. This will build on existing Government spending, including £2.5 billion for low-carbon innovation between 2015 and 2021, £1 billion for ultra low emission vehicles and £4.5 billion for the renewable heat incentive.

Nickie Aiken: I thank my hon. Friend for his reply. I am sure he is aware of the immense appetite within London's financial and professional services community to invest in green infrastructure and the rapid development of the green and sustainable bonds market. Is he therefore willing to meet me and representatives of the Corporation of London to discuss how Her Majesty's Treasury can further advise and support further investment in green infrastructure and private finance, and its backing of that?

Mr Clarke: My hon. Friend is absolutely right. The UK is already a global centre for green finance, but we need to do more. That is why the Government published a green finance strategy last July and why we have launched the Green Finance Institute, in close collaboration with the City of London—precisely to drive these outcomes. My hon. Friend the Economic Secretary will be happy to meet her at the earliest opportunity to progress this.

Alan Brown (Kilmarnock and Loudoun) (SNP): As always, the Scottish Government are ahead of the UK Government when it comes to climate change and taking steps to tackle this. The Minister rightly acknowledged that the UK Government have to do a lot more. Does he agree that they need to take away the subsidies to nuclear and actually reinvest in onshore wind in Scotland, and allow greater offshore deployment as well?

Mr Clarke: The whole United Kingdom needs to work together to make sure that we deliver on our climate goals. We clearly need a diverse energy mix to help to deliver on that, and nuclear has a clear role to play within that settlement. We are very clear that we obviously monitor all projects to make sure they deliver maximum value for money, but we do need some baseload power.

Topical Questions

T1. [900060] **Anthony Mangnall** (Totnes) (Con): If he will make a statement on his departmental responsibilities.

The Chancellor of the Exchequer (Sajid Javid): The year 2020 marks the end of a decade of economic recovery—10 years of uninterrupted growth, which is only the third time this has been achieved since 1700. At the election, I warned of a double whammy of uncertainty that risked the economy: continued Brexit delay and an agenda from the Labour party that would bankrupt our economy. We have removed those uncertainties and the markets have welcomed that. Now, since the election, I have appointed an excellent new Governor of the Bank of England, I have confirmed the national living wage will rise by 6.2% in April and I can confirm that I will bring the Budget to this House on 11 March. This Government will lay the foundations for a decade of economic renewal for every corner of our great country.

Anthony Mangnall: I welcome my right hon. Friend the Chancellor's having further reduced business rates for small and medium-sized enterprises in rural areas. However, for businesses that do not fall within the rate relief levels, such as South Brent village shop in my constituency, will he work with me to see those rates reduced and review all business rates?

Sajid Javid: I welcome my hon. Friend to his place. He is absolutely right about the importance of business rates, which are a real burden, particularly on smaller community and village shops. That is why we have made our exemption for the smallest businesses—some 675,000 businesses—permanent, and we have a rural and retail discount scheme. He will also know that in our manifesto we committed to a fundamental review of our business rates schemes. I look forward to working with him and hearing his ideas.

John McDonnell (Hayes and Harlington) (Lab): Mr Speaker, may I associate myself with your words about the tragedy taking place in Australia?

Let me say to the Chancellor that I welcomed his statement yesterday that we are to have a Budget at last, as well as that the Green Book is to be rewritten—only two years after Labour proposed it; and that there is a new fiscal rule to accommodate new investment—only four years after Labour proposed it. But there was another statement, which he made reference to, which was the statement before Christmas about appointing Mr Andrew Bailey to be the Governor of the Bank

of England. During Mr Bailey's tenure as chief executive of the Financial Conduct Authority, we saw the scandals of London Capital & Finance and the Woodford Equity Fund, and the continuing saga of the Royal Bank of Scotland's Global Restructuring Group. In all those scandals, many people—many on low incomes—were hit extremely hard. May I ask the Chancellor: did he consult any of the victims of these scandals before he appointed Mr Bailey?

Sajid Javid: First, I welcome the shadow Chancellor to his seat. He fought a hard campaign and I commend him for his efforts. As he noted, just before the Christmas recess, I announced the new Governor of the Bank of England—I have just referred to that. Mr Bailey was an outstanding candidate—the stand-out candidate to be the next Governor of the Bank of England. That is one of the most important public sector jobs that our country has to offer, and it is hugely important that it goes to a rightly qualified person. Any reasonable person who looks at Mr Bailey's track record of outstanding public service will see that he is eminently qualified.

John McDonnell: You will note, Mr Speaker, that I asked whether the Chancellor had consulted any of the victims of these scandals, and no response was received. Clearly, he did not. I referred to the Woodford Group, and in the filings lodged today at Companies House, it is reported that £13.8 million of dividends were received by Mr Ian Woodford, and his chief executive, in the 12 months leading up to the crisis that engulfed Woodford Investment Management and affected so many investors deleteriously. That adds to concerns already expressed by others that Mr Bailey was asleep at the wheel during his period of office at the FCA. Labour has already called for a short, sharp inquiry into the recent scandals and into the regulation of the financial services sector. May I suggest to the Chancellor that it would be appropriate to postpone Mr Bailey's installation in office until an independent inquiry into those failures of financial regulation had taken place?

Sajid Javid: I believe the right hon. Gentleman means Mr Neil Woodford, not Mr Ian Woodford. The ongoing inquiry is, rightly, being led independently. It is not a matter for Ministers, and neither should it be. We are, of course, interested to ensure that an inquiry takes place and that we learn all necessary lessons. I believe the Economic Secretary to the Treasury again has a meeting with the FCA on this issue tomorrow, but we will let the inquiry take its course independently. Once it is complete, we will ensure that all necessary lessons are learned.

T2. [900061] **Amanda Solloway** (Derby North) (Con): The midlands engine for growth shows the Government's commitment to the midlands, which is welcomed by me and by Derbyshire colleagues. What plans does the Chancellor have to push the engine forward and deliver investments and jobs for Derby North?

Sajid Javid: May I warmly welcome my hon. Friend back to her rightful place? Last month, I visited with her some excellent businesses in her constituency, and I want to see more such businesses, not just in Derbyshire and the midlands, but throughout the country. There is so much more we can do with the midlands engine, and in this coming Parliament we are going to really fire it up and spread opportunities. I look forward to working with my hon. Friend and colleagues in doing just that.

T5. [900064] **Mr Virendra Sharma** (Ealing, Southall) (Lab): Let me wish you, Mr Speaker, and every Member a happy new year. The London Stock Exchange already has more bonds from African countries listed for trading than any other international stock exchange. What steps will the Chancellor take to support his colleagues in the Department for International Development to generate private sector investment in financial markets across Africa, so that services, businesses and start-ups can grow and create 50,000 jobs?

The Economic Secretary to the Treasury (John Glen): The Government are always willing to work with the City and interested parties to consider how we can advance investment across all those sectors, and I would be happy to discuss such matters with the hon. Gentleman.

T3. [900062] **James Wild** (North West Norfolk) (Con): When my right hon. Friend the Chancellor joined me in King's Lynn during the election campaign, he heard from Merxin, an innovative medical company, about how our infrastructure revolution could benefit west Norfolk. Will he work with me, ahead of the Budget, to ensure that dualling the A47, and half-hourly rail services, are part of that investment programme?

Sajid Javid: I will work with my hon. Friend, and I welcome him to his place. I was incredibly impressed by Merxin, the company we visited together. It was a reminder of the difference the right infrastructure in west Norfolk can make and how it can attract even more local business success. I will work with him. We will have an infrastructure revolution. It will benefit Norfolk and it will transform the local economy.

T7. [900066] **Grahame Morris** (Easington) (Lab): Durham County Council has developed a housing regeneration masterplan to tackle issues relating to absentee landlords, poor quality and low housing demand, but the scale of the investment requires a commitment from central Government. Will the Chancellor meet me and representatives of Durham County Council to discuss how the housing masterplan can be financed to deliver much needed regeneration in Horden?

Sajid Javid: The hon. Gentleman raises an important issue. Work has been done on absentee landlords, but there is always room for new ideas. I will make sure that the relevant Minister meets him.

T4. [900063] **Philip Davies** (Shipley) (Con): Now that Lord Berkeley has laid bare the overspend and lack of return on investment of HS2, will the Chancellor pull the plug on this white elephant project and ensure that the money is spent on infrastructure projects across the north to benefit the regional economy, starting with northern powerhouse rail, with a station stop in Bradford, and the much needed and long-awaited Shipley eastern bypass?

The Exchequer Secretary to the Treasury (Mr Simon Clarke): I thank my hon. Friend for his characteristically robust Yorkshire question. As a fellow northern MP, I am obviously very keen to get cracking with higher transport infrastructure investment in the north, which the Government are absolutely committed to do. On HS2

specifically, as he knows, the Government have commissioned the Oakervee review to evaluate the scheme. It will report in due course and we will lay its findings before the House.

Chris Bryant (Rhondda) (Lab): Can I first congratulate you, Mr Speaker, on your first and second election as Speaker? You are looking very well on it.

May I ask the Chancellor about the problem facing many people who are worried about whether they have cancer? The best way to save the lives of people with cancer is early detection and ensuring that tests come back very quickly. Unfortunately, nine out of 10 pathology labs in England, Wales and Scotland are short of pathologists, which means that people are waiting six and seven weeks. Is it not now time we had a major financial incentive to persuade more people to become histopathologists and pathologists in the NHS?

Sajid Javid: The hon. Gentleman is absolutely right to raise this issue, which is such an important issue for all our constituents. It is important that we ensure that at all times the NHS has enough funding to meet all demand, but especially for something as acute and as important as treating cancer. He is right about the need for more skills. Much more is work being done by the Secretary of State and we are looking to see what more can be done. If more funding is required, we will provide it.

T6. [900065] **Katherine Fletcher** (South Ribble) (Con): South Ribble is blessed with many creative and hard-working smaller businesses whose products can and do grace the world. Will my hon. Friend confirm how small business exports are growing our national economy and set out what the Government are doing to support them?

John Glen: I welcome my hon. Friend to her place. I know she has great experience as an SME leader. The Government recognise that SMEs are the backbone of the economy. We have international trade adviser networks giving peer-to-peer support to encourage more exports. The Government's export strategy, launched in August 2018, lays the foundations of how to extend that. I hope she will be able to make use of it during her time in the House.

Karl Turner (Kingston upon Hull East) (Lab): The "back of a cigarette packet" policy to increase road duty by more than 700% for motor homes and camper vans is reminiscent of the caravan tax of 2013, which I think was invented by the Chancellor's predecessor George Osborne. That would have decimated manufacturing industry in Hull. Will the Chancellor meet me, colleagues and those in the industry, who are very concerned about this policy, so that they can explain directly to him how disastrous this policy will be for manufacturing industry in Hull?

Mr Clarke: I thank the hon. Member for his question. I met the National Caravan Council in October to discuss precisely these issues. We are clear that we need to incentivise the production of lower emission vehicles, but none the less we are sensitive to the concerns of the industry. I will happily meet him for further talks on this issue.

Middle East: Security

3.30 pm

The Secretary of State for Defence (Mr Ben Wallace): Happy new year, Mr Speaker, and it is good to see you in the Chair. With permission, I would like to make a statement on the security situation in the middle east.

I have deep regard for the nation of Iran; I chaired the all-party group on Iran in this House for eight years and have visited the country a number of times. Indeed, the last time I visited I was with the Leader of the Opposition—we went together to visit the Iranian Government and the people. It is a wonderful place with a dynamic population, and the world owes a great deal to its culture and its history, but in recent times, Iran has felt that its intentions are best served through the nefarious use of proxies and the use of subversion as a foreign policy tool. It has provided practical military support to the murderous Assad regime in Syria, stoked conflict in Yemen, armed militia groups in Iraq and repeatedly harassed international shipping, including UK shipping, in the strait of Hormuz. It has also shown a total disregard for human rights, holding dual nationals in prison and causing unimaginable suffering not just to those in jail, but to their families at home. Such behaviour does nothing to enhance Iran's reputation with its neighbours and has had a seriously destabilising impact in the region.

One of the foremost architects of Iran's malign activity was the Quds Force of the Iranian Revolutionary Guard Corps. One of its commanders and leading enablers was General Qasem Soleimani, who, on 2 January, was killed by a US drone strike. General Soleimani was no friend of the UK or our allies in the region. He was not an advocate of a more peaceful and prosperous middle east. His clandestine operations saw him supply weaponry to proxy forces in Iraq and Afghanistan. He encouraged proxies to develop weapons such as improvised explosive devices that killed and maimed UK soldiers and other western forces, and we should not forget how he fomented instability in places like Basra, where British forces were stationed.

The United States Government have asserted that General Soleimani organised the strike on 27 December by the militia group Kata'ib Hezbollah, which targeted a US military base in Kirkuk, Iraq, and killed a US civilian contractor, and the US is confident that General Soleimani came to Baghdad to co-ordinate imminent attacks on American diplomats and military personnel. The UK will always defend the right of countries to defend themselves. The House will want to know that since October 2019, coalition bases, which contain both United States and United Kingdom personnel, and the Baghdad international zone have been attacked 14 times. One attack on K-1 base involved 32 rockets. Our challenge now is to deal with the situation we find ourselves in. The US consistently showed restraint though all those previous attacks, even when its right to self-defence was well established.

Since the early hours of Friday morning, the Government have responded to these events. Further conflict is in no one's interest. The only beneficiaries would be the terrorists and extremists, seeking to use the chaos as cover to advance their abhorrent objectives, so we are urging all people—all parties—to de-escalate as soon as possible.

Meanwhile, the safety and security of British citizens and our interests in the region are of paramount concern. The Foreign and Commonwealth Office has strengthened its travel advice to both Iran and Iraq and will keep it under constant review. We urge British nationals in the region, or those intending to travel, to regularly check gov.uk for further updates.

We have taken other urgent measures to protect British nationals and interests. The Department for Transport is reviewing the threat state and advice to red ensign shipping on a daily basis, and, supported by the Ministry of Defence, we will issue guidance imminently. At that same time, the MOD is changing the readiness of our forces in the region, with helicopters and ships on standby to assist if the need arises. To ensure the safety and security of our personnel we have also relocated non-essential personnel from Baghdad to Taji. Coalition forces in Iraq, including British forces, have suspended all training activities, and as part of prudent planning a small team has been sent to the region to provide additional situational awareness and contingency planning assistance.

On 5 January, Iraq's Council of Representatives voted to end permission for coalition activities in Iraq. As the vote is only one part of the process, we are discussing its implications with our Iraqi interlocutors. Today, I simply remind the House that the coalition is in Iraq, at the request of the Iraqi Government, to help protect Iraqis and others against the very real threat from Daesh. Our commitment to Iraq's stability and sovereignty is unwavering and we urge the Iraqi Government to ensure the coalition can continue its vital work countering this shared threat.

The main focus of the UK Government is to de-escalate this issue. None of us wants conflict. None of us wants our citizens, our friends and our allies to be at risk. My right hon. Friend the Prime Minister, from the outset, has spoken to President Trump, President Macron, Chancellor Merkel and President Erdoğan and will continue to engage with other world leaders. The Foreign Secretary and I have been talking to our counterparts. Only this morning, I met with His Royal Highness the Saudi Vice-Minister for Defence, and in tandem we are working with the E3 to reboot the joint comprehensive plan of action—the nuclear deal—which we believe is a vital step to achieving a more stable Iran.

In the coming days, we will be doing all we can to encourage Iran to take a different path. No one should be under any illusion: long before the death of General Soleimani, Iran had stepped up its destabilising activities in the region. Whether it was targeting dissidents in Europe or hijacking civilian ships, this aggressive behaviour was never going to go unchallenged. Her Majesty's Government urge Iran to return to the normal behaviour of the country it aspires to be and to resist the urge to retaliate.

3.37 pm

Jeremy Corbyn (Islington North) (Lab): I thank the Secretary of State for the advance copy of his statement. Can he tell us where the Prime Minister is, and what he is doing that is so much more important than addressing Parliament on the assassination of Iranian General Qasem Soleimani, an extremely dangerous and aggressive act that risks starting yet another deadly war in the middle east?

On Friday, I sent the Prime Minister a letter posing a series of questions. He has not answered any of them. Instead, today he is hiding behind his Defence Secretary. Is it not the truth that he is scared to stand up to President Trump because he has hitched his wagon to the prospect of a toxic Trump trade deal? At this highly dangerous moment, we find the Government giving cover and even expressing sympathy for what is widely regarded as an illegal act, because they are so determined to keep in with President Trump. This assassination puts British troops and civilians, as well as the people of the region, in danger.

As the Secretary of State will confirm, I have long spoken out against the Iranian Government's human rights record, including when he and I visited Iran together in 2014. This is not a question of Soleimani's actions or record in the region. Whatever the record of any state official, the principle and the law is that we do not go around assassinating foreign leaders. Without the clear demonstration of an immediate threat, it is illegal. So do the Government regard the assassination as legal under international law? If so, how? Do the lawyers in the Foreign Office and the Ministry of Defence regard it as legal?

If the Secretary of State really believes that this was an act of self-defence, what evidence has he or the Prime Minister seen of an imminent attack on the US? The Secretary of State says that the United States is confident that attacks were imminent, but US officials have been quoted in the press as saying that the evidence was "razor thin". How would the Secretary of State describe it?

In the past few days, the US President has threatened to target Iranian cultural sites and to attack Iran in a manner that is—I quote him directly—"disproportionate". Both actions would be war crimes, yet the Government still seem unable to condemn such threats. On Sunday, the Foreign Secretary said that the onus was entirely on Iran to de-escalate. I wonder whether, if Iran had assassinated an American general, the British Government would be telling Washington that the onus was entirely on the US to de-escalate.

We talk about this as a conflict between the US and Iran, but the worst consequences are likely to be felt by Iraq, a country on the brink of further terrible violence and instability. President Trump has threatened Iraq with

"sanctions like they've never seen before"

after its elected—yes, elected—Parliament voted to ask US and other foreign forces to leave their country. He has said he will not withdraw entirely unless the US is compensated for the "extraordinarily expensive air base" that was actually built by Saddam Hussein in the 1980s. The Prime Minister—when he finally resurfaced from his trip—said that he was committed to the sovereignty of Iraq, so will the Secretary of State confirm that this Government will respect Iraqi sovereignty if the Iraqi Government ask all foreign forces, including British forces, to leave?

We know that the British Government were not consulted by the Trump Administration in advance, despite there being obvious British interests at stake. Let me also ask what the Government are doing to secure the release of Nazanin Zaghari-Ratcliffe and other dual nationals

who are currently in detention in Iran. This must be an utterly terrifying time both for them individually and for their families.

It is not in anyone's interests for this to escalate to an all-out war. All sides should exercise maximum restraint and allow for meaningful dialogue, led by the UN Secretary-General's office. To prevent war, we need a strong plan for diplomacy, so are the Government in contact with the UN Secretary-General? And let us not forget that there was a diplomatic plan: the Iran nuclear deal. It was working, until President Trump came along and tried to rip it up.

Time and again over the last two decades, the political and military establishments have made the wrong call on military interventions in the middle east. Many of us opposed the invasion of Iraq in 2003 and the failed invasion of Afghanistan, and I opposed the bombing of Libya in 2011. Have we learnt nothing from those events? This House must rule out plunging our country into yet another devastating war at the behest of another state.

Mr Wallace: I note that the Leader of the Opposition sent the Prime Minister a letter in which he posed three questions, none of which he has just posed from the Dispatch Box. I find that rather interesting. I am afraid that instead of a serious interrogation about we would de-escalate this situation in the middle east and how we would ensure that British citizens and British allies were secure, we heard the usual tripe—"This is about Trump, this is about America"—and all the other anti-American, anti-imperialist guff.

The Leader of the Opposition asked where the Prime Minister was. Well, funnily enough, the Prime Minister is running the country, something that the right hon. Gentleman will fail ever to do as a result of the general election. This Prime Minister actually believes in Cabinet government, and in letting the members of the Cabinet who are responsible for the policy come to the House to be able to answer questions about a matter relating to that policy. Indeed, the Prime Minister felt that it was appropriate for me, as a Secretary of State for Defence who currently has a significant number of assets in the region—in Iraq—and who is charged with the duty of defending this country, to attend and to answer the questions in his place.

Perhaps I can answer some of the few questions that were asked by the Leader of the Opposition. First, it is for the United States to answer in detail the question whether it views the intelligence on the basis of which it made its decision to be illegal or not. On the basis of the information and intelligence that I have seen, what I can say is that it is clear that there was a case for self-defence to be made in respect of an individual who had come to Iraq to co-ordinate murder and attacks on US citizens. That begs the question what the Leader of the Opposition would have done if that individual had come to Iraq or anywhere else to plot the murder of British soldiers and diplomats. Perhaps, as he recommended with al-Baghdadi of ISIS, he would seek to have him arrested at that time.

It is of course the case that this Government are engaged in a full diplomatic effort at all levels to de-escalate the tensions that have grown in the region, not only at the United Nations but in leader-to-leader, Defence Secretary and Foreign Secretary discussions and using

[Mr Wallace]

all other levers that we have. More broadly than just in the region, we are seeking efforts to ensure that Iran does not retaliate in any way that would escalate the situation and that our friends and allies do not escalate the situation either. The call that this Government are making is to ensure that we pause, that we focus on the safety of the peoples of that region and that we seek a way out for Iran and for its neighbours. The first way we can do that, which this Government are determined to try to do, is to ensure that the destabilising activity that has been going on in the region is ceased, so that we can all progress to find the solution that we desperately want to the conflict. In the meantime, the Government will get on and ensure that they keep people safe in the region, and we will do everything we can to protect them and their lives.

Penny Mordaunt (Portsmouth North) (Con): I thank my right hon. Friend for his statement. Thousands of Iraqi civilians, military personnel and cadets have lost their lives in Daesh-linked violence, with many brutally executed. In the light of these events and the recent statement from the combined joint taskforce for Operation Inherent Resolve, can he reassure the House that the fight against Daesh remains offensive, not defensive? Will he also update us on efforts to secure access to northern Syria for humanitarian actors and others, given that access via Iraq is now impossible?

Mr Wallace: My right hon. Friend makes the serious point that Daesh has not gone away. Indeed, it is posing a threat to us here in the United Kingdom and Europe and also within region. We are working incredibly hard with the Iraqi Government to try to see in what ways we can remain in theatre to deal with that, and I know that the Prime Minister spoke recently to the Iraqi Prime Minister, including on that subject. At the same time, in Syria, we are focused on the force protection of aid workers and everybody else in the region, ensuring that people are safe and that people who are travelling there do so with the right advice. It would not be right for me to comment any further on what we are doing operationally in Iraq and elsewhere in the region, as to do so may expose our forces, but we are alive to the fact that among the groups of people most likely to exploit destabilisation are terrorist groups such as al-Qaeda and Daesh.

Stewart Malcolm McDonald (Glasgow South) (SNP): I thank the Secretary of State for advance sight of his statement. We on these Benches of course hold no candle for General Soleimani or, indeed, for the actions of the Iranian Government, but I would simply say to the Secretary of State that it is not anti-American to question and press the Government on what they are doing in relation to their closest ally. He says that the US is confident that General Soleimani had co-ordinated the 27 December attacks and was planning further attacks, but how confident is he that that is correct? There is certainly no consensus on Capitol Hill among congressional leaders that that is the case. The Secretary of State mentioned that he had seen intelligence that had perhaps convinced him, but have the UK Government done their own legal analysis of whether the strike was lawful? I ask him simply: does he believe that the strike was lawful? And why has it taken four days for the Government to convene the National Security Council, given the gravity of the situation we now face?

On UK forces, the Secretary of State tells the House—this is the killer paragraph—that all training has been “suspended” and “contingency planning” is going on, which can be taken to mean planning to leave Iraq, so can it be taken as read that there is now no active fight against ISIS in Iraq because of the actions of the President of America?

On de-escalation, will the Secretary of State mount the most robust and unapologetic defence of international law and order? Does he agree with the International Committee of the Red Cross that the threat to target cultural sites, as made by the US President, would be unlawful? Will he work to ensure that the UN Security Council can finally step in and do its job? Will he condemn the fact that the Foreign Minister of Iran has been prevented, against international law, from taking part in UN proceedings? On the JCPOA, I welcome what the Secretary of State has to say, but we really need some detail as to how he will get the plan resurrected with Iran and the United States.

We hear a lot at the Dispatch Box about the international rules-based order, but our closest ally is ripping it up before our eyes, whether we like it or not. I ask the Secretary of State to be unapologetic in standing up for it and to mount the most robust defence of it—America is a close friend, and that is what a close friend should do. If the Secretary of State does that, he will have the support of those on the SNP Benches.

Mr Wallace: The hon. Gentleman asks some good questions. First, we would of course condemn any attacks on heritage sites, and we recognise that they would be against international law. My counterpart, Mark Esper, the US Defence Secretary, has already clearly said that the US will not target heritage sites. If anyone were to do that, no matter whether they were friend or foe, we would of course call them out.

We observe and support the international rule of law, of course, which is why we support UN article 51 on the inherent right of a nation to defend itself. How a nation takes those sometimes very difficult decisions is, first, a matter for that nation and the intelligence and evidence it has in front of it at the time. I cannot speak for what the United States had in front of it at the time it made that decision; that is a matter for the United States Law Officers and, indeed, the President of the United States. What I can say of the intelligence that I have seen is that there is definitely a case to answer on the cause of self-defence. That is not me speaking for the United States; that is a matter for the United States. Every single leader has a very difficult challenge. They are the ones responsible for the decisions they make at the time, based on the information that is available to them.

I cannot expand further on the basis on which the United States made that decision. However, I know that the hon. Gentleman supports the inherent right in article 51 for a nation to defend itself. It is part of international law, and the UK Government defend a nation’s right to take that action if it is in accordance with article 51.

Jeremy Hunt (South West Surrey) (Con): It was disappointing that we were not informed about the attack in advance, but does the Defence Secretary agree that, while that may be partly because this US Administration have the habit of doing a lot of things unilaterally, it is also because of growing scepticism in Washington about

European commitment to global security, given the vast disparity in defence spending between European countries and the United States? The right place to address this issue is the defence and security review that is happening this year, which can show that a newly confident post-Brexit Britain takes its defence obligations seriously.

Mr Wallace: My right hon. Friend is right that the defence, security and foreign policy review is the place for us to examine our place in the world and what funding goes behind that.

When it comes to being informed, every single country, including the United Kingdom and the United States, has a category of no foreign eyes—it is “NOFORN” in the United States and “UK eyes only” in the UK. None of us knows what it is like in other countries when they have short notice, potentially, in a case where life is at risk, or how much time they have to action that intelligence or threat and to inform their friends and neighbours. It is a real challenge. In my experience of having intelligence in front of me as a soldier, we did not always have the luxury of time to inform everybody, even within our own system. We should remember that the United States did not inform Congress, let alone its friends and allies, at that particular moment. We do not know the reason that was urgent enough for the United States Administration to do that. It may well have been that a threat to life, dealing with which is paramount, was more important at that particular moment to that particular decision maker than telling us. They did, however, tell us very quickly after the event, and we have engaged with them throughout the process.

Tulip Siddiq (Hampstead and Kilburn) (Lab): When I met the Prime Minister when he was Foreign Secretary, he told me and my constituent Richard Ratcliffe that he would leave no stone unturned to ensure the release of my constituent Nazanin Zaghari-Ratcliffe. I was therefore alarmed to hear the present Foreign Secretary on “The Andrew Marr Show” agree with Andrew Marr that there was nothing that the Government could do to ensure the release of Nazanin Zaghari-Ratcliffe. Will the Government leave no stone unturned to ensure that Nazanin comes home, or will British prisoners be left to rot in jail in Iran while the situation between the US and Iran escalates further? Which is it?

Mr Wallace: This Government will do everything we can to get released from Iranian prisons not just the hon. Lady’s constituent, but the many other dual nationals currently languishing in those jails. It has been a long-term foreign policy tool of the Iranian Government to incarcerate people that they do not like to intimidate nations. Hostage taking—some of these prisoners are hostages to some extent—has been in the Iranian handbook for many decades. We will do everything we can to try to get her constituent released, and I mean everything. However, everything we do will be within international law. That is our only parameter. We will try and try and try, and the Minister for the Middle East and North Africa continues to do that on an almost daily basis.

Sir Iain Duncan Smith (Chingford and Woodford Green) (Con): The issue at stake here is that Soleimani and his deputy were already responsible for vast attacks on our allies and on British citizens, leading to loss of life and to the recent oilfield explosions in Saudi Arabia.

The point that we want to make here is not just that he may have posed a threat, but that he has already been a threat. As a result of his position, Iran’s policy has been to escalate all conflict across the middle east, so my right hon. Friend is right to want to de-escalate the situation, but part of that is about ensuring that Soleimani and co. no longer exist and can no longer escalate such terrible actions.

Mr Wallace: My right hon. Friend is correct to highlight that this is not just about the incident of 2 January. The long and consistent destabilising of the region by the Quds Force has done Iran no favours at all. In fact, it has had the opposite effect. Rather than making Iran powerful and influential, it has made Iran a pariah in its own neighbourhood and has led the Iranians down a cul-de-sac to the potentially dangerous place we are now in. We all need, therefore, to do everything we can to de-escalate, including ensuring that Iran ceases the destabilising activity that prevents the building of trust by its neighbours. The neighbourhood may well help to find a solution, but it has to trust Iran.

Mr Pat McFadden (Wolverhampton South East) (Lab): The key question is about where all this is going. Iran has announced since this happened that it will not abide by limits on the use of centrifuges agreed under the JCPOA. What is the Government’s assessment of the JCPOA? Is it in intensive care, or is it dead? Is it the Government’s policy to resurrect the agreement? If it is, how do they intend to pursue that objective?

Mr Wallace: We believe that the JCPOA still has life in it. With the right amount of effort and focus, both from the E3 and from Iran and in the work that we communicate to the United States, it is a route that will prove successful. The JCPOA contains a dispute resolution mechanism. We have not yet gone to that, but it is one of the things that we can use to seek to remedy the situation if we are going to try to pull Iran back from a path that may eventually break the JCPOA. We do not think it is dead. We think there is still a chance, and we will make sure, despite what is going on now, that it is the best solution in the long term.

Suella Braverman (Fareham) (Con): In the light of Soleimani’s alliances with Hezbollah and Hamas, and now the explicit threat of revenge, does my right hon. Friend agree that Israel is exposed and faces a real risk of attack from Iran? If he does, what steps are the UK Government taking to support Israel, a true friend of the UK and of democracy, in its right to self-defence?

Mr Wallace: Regretfully, I do not think the threat to Israel has changed because, even before the general’s death, Iran had been using its proxies to directly and indirectly target Israeli interests not just in the region but around the world. Israel, in its public statements, recognises the threat that General Soleimani posed but also recognises the importance of finding a solution to the growing tension in the region that helps absolutely no one. The tension does not help Iran find a way out, it does not help Israel’s security and it does not help Iraq’s security, which is why we are determined to see what we can do to try to de-escalate through the diplomatic route while also finding long-term solutions in the hope that the JCPOA continues to flourish or, if it does not, to ensure there is another path for Iran to follow.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): Global security scholars have an incredible number of secondary questions about this act. Iraq has a close military and political relationship with Washington, as the Secretary of State knows, yet it was not consulted on the assassination of a prominent target in its sovereign territory. Has he sought assurances from his American counterparts that they will not extend doing what they must to defend themselves to carrying out targeted assassinations on other allies' sovereign territory, including the United Kingdom?

Mr Wallace: The hon. Gentleman mixes the inherent right, under article 51 of the UN charter, to defend ourselves from threats against our citizens or others, and an unchallengeable sovereignty that means a country cannot take action to defend itself from a threat in part of another country. We mostly do it by getting in touch with the other country to have someone arrested or dealt with, when there is a direct threat, but that is not always an option, depending on imminence.

As I said in my statement, the number of times that US and UK coalition forces have been attacked in Iraq in the last few months, with no action being taken—indeed, an American lost their life—has been growing. There have been 14 attacks, with 32 rockets fired in the last one. In the end, it is the responsibility of any nation to make the difficult choice to balance sovereignty, intelligence and the duty to defend its citizens. Nations have to make that choice sometimes.

Tom Tugendhat (Tonbridge and Malling) (Con): My right hon. Friend makes a proper case for the British Government's position, but will he go further and talk about what he is doing to make sure this does not become a cliff edge to war but is instead the low point of a tick that leads to progress? We should work with allies such as Kuwait, Qatar and Oman, perhaps, to reach out to Iran and assure it that we do not wish a conflict and that what we wish instead is change to a policy that has led to the deaths not only of far too many Brits but of hundreds of thousands of Muslims in Syria and Iraq. It is for them that we are standing up, and it is for them that we want a change.

Mr Wallace: My hon. Friend is right to focus on how we can broaden both the network of diplomatic pressure on Iran and, in a sense, the support for Iraq, the United States and other countries engaged in this area. If I remember rightly, Iran used to have remarkable links with Japan, for example. We are exploring all the possible levers. With my colleagues in the Foreign Office and, indeed, at No. 10, including the Prime Minister, we are working as broadly and as fast as we can to find a way, using diplomacy through people with good access to the very heart of the Iranian Government, to reach a place where we can persuade the Iranians that retaliation is not in their best interest, while offering them a way out so that we can get back to a more stable middle east.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): I agree with much of the Minister's critique of Iran and of General Soleimani, and I of course support the US's right to self-defence, but to assert that right through international, extra-judicial, pre-emptive assassination surely warrants some criticism also, if only to ensure

that our diplomacy is effective. Is the Government's unquestioning support of Trump not likely to enhance Iran's influence and control in Iraq, a country where so many of our armed forces have given their lives?

Mr Wallace: I am grateful for the hon. Lady's comments. Our support for the US is not unquestioning at all; we talk to our allies a lot. Indeed, I talked to my US counterpart about being told in advance and not being told in advance; I have those discussions. We are friends and allies, but we are critical friends and allies when it matters. We are also focused on Iraq, which is on the frontline of both Iranian meddling and Daesh attacks on a daily basis. That is why we have been invited into Iraq by the sovereign Government at the moment to try to help build their capacity to help them defend themselves. That is the most important thing for us at this moment in time; the Iraqi people are at great risk of both Iranian militia antagonism and Daesh. We will be speaking to them and we are continually trying to get them to say that it is in their best interest for us to remain, but we will respect Iraqi sovereignty. If they require us to leave, that is their right and we will respect it. Interestingly, no one has yet asked in the media why an Iranian general felt it was his job to parade around Iraq, given that Iran is not invited into Iraq's affairs.

Dr Liam Fox (North Somerset) (Con): I entirely agree with my right hon. Friend; General Soleimani carried out Iran's proxy wars, from the horrors in Yemen to the support for the bloody Assad regime. He was a key ally of Hezbollah and its terror networks. He did all of these things as a central figure in the Iranian regime, if not as its No. 2. I say to my right hon. Friend that we need to accept that the JCPOA has, in effect, been dead since the American withdrawal and we need to look for a more comprehensive agreement in the broader region if we are to maintain stability in that broader region, in the wider global interest.

Mr Wallace: My right hon. Friend is right about the behaviour of the Quds Force—the revolutionary guard—over the years. Plenty of voices and decent people in Iran seek a way out for the Government and the people of Iran, whereby they move back to a normal position of international respect. These people are trying and have tried—certainly, when we visited they tried—to get away from the principlists, the hardliners, who have been running the country into the ground and making it a pariah state. Soleimani was one of the people who enabled those hardliners to create the pariah state they are in now. The balance we need is to ensure that those people seeking the right path are either empowered or heard, and are not snuffed out by the revolutionary guard. I fear that in the past 12 months the revolutionary guard, under Soleimani and his gang, has had the upper hand, meaning that those moderate voices have been snuffed out to the extent that the supreme leader and others are not at the moment interested in finding an alternative. Our job is to persuade them that there is an alternative.

Several hon. Members *rose*—

Mr Speaker: May we have short questions and speedy answers? I am going to have to cut this off, as the House will be sitting late into the morning and I have concerns. I do, however, want to get as many people as possible in.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Clearly, the issue of our British nationals living in the area is extremely important, and the Secretary of State has touched on it, but may I press him on it? Has he had discussions with suitable civil airline or shipping companies to get our citizens out if, perish the thought—I pray to God it never happens—the situation worsens in any way?

Mr Wallace: My hon. Friend the shipping Minister is having a meeting with the shipping industry tomorrow, predominantly about protecting the ships in the straits and the vulnerabilities there. With both military and civilian planners, we are in the process of thinking about a range of actions we could take for evacuation or getting people to a safe neighbouring country if the worst were to happen. We plan for the worst—we do not think it will ever get that way and we hope it will not—and we put all our assets at disposal to do that.

Mr Andrew Mitchell (Sutton Coldfield) (Con): My right hon. Friend is clearly absolutely right to focus, laser-like, on defending British personnel and interests, but can he assure the House that Britain is working closely with all our allies in Europe and the region, as well as in the US, to finish the job of defeating ISIL and to de-escalate tensions rather than see them spiral out of control, using all the available opportunities through the much challenged but vital international rules-based system?

Mr Wallace: Yes. My right hon. Friend is absolutely right that the No. 1 threat to us in the United Kingdom and to Europe is the actions by Daesh. We must continue the assault on them, not only in their bases, where they are, but on their ideas, on the internet and in some of our own communities. We will continue to do that. I spoke with my French counterpart—France has often been at the forefront of ISIS attacks in Europe—and she and I are determined that that assault does not fall off the agenda and that we maintain not only our investment in fighting ISIS but our determination to recognise that they have not gone away and that it will be a long fight.

Hilary Benn (Leeds Central) (Lab): The Secretary of State rightly speaks of the need for de-escalation and diplomacy. May I press him on a point that was raised a moment ago? It has been reported that the US Administration have denied a visa to the Iranian Foreign Minister to attend the United Nations, which I would have thought was one of the places where we would like that diplomacy to take place. Does the Secretary of State think that that decision helps what he is calling for or hinders it?

Mr Wallace: We have heard the report, like the right hon. Member, and we are currently trying to establish the truth of it—it came out of Iranian media. Our position would be that we urge that that person be granted a visa. The United Nations is obviously one of the key locations where we will try to use diplomatic levers to resolve and de-escalate the situation.

Dr Julian Lewis (New Forest East) (Con): President Trump has already thrown our Kurdish friends in the area under a metaphorical bus. Will the Secretary of State confirm whether the dramatic action that President

Trump has taken means that he is turning away from his policy of withdrawing from the region, increasing his policy of withdrawing from the region, or does not have the slightest idea which of the two he ought to do?

Mr Wallace: I cannot answer for the United States long-term policy on the middle east, but I can say that this action was heavily weighted in self-defence—an issue of the here and now and the threat that they faced. My right hon. Friend's question feeds the point made quite rightly by the former Foreign Secretary, my right hon. Friend the Member for South West Surrey (Jeremy Hunt), that we need to invest in our defence and security so that we are never over-dependent on one ally or another. It is the UK Government's view that we need to have long-term support and investment in Iraq, which is important for the region. We do not want to be in a place where we are always dependent on others, such that should they change their policy, our policy has to go with it, whether we want it or not.

Wayne David (Caerphilly) (Lab): There are clearly differences between France and Germany on the one hand and the United States on the other. What action are the Government taking to make sure that our international allies and NATO once again speak and act with one voice and one action?

Mr Wallace: I spoke to my German counterpart yesterday—indeed, the German statement on Friday, which came out before ours, was very similar to ours. There is no difference between France and Germany. Germany has been clear about its view on self-defence and the United States. Like us, it is determined to maintain the fight against Daesh, is worried about instability and wants to work hard on de-escalation. France, Germany and Britain are united in thinking that the JCPOA is the way forward. I think Chancellor Merkel is due to visit soon and we will certainly continue to engage to use that front with the United States to try to get them to support or re-engage in the JCPOA. At the same time, it is absolutely clear—the Germans have forces in Iraq as well—that once this phase passes, we have to get together and really try to work for that stability.

Alicia Kearns (Rutland and Melton) (Con): Let me start by thanking our diplomatic service and the armed forces for working tirelessly over the past few days in our defence. Does my right hon. Friend agree that the foremost priority of this Government is to de-escalate the crisis, but, beyond that, to protect our armed forces who have been described by senior commanders of the Quds Force as worthwhile collateral damage in attacks against the US?

Mr Wallace: I welcome my hon. Friend to her position in Parliament, and I look forward to working with her. It is absolutely true that, if we really want to protect our people, our friends and our allies, the first thing we must do is work hard to de-escalate the situation. We do not want the conflict to spread, and we do not want it to get worse. At the same time, we will use the assets of the Ministry of Defence and of wider government to protect our people—whether they are in theatre or even here at home—from any threats that may be posed by anyone who wants to take a reprisal.

Alison McGovern (Wirral South) (Lab): The Secretary of State rightly mentioned the actions of the Assad regime in Syria. He will be aware of the situation in Idlib. What meetings has he had with the Secretary of State for International Development and the Home Secretary to make sure that there are sufficient legal routes for refugees from Syria to this country should they be required?

Mr Wallace: I have not had any significant meetings, but I support and facilitate any such access for people who wish to come out of the area. That has been the case when we have tried to evacuate people, including children, from any part of the middle east—certainly from places such as Syria. I am very happy to take up this matter with the Home Secretary. The hon. Lady is absolutely right that Idlib should not be forgotten. What is going on there right now is a horror show and we should do all we can to help the people of Idlib, but, very importantly, we must not forget that the regime that is doing these things is supported and aided by the Iranian revolutionary guard.

Mr Tobias Ellwood (Bournemouth East) (Con): I welcome both the Defence Secretary's statement and the tone he has adopted. For too long, Soleimani and the Quds Force have been allowed to operate a shadow war across the middle east, but it is clear from the frequent demonstrations across Iran that the Iranian people do not support their regime and its proxy interference. He focused on the media, on managing the heightened threat, on containing expected reprisals and on calling for de-escalation, but with the architect of so much instability removed is there not a rare opportunity to reset our middle east strategy? First, we could be more assertive in tackling proxy interference and weapons proliferation, and, secondly, we could be more proactive in offering conditional but genuine economic rehabilitation for Iran.

Mr Wallace: My right hon. Friend is right. What has been brought into sharp focus is the fact that time has run out. We must sort this out in the middle east on a collective basis and try to put in place a long-lasting solution. He is also right to make the point that, in one sense, Soleimani's passing provides an opportunity for people to realise that his policy has done nothing but make Iran a pariah state. We should also not forget that the population of Iran, just like the population of Iraq, do not want America, do not want Britain and do not want the current regime; they want their own nation. Iraqis are nationalistic and Iranians are nationalistic. When dealing with those countries, we should never forget that, if we can give those people their country back, we can support their human rights. That is the best way for us in the west to proceed, rather than imposing a solution on them.

Caroline Lucas (Brighton, Pavilion) (Green): Now that the Iran nuclear deal, recklessly abandoned by President Trump, hangs by a thread, does the Minister acknowledge that, as well as doing everything that he can to help restore it, he should understand that the nuclear non-proliferation treaty review conference in May will be even more critical in rebuilding trust? Can he guarantee that the Government will play a very serious role at that conference in using it to demonstrate real commitment to multilateral disarmament?

Mr Wallace: My right hon. Friend the Minister for the Middle East says that, yes, we will and that that is incredibly important to us. I echo that. It is important and we will put all our effort into that conference to try to get a good result.

Robert Halfon (Harlow) (Con): Since the nuclear agreement with Iran, Iran has stepped up its support for terrorism, with both finance and military equipment for Hezbollah in Syria and Lebanon. What is my right hon. Friend doing to contain the Hezbollah threat not just to Israel but to the wider region?

Mr Wallace: My right hon. Friend will know that this House proscribed the full element of Hezbollah a few months ago. It is key that we work with our allies to strengthen Lebanon so that it has some resistance to Hezbollah within its state. That is important because Hezbollah has a habit of assassinating people in Lebanon who disagree with it. At the same time, it is important that we work with our ally, Israel, ensuring that we share any knowledge that either we have or Israel has to protect it from terrorists.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): The Secretary of State is right to call for de-escalation because the consequences of a wider conflict with Iran would be severe, and the situation diverts attention from the many other crises in the region, including in Idlib and Yemen. I want to ask him about the prisons in northern Syria that were housing many of the Daesh fighters who pose a risk—both to us and to civilians in northern Syria. The prisons have effectively been left abandoned because of the consequences of US actions with regard to our Kurdish allies and Turkey's intervention. What is the Secretary of State's assessment of the security of the prisons and of the risk posed by the escape of prisoners from them?

Mr Wallace: At present, we, the French and even the United States consistently talk with the likes of the Syrian Democratic Forces to ensure that the prisons are still guarded and that we provide whatever support we can to help them with that. Like the hon. Gentleman, we recognise the importance of those prisons, which contain lots of foreign fighters as well as more localised fighters. We do not want Daesh to be reborn in those prisons, and it is incredibly important that we are able to stay in Iraq because we are partly going to deal with that situation in partnership with the Iraqis—there are Iraqi foreign fighters and others. We urge the Iraqi Government to reconsider their vote, because we think it would be useful to stay to secure that situation.

James Gray (North Wiltshire) (Con): As the Secretary of State says, the British Army has played a crucial role in training Iraqi and Kurdish troops; I have seen it with my own eyes. Does he agree not only that it is essential that we safeguard our troops in Iraq for their own safety but that the whole future of our middle east policy is dependent on our continuing to contain Daesh in Iraq, in which the armed forces have an extremely important part to play?

Mr Wallace: My hon. Friend is absolutely right. Nation building in Iraq is really important—not just for us, but for the people of Iraq. We have only suspended the training; we have not stopped it, because we still

think it is really important to help with capacity building and security forces. We will seek to restart the training as soon as possible.

Ian Paisley (North Antrim) (DUP): It will not be lost on the Defence Secretary that one of the first political organisations to mourn the passing of Soleimani was Republican Sinn Féin, some of whose members may be well known to Labour Front Benchers. The Government previously indicated that they were carrying out a review of whether to proscribe the Muslim Brotherhood. I understand that the organisations we are discussing are Shi'a, but is there still going to be a review into proscribing the Muslim Brotherhood, and would that help to protect the citizens of this country?

Mr Wallace: The hon. Gentleman makes a point about Republican Sinn Féin. I noticed the tweet: it is bizarre, but it shows the long tentacles that Hezbollah or the revolutionary guard of Iran may have had in the hon. Gentleman's own communities. The proscription of any organisation is a matter for the Home Office, which will no doubt have heard what the hon. Gentleman has said; I can get him an answer from that Department if he wishes.

Rehman Chishti (Gillingham and Rainham) (Con): I very much welcome the Secretary of State's statement on de-escalation. As he knows, de-escalation could mean many things to many people. If one asked the Syrians, the Iraqis or the Lebanese, they would say that de-escalation means the Iranian militia not operating in their sovereign territory. What have the Iranians said their end game is? What do they want to de-escalate the situation, because in the end there has to be de-escalation, with people living side by side and conducting themselves in a neighbourly way?

Mr Wallace: All my experience with the Iranians indicates that they want Iran to be a nation of the world that is respected and remembered for its culture and position; that is their end state. The challenge is that some think that they should get there in a way that has delivered this type of pariah status for them. We need to point out the importance of the rule of law. It is bizarre, but the Iranians have a very good constitution that they seek to avoid half the time. The way for them to enter into the world of civilised nations again is to behave like one, and that is what we are there to help with and support, and there are many people in the country who know exactly that.

Mary Glindon (North Tyneside) (Lab): The Secretary of State recognises how the safer and more pluralistic Kurdistan region can play a positive role in the wider efforts to de-escalate the conflict, but it does need stronger assurances about its own security and continuing UK efforts so that it can remain respected and neutral as a player in this situation. Does he now think it is time to implement the promise made to invite the leadership of the Kurdish Regional Government to the UK on an official visit?

Mr Wallace: What is important is that the Kurds—and, indeed, some of the sectarian groups, or ethnic groups, in the area—understand about security. It is often insecurity that has driven many of these conflicts for dozens of years. Iran feels desperately insecure, often, in its region.

The Kurds have often felt insecure because of the history of many nations, including Iran, that have set about them. So the first thing we should all do is seek to find security guarantees for many of these people, and in that way we can set the next process of resolving the problems between the different parts of the middle east.

Crispin Blunt (Reigate) (Con): I welcome my right hon. Friend's statement and the personal authority and experience he brings to this issue. Will he work with all our coalition allies to sustain our commitment to all the people of Iraq, most of whom would not welcome our abandoning them to the forces both heretical and now corrupt, not least in the Islamic Revolutionary Guard Corps behind the Iranian revolution?

Mr Wallace: My hon. Friend and I visited Iran as well, a long time ago, and he speaks a lot of sense. Britain's focus has to be about how we can continue, over the long term, supporting Iraq and its people. It is a complex country with many different groups, and those differences have been exploited recently by Iranian-backed militia, which again, instead of helping those people, has actually led to misery. We must do what we can to capacity-build the Iraqi state so that they can make decisions for themselves.

Carol Monaghan (Glasgow North West) (SNP): Of course, many of us have great concerns about the repercussions of this event and the fact that, rather than de-escalating the situation, we see the opposite happening. In whatever discussions the Secretary of State has with his US counterparts, will he, if he manages to have any influence with them, state very clearly that we do not support this method of taking out our enemies and that winning the battle of hearts and minds has much more effect, in the long term, than this?

Mr Wallace: I certainly press on the United States, which has also said that it is not in its interests, or its wish, to increase tensions. It does not want this event to lead to war. It has been very, very clear about that, as have, indeed, the Iranian leadership. If we accept that both the Iranians and the United States have been adamant that they do want a war, we should then work on that as a way to get both sides to seek a resolution.

Mr John Baron (Basildon and Billericay) (Con): Very few countries' hands are completely clean in the region. A key part of the problem is that there has been a lack of a co-ordinated, overarching peace process, particularly now that the Iranian nuclear deal is dead. Does my right hon. Friend agree that from our point of view the elephant in the room is that we need to spend more on our defence and diplomacy—raise that expenditure—not just to send a very clear signal to the world that we are going to better defend our interests, if we need to, but to hold greater sway with our key allies, particularly the US, in this particular region?

Mr Wallace: My hon. Friend makes the really important point that both diplomacy and defence do not come cheap and we need to invest in that. Sometimes we need to invest in helping others to defend themselves as well. I think it is one of the most noble things to defend those who cannot defend themselves.

Derek Twigg (Halton) (Lab): I welcome the steps that the Secretary of State has outlined to de-escalate tensions, but if those were to fail and Iran were to retaliate with an attack that resulted in the deaths of British service personnel and civilians, what would be our response?

Mr Wallace: If British civilians or even military personnel were killed as a result of Iranian or terrorist action, we would look at the response. The response would no doubt be proportionate, and we will of course look at it at the time of it happening.

Michael Fabricant (Lichfield) (Con): My right hon. Friend has mentioned the 14 attacks that have happened since October in Baghdad, but is he aware that the US Department of Defence has estimated that more than 600 servicemen have been killed by Iran or its proxies? What estimate has he made of the number of British servicemen who have been killed, and does he agree that when there is an imbalance and people either defend the actions of Iran or attack the United States, it simply gives comfort to Tehran?

Mr Wallace: My hon. Friend makes a point about the deaths of United States personnel. We should not forget, and we should pay tribute to, the 179 UK defence personnel who died in operations in Iraq and the 454 who died in operations in Afghanistan. He will remember, like me, that many of the tragic deaths of UK personnel in Iraq happened in Basra, where the Shi'a militia were supported and instigated by members of the Iranian revolutionary guard.

Sir Edward Davey (Kingston and Surbiton) (LD): I thank the Secretary of State for his statement, in particular his emphasis on de-escalating tension, and acknowledge his genuine expertise on Iran. Given how damaging the Iraq war was to security in the middle east and given the Government's support for reducing tension, will he now rule out any British involvement in any attack on any site in Iran?

Mr Wallace: I am not going to rule out anything. The UK will do what it has to do to defend its persons—its citizens—wherever it needs to; that is our duty. We cannot say what is in the minds of Iran or anybody else in the future, and that is why we will always reserve our right to take that decision at the time.

Alec Shelbrooke (Elmet and Rothwell) (Con): Events like this have an immediate impact on all our constituents, and my constituents will be noticing the oil price rising, with concerns about their household budgets. That brings us back to the strait of Hormuz. For the last 70 years, NATO has had a policy of deterrence working as prevention. Will my right hon. Friend meet his counterparts in our NATO allies to discuss the possibility of using NATO maritime resources to put protection forces in place that would act as a deterrent, rather than having to react to any activity that takes place?

Mr Wallace: My right hon. Friend makes a really good suggestion, and I will take it up at the NATO Defence Ministers' meeting for him. He is right. We already have a number of international coalitions in the strait, such as on anti-piracy, which even involves China, and the International Maritime Security Construct,

where we are working with the Americans on protecting our tankers. He is right; tanker wars, as they were called in the 1980s, have been around for a long time. The Iranians used to fire rocket-propelled grenades at tankers back then, deliberately to spike the oil price. He makes a good suggestion.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): Since the assassination, as part of its military build-up, the US has deployed long-range bombers to Diego Garcia, a territory that the British state illegally occupies. The Secretary of State talks about de-escalation, but is not the reality that the British Government's actions are actually helping to escalate the crisis?

Mr Wallace: No. The United States has said that it has deployed many of its troops in response to the rhetoric coming out of Iran, to ensure that it protects its forces, and of course that is the right thing to do. We have sent a small team to ensure that our military planners are properly enabled, and we have changed the posture of our forces in Iraq to ensure that they are currently focusing on their force protection. That does not mean that we are preparing to do anything else, nor does it mean that the United States is.

Dr Matthew Offord (Hendon) (Con): In the last six months alone, Iran has disregarded four tenets of the JCPOA. In addition, Iran has refused to answer questions from the International Atomic Energy Agency about uranium particles found at a previously undisclosed location. We should not forget that the JCPOA allowed millions of pounds, in addition to manpower and resources, to pour into Syria to continue that war and kill thousands of people. Does the Secretary of State agree that it is simply incorrect for anyone to say that the JCPOA is alive and well?

Mr Wallace: I did not say the JCPOA was alive and well and all business as normal; I said it was not dead. The JCPOA is a deal that I believe was the right thing to do. I remember, even before it was formed, that I and even the Leader of the Opposition would urge the Bush Administration to talk to the Iranians to engage and seek a way through, and we came to an Iranian deal that we thought was correctly monitored and that the European powers thought was a good way through. However, my hon. Friend is right: it is not just that the United States withdrew; the Iranians have tested every single inch of the written agreement. That does not detract from the fact that we believe the JCPOA is the right way forward, and we will invest our time and effort in trying to make sure it has a future.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): I welcome what the Secretary of State for Defence said about the de-escalation actions that his Ministers and officials will be taking in relation to Iran, but the response to my right hon. Friend the Member for Leeds Central (Hilary Benn) suggests that the Secretary of State was taken by surprise by the actions the US has just taken in declining to give a visa to the Iranian Foreign Minister. What actions are his Administration taking to ensure that the US but also the UN play a full role in helping to de-escalate these events?

Mr Wallace: My right hon. Friend the Foreign Secretary is visiting the United States later this week, when our determination will be to try to seek a diplomatic way out. In that, he will no doubt have discussions with his counterparts, and we will see where we can get to. The United States does not share its visa decisions on a live wire with us. However, we saw earlier reports, as I think many Members here have done. We will find out and get to the bottom of it. Certainly, my urging from the Dispatch Box on behalf of the Government is that we think allowing Mr Zarif to go to the UN would of course be a sensible thing to do.

Harriett Baldwin (West Worcestershire) (Con): The Defence Secretary has mentioned on numerous occasions during his statement the importance of our diplomatic network in de-escalating this crisis. Does he agree with me that the position of the UK ambassador to Washington has now been vacant for far too long, and will he encourage the Foreign Secretary to make that appointment?

Mr Wallace: My hon. Friend had an excellent record as a Foreign Office Minister. I will ask the Prime Minister at the NSC next.

Tommy Sheppard (Edinburgh East) (SNP): Are there any other members or officials of the Iranian Government whose assassination the United Kingdom would find acceptable?

Mr Wallace: I do not know how to start on that question. The United Kingdom would always seek to follow international law in dealing with threats against it. Within that international law range all the options such as arrest, detention and disruption, but there are some occasions—for example, when we saw the events in Syria take place—when, unfortunately, kinetic or lethal strike has been engaged by the RAF. The British Government have been very open about that, and it followed a vote in Parliament. We will always reserve in this country the right for us to defend ourselves against threats posed to our citizens, and I do not think the First Minister of Scotland would disagree with that at all.

Simon Hoare (North Dorset) (Con): With hard-line voices currently drowning out moderate voices in Iran, what confidence can this House have that the President of the United States is alert to the Pandora's box he has potentially opened, and what can the international civilised community do to articulate what it is to be a moderate country and to give succour, support and encouragement to those moderate voices in Iran to remain moderate and to remain speaking out?

Mr Wallace: I think the best way we can empower the moderate voice of Iran is to offer the hand of friendship to a way out—to say, “This is not about a war.” We do not want a war. We do not want the conflict to increase. We want to be clear about what behaviour we think should change, and also be prepared to deal in other parts to make sure we try to get them in a better place. I think that is the best solution for Iran. The moderates know that. Let us hope they can hear it.

Matthew Pennycook (Greenwich and Woolwich) (Lab): The JCPOA has been mentioned several times this afternoon. Will the Secretary of State confirm that the UK Government's position is that there are no immediate grounds to trigger the dispute mechanism in that agreement?

Mr Wallace: The Government will consider all options as they see the latest announcements from Iran and in discussion with bodies such as the International Energy Agency.

Henry Smith (Crawley) (Con): A couple of years ago I was pleased to visit HMS Jufair in Bahrain. What additional Royal Navy support will be deployed to the Gulf to ensure the safety and security of British shipping and interests?

Mr Wallace: In the Gulf region we currently have HMS Defender and HMS Montrose—a Type 45 and a Type 23 frigate. We have a Royal Fleet Auxiliary ship with helicopter support, and a number of minesweepers. We have a lot of Navy assets in that region, as do our allies and other Gulf Arab states in that area, and we will work together and hold co-ordination meetings to try to ensure that we maximise their use. We are currently focused on ensuring that we do not provoke on the Iranian coastline, while ensuring that we maintain the international law of freedom of navigation, so that those ships that are vital to our economy are not intimidated or kidnapped.

Patricia Gibson (North Ayrshire and Arran) (SNP): It is unwise to threaten it once; it is deeply alarming to threaten it twice. If US President Trump does intend to target Iranian cultural sites, what will the UK response be? To what extent will that response be influenced by the UK Government seeking a trade deal with the US?

Mr Wallace: We have been clear that we will seek for everyone to comply with international law. Targeting heritage sites is against international law, and we will not be shy in calling that out publicly or privately to the United States. After that statement by the President, the United States Defence Secretary made it clear that US policy is not to target heritage sites.

Mr Mark Harper (Forest of Dean) (Con): One reason that the US pulled out of the JCPOA was the fact that it was not comprehensive and did not cover all the other terrorist actions taking place, including those carried out by General Soleimani. Does the Secretary of State think that one way to kick-start and use what has happened as a diplomatic opportunity for peace is to try to widen the JCPOA's remit to cover all those other actions, rather than just focusing on the nuclear arrangements, important though they are?

Mr Wallace: My right hon. Friend talks a lot of sense, and that reflects what both sides used to want. In 2006 the Iranians made what was called the “grand bargain”, which was a whole offer that included—if memory serves me rightly—recognition of Israel and the abandonment of any nuclear programme. Both sides seem to want a “grand offer”; both sides want a “grand deal”, and I think it our duty to try to get them to the table to offer such a deal.

Catherine West (Hornsey and Wood Green) (Lab): May I press on the Secretary of State the importance of our UK citizens and residents who are based in prisons? Those include my constituent in Evin Prison, who remains an employee of the British Council. When was the last time that a ministerial intervention led to an improvement

[Catherine West]

in the welfare of any of those prisoners, or to the hope that they will be returned, in this case to Crouch End in London?

Mr Wallace: I will get the hon. Lady the exact detail of when, but all the time we are visiting, or trying to visit, with interlocutors, individuals held in those prisons. As she rightly says, this is not just one individual; there is a whole group from many nations—they are not just British-Iranian nationals, but Europeans and Americans and so on are held there. It is part of a deliberate policy, and the individuals and judiciary in Iran who have been appointed most recently are a worrying sign about the current intention of the Iranian regime in carrying on that policy. We must change that policy, and in the meantime we must be alert to the health and wellbeing of people in those prisons. We will try—not only with our own embassy staff but with other third countries—to see what help can be given to increase pressure in Iran and ensure that we support those prisoners.

Tim Loughton (East Worthing and Shoreham) (Con): Protecting and promoting culture is a key way of stabilising countries and forging bonds between nations. To that end, the Government's support of the British Museum scheme, which is training Iraqi archaeologists to go back and restore the sites that were so desecrated by Daesh, is a win-win situation. In 2017 the UN Security Council, including America, voted to condemn those acts against UNESCO world heritage sites. Does the Secretary of State agree that if the US President has now decided unilaterally to reverse that policy, that is not only remarkably stupid but counterproductive as well?

Mr Wallace: My hon. Friend makes the point that it would be a crime to attack heritage sites. I have made it quite clear that US policy is not to target such sites. That has been clarified by the US Defence Secretary. We will ensure that we are very clear in our opposition to the targeting of heritage sites anywhere in the world, not just in the middle east. They are a part of our heritage and our history.

Jim Shannon (Strangford) (DUP): I thank the Secretary of State for his statement. Iran is no longer a place of cultural, historical and human rights diversity. Under General Soleimani and the Quds Force of the Islamic Revolutionary Guard Corps and its involvement with terrorist groups across the world, Iran has the blood of thousands of innocents on its hands. Iran has said that it will continue to pursue nuclear power. It has also stated that it will not rest until Israel is destroyed. What steps is the Secretary of State taking to provide help and support for Israel in the light of the threat from Iran against its so-called enemy? Further, will he publicly state again that this great nation of the United Kingdom of Great Britain and Northern Ireland stands alongside Israel at all times?

Mr Wallace: We support Israel. We support its right to defend itself and its right to exist, and we will work alongside it to make sure that its security is protected. We will also work alongside anyone in the middle east who seeks to establish better stability and security for their people, but also to ensure we resolve this current growing conflict.

Vicky Ford (Chelmsford) (Con): It is obviously vital for global security that Iran does not achieve ownership of nuclear weapons. I thank the Secretary of State for his work with France and Germany to reboot the JCPOA. Given that it is now coming up for two years since the US pulled out, if that is not achieved, what is the plan B?

Mr Wallace: We are going to be working hard to make sure it is achieved. The President of the United States has talked about a grand deal. He has talked about a bigger and more sustainable long-term deal. He has talked about wanting to do a broader deal. We will of course assist in that process if the US continues on that path and we will reach out to the Iranians. We have no ill will towards the Iranian people. We should not forget that this Government are concerned and saddened by the loss of up to 50 people in the stampede at the funeral that took place. We send our condolences to those mourners and to that population. No one should have to go through that. Our hand of friendship is there for the people of Iran. If all this teaches us something, it is that the leadership of Iran has not served its people well; it has led them down a cul-de-sac and it has led the middle east to a less stable, not more stable, position.

Owen Thompson (Midlothian) (SNP): Clearly, any escalation of tensions in the region could have significant consequences not only for our armed forces, but civilian populations there. It is time for cool heads. The Commander-in-Chief of the United States is not known to be a cool head. What action can the Government take to ensure that late night Twitter tirades do not further escalate tensions in the region?

Mr Wallace: There are many of us who should take tips about Twitter. The main point is that it was in response to a specific threat that the United States took an action. The hon. Gentleman can disagree on whether it should have done that, but after that action has taken place there is a duty on all of us to ensure that that single event does not lead to an escalation. The White House and the US Administration are on the same page; they are also keen to de-escalate the situation. The challenge for this Government, the Germans, the French and our allies is to ensure we convert those wishes of not wanting to escalate into action. That is what we are going to be doing over the next days and weeks.

Mr Speaker: May I just say to those Members who did not get called that we do have a list of them and I would expect them to be taken very early in the next statement or next questions?

Points of Order

4.59 pm

Sir Bernard Jenkin (Harwich and North Essex) (Con): On a point of order, Mr Speaker. I apologise for raising a complicated matter, but I hope that you have been given warning that this might be raised. It concerns the election tomorrow of a Deputy Chairman of Ways and Means and the other Deputy Speakers. There is a deal of confusion about how the voting system works. It is extremely complicated, because we are electing three posts, but with restrictions. There must be one woman. There must be one Member of the Opposition and two must come from the Government side, and one will be Chairman of Ways and Means. Can you clarify, therefore, that a voter's first preferences may be counted even if that voter's first preference choice is elected, which may affect the outcome of the election of the Chairman of Ways and Means?

Mr Speaker: I am amazed that the hon. Gentleman did not raise that in 2010, when I stood. You have managed to cope with the system all this time. You have managed to accept it until now, and I find it quite strange for this suddenly to be raised at the last minute. The House has been aware of this voting system and it has accepted it. However, I think that this is slightly premature because at 6 o'clock we will know how the system will work and whether one candidate is automatically elected. That may be a woman—I am not sure. It might be better if we waited until 6 pm to see what the system throws up because this answer will be different, depending on what happens.

However, I assure the House that I was not impressed with this system in 2010. The House has had many chances to change it. If Members are unhappy, it is up to the House to change the system. Please do so, because back in 2010 I genuinely thought that it was not the best. If you are still telling me that it is not good now, there is a way to do something, but I find it strange that we have waited all this time to raise this.

Sir Geoffrey Clifton-Brown (The Cotswolds) (Con): Further to that point of order, Mr Speaker. Assuming that there is an election tomorrow, could you inform the House, first, that everybody will be required to vote only

once and that their vote will be ranked; and secondly, what arrangements in terms of time and place you have made for the election to take place tomorrow?

Mr Speaker: Standing Order No. 2A sets out the rules on the election of Deputy Speakers. There is a secret ballot. Candidates are in alphabetical order. Members can vote for as many or as few candidates on the ballot paper as they wish, marking the candidates in order of preference. Ballots are counted under the single transferable vote. Nominations close at 6 pm this afternoon—so we will know the list, which may help. See paragraph 10 of the briefing notes—Members each have one vote, which is transferable. The wording will be on the ballot paper, with an explanation of that. What time it is declared will depend on the count and how quick that is, but obviously, other business will defer the announcement of it. My understanding is that the vote takes place between 10 am and 1.30 pm, as I stated earlier—I pointed out what time the ballot is open. Hopefully, that is helpful to Members and we can move on, as we have a long night ahead of us.

Chris Bryant (Rhondda) (Lab): On a point of order, Mr Speaker. This is about elections, but not those elections, I am afraid. As you will know, members of the new Government were appointed on 24 July last year. Many of them have yet to face a Select Committee grilling, including the Chancellor of the Exchequer and the Foreign Secretary. The Leader of the House's office at the moment is telling the press that it is unlikely that Select Committees will be in place before Easter. That would mean that those Ministers would have ruled this country for nine months without ever facing a grilling from a Select Committee. Is there anything in your power that you can do to make sure that this process is expedited, so that the proper duties of scrutiny can be done by this House?

Mr Speaker: I would like to think that a conversation will take place between the usual channels, and anything that I can do to help to ensure that we get Committees up and running, I will. I think that it is better for the House and it gives Members a real interest in getting their teeth into holding the Government to account and making sure that Select Committees are effective. *[Interruption.]* I hear one voice saying, "I have done two already." Some may not have, but others have certainly carried out their duties.

European Union (Withdrawal Agreement) Bill

[1ST ALLOTTED DAY]

Considered in Committee

SIR ROGER GALE *in the Chair*

The Chairman of Ways and Means (Sir Roger Gale): Good afternoon, ladies and gentlemen. As this is the first Committee of the whole House of a new Parliament, it might be of benefit to those who are not entirely familiar with the arcane process, and indeed to those who thought they were but are not, if I seek to explain how this proceeds.

You will find on the Order Paper that the amendments are grouped and that helpfully they are grouped not in sequence but by subject. The Chair will try to confine the debate to the subject matter, without being too rigorous in exercising control. Ordinarily, the groups will form the basis of a debate, the first part of which I will introduce and to which the Secretary of State or Minister will then respond. Exceptionally, because this is the first day of a two-day debate to which a plethora of amendments has been tabled, I have deemed it helpful to invite the Secretary of State to open the debate to set out the stall, and on that basis, of course, if the Opposition Front-Bench spokesperson wishes to come in immediately following that, that would also be entirely acceptable.

I have one final point to make. Mr Speaker has decided that, although any Member has a right to speak in this House, it is not desirable for new Members to make maiden speeches during the Committee. He has decided this for two reasons: first, it will simply delay the process, and, secondly—and much more importantly, from the point of view of those new Members—inevitably their freedom of movement to describe their constituencies as the second garden of Eden will be limited. I am advised that there will be an opportunity to participate first on Third Reading on Thursday, when the Speaker will be in the Chair, and then subsequently during the remaining debate on the Queen's Speech. I hope that is all clear and helpful. With that in mind, we will move to the first group of amendments.

Clause 1

SAVING OF ECA FOR IMPLEMENTATION PERIOD

Question proposed, That the clause stand part of the Bill.

The Chairman: With this it will be convenient to discuss the following:

Clauses 2 to 6 stand part.

New clause 4—*Extension of the implementation period*—

“After section 15 of the European Union (Withdrawal) Act 2018 (publication and rules of evidence) insert—

‘15A Extension of the implementation period

(1) A Minister of the Crown must seek to secure agreement in the Joint Committee to a single decision to extend the implementation period by two years, in accordance with Article 132 of the Withdrawal Agreement unless one or more condition in subsection (2) is met.

(2) Those conditions are—

(a) it is before 15 June 2020;

(b) an agreement on the future trade relationship has been concluded;

(c) the House of Commons has passed a motion in the form set out in subsection (3) and the House of Lords has considered a motion to take note of the Government's intention not to request an extension.

(3) The form of the motion mentioned in subsection (2)(c) is “That this House approves of the Government's decision not to apply for an extension to the period for implementing 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”.

(4) If the Joint Committee does not agree the extension specified in subsection (1) but EU representatives on the Joint Committee indicate that they would agree an extension for a shorter period, a Minister of the Crown must move a motion in the House of Commons to agree the shorter period proposed, and if that motion is agreed, a Minister of the Crown must agree that shorter extension in the Joint Committee.

(5) Any Minister of the Crown who attends the Joint Committee may seek agreement to terminate the implementation period if a final agreement on the future trade relationship is ratified before the end of the implementation period.”

This new clause would restore the role for Parliament in deciding whether to extend transition to avoid a WTO Brexit.

New clause 36—*Extension of implementation period*—

“After section 15 of the European Union (Withdrawal) Act 2018 (publication and rules of evidence) insert—

‘15A Extension of implementation period

(1) If by 1 June 2020, agreements on both of the matters specified in subsection (2) have not been concluded, any Minister of the Crown who attends the Joint Committee must seek to secure agreement in the Joint Committee to a single decision to extend the implementation period by two years, in accordance with Article 132 of the Withdrawal Agreement.

(2) The specified matters for the purposes of subsection (1) are—

(a) the future trade relationship between the United Kingdom and the EU.

(b) a security partnership including law enforcement and judicial cooperation in criminal matters.

(3) If the Joint Committee does not agree the extension specified in subsection (1) but EU representatives on the Joint Committee indicate that they would agree an extension for a shorter period, a Minister of the Crown must move a motion in the House of Commons to agree the shorter period proposed, and if that motion is agreed, a Minister of the Crown must agree that shorter extension in the Joint Committee.

(4) Any Minister of the Crown who attends the Joint Committee may seek agreement to terminate the implementation period if final agreements on both of the matters specified in subsection (2) are ratified before the end of the implementation period.”

This new clause would require the UK Government to seek an extension to the implementation period if agreements on trade and security have not been completed by 1 June 2020.

Clause 33 stand part.

4.57 pm

The Secretary of State for Exiting the European Union (Steve Barclay): I begin by wishing you, Sir Roger, and all Members of the House a happy new year.

The Bill implements the withdrawal agreement negotiated by the Prime Minister. It fulfils the will of the British people and will set the stage for our bright future outside the European Union. It lets us take back control of our laws, our money, our borders and our trade

policy, and it delivers on the overwhelming mandate given to us by the British people to get Brexit done by the end of January.

Sir Roger, as you have just informed the Committee, I am, under your guidance, speaking to this group. I will speak to clauses 1 to 6, clause 33 and new clauses 4 and 36, noting that new clause 19 and amendment 25 have not been selected.

Clause 1 gives legal effect to the implementation period in domestic law. The implementation period ensures that common rules will remain in place until the end of this year, meaning that businesses will be able to trade on the same terms as now until a future relationship has been agreed. This provides certainty and stability for the duration of this time. During the implementation period, the effect of the European Communities Act 1972 will be saved and modified on a temporary basis to provide the necessary continuity. It will have a new purpose: to give effect to EU law as set out in the withdrawal agreement, to provide for the implementation period. As a result, businesses and citizens need prepare for only one set of changes as we move into our future relationship with the EU.

John Redwood (Wokingham) (Con): Can my right hon. Friend give us an estimate of how much the implementation period will cost us, and will he reassure us that once we are out properly at the end of this year, there will be no future payments thereafter?

Steve Barclay: This will secure our membership for the period. One of the costs for businesses—one of the greater costs—would result from two sets of changes, without the comfort of an implementation period. The business community itself—of which I know my right hon. Friend is a great champion—said that it wanted an implementation period while the negotiation on the trade deal was being conducted to avoid the higher cost of two sets of changes.

The saving of the ECA will be repealed at the end of the implementation period, at which point the repurposed ECA will cease to have effect. Clause 1 is essential to achieving the terms agreed in the withdrawal agreement and ensuring the proper functioning of European Union law during the implementation period, and for that reason it must stand part of the Bill.

Caroline Lucas (Brighton, Pavilion) (Green): I still do not think that the Secretary of State has made a clear enough case for why he would wish to tie the Government's hands in such an unnecessary way and risk the disaster of no deal. Also, there could be perfectly constructive negotiations going ahead, which he would be prepared to throw away if they could not fit into the arbitrarily short time of 11 months. Will he tell us why he thinks it is worth running that risk, which is such a big risk for our businesses and for our economy?

Steve Barclay: I know that we have two days for the Committee stage, but it is very odd for someone who wants us to remain a member of the European Union to complain about the fact that we have an implementation period so that the business community does not face two sets of changes and so that we give businesses confidence for the rest of the year.

Clause 2 saves EU-derived domestic legislation for the implementation period. The last one and a half decades have seen a substantial amount of EU legislation that has required domestic legislation, both primary and secondary. That domestic legislation constitutes a large body of law, and to ensure that the law continues to work properly during the implementation period, we need to take several important steps. First, we must preserve the legislation to avoid its being impliedly repealed following the repeal of the ECA. If we do not save it, there will be a risk that it will either fall away or be emptied of meaning, which could mean that citizens and businesses were no longer protected by, or indeed able to rely on, existing rules.

The second essential purpose of the clause is to maintain the proper functions of the statute book for the duration of the implementation period. During that period, we will continue to apply this law, but we will not be part of the European Union. To ensure that that is reflected in the statute book, the Bill provides for time-limited glosses, or modifications, to new and existing EU-derived legislation. Those glosses make clear the way in which EU law terms and UK legislation should be read so that our laws continue to work during the implementation period. Let me give one example. All references to European Union citizens in the UK statute book will, as a general rule, be read as including UK nationals during the implementation period. These provisions will automatically be repealed at the end of the year when they are no longer needed.

Chris Bryant (Rhondda) (Lab): I hope that the Secretary of State will be able to clarify whether that also applies to the European arrest warrant. Obviously, we will remain subject to it and able to take advantage of it during the implementation period, but at the end of that period, as a third party, we will simply not be able to enter into it. During the implementation period, will British subjects still be subject to the arrest warrant overseas?

Steve Barclay: Under clause 1, the implementation period ensures the continuity of the law. That is why it is saved, but modified. Clause 2, and the others in the group, deal with the technical terminology. Where there is a change in meaning, it means continuity. I see that the hon. Gentleman is frowning. The substance of my reply is yes, in that the Bill ensures continuity. The purpose of terms such as “European Union citizen” will have ceased because we will have left, but, on the other hand, the implementation in EU law will continue, allowing those terms to continue to be applied and any tidying up—any technical changes—to be applied. So this is a technical glossing and that is its purpose.

Catherine West (Hornsey and Wood Green) (Lab): While the Secretary of State is on his feet discussing this, could he set out the exact position for EU nationals, because those of us who have up to 42,000 living locally are extremely concerned? There have been lots of discussions and tweets about this, so could he please just lay out exactly what the position will be not only during the next 12 months of the implementation plan but going forward?

Steve Barclay: The hon. Lady raises an important point. I do not want to stray too far into the second grouping in Committee, which is indeed on citizens'

[*Steve Barclay*]

rights and which the Security Minister will address, but what this Bill is doing is securing the rights of EU citizens within the UK and indeed the rights of UK citizens in the European Union, because we value the contribution that those EU citizens make to the UK. They have chosen to make their homes here and to bring up their families here, and their rights are protected. That is one of the reasons that I urge Members on both sides of the House to support this Bill.

Sir William Cash (Stone) (Con): During the transitional period, laws will be made in the European Union that we will be expected to obey. Does my right hon. Friend agree, however, that clauses 29 and 38—one of which deals with the review of legislation through the auspices of the European Scrutiny Committee, where we will be affected by our vital national interests being undermined—provide good protection for the United Kingdom's national interests? Secondly, does he agree that the question of parliamentary sovereignty in clause 38 will complement that by ensuring that the whole process of legislation under the withdrawal agreement will not affect the continuing sovereignty of the United Kingdom Parliament, and that this therefore effectively provides a double lock on the rights of this House as we leave the European Union?

Steve Barclay: My hon. Friend is absolutely right to signpost those two safeguards being put in place, in which he played a significant part, but I would say that there are three. I will come on to the third, if I may slightly push him by making that correction. He is right to say that the European Scrutiny Committee, under his chairmanship, will have the right to trigger debates and scrutiny. Secondly, he has championed the clause dealing with the sovereignty of Parliament, which is set out clearly in the Bill. The third element that I would draw to his attention, which is within this grouping, is our legislating for the Government's manifesto commitment not to extend the implementation period. That will ensure that there is no extension of the implementation period and will therefore ensure that there is no risk of a further one-year or two-year period during which the issue about which he was concerned in relation to those two other clauses could arise. So there are three protections, and not just the two that he mentioned.

Sir William Cash: Very, very good!

Steve Barclay: I am pleased that my hon. Friend signals from a sedentary position that he is content with that.

Ultimately, clause 1 will ensure that there is continuity in our laws during the implementation period and that our law continues to operate properly. It is therefore essential and must stand part of the Bill.

Karin Smyth (Bristol South) (Lab): The Secretary of State has commented about the sovereignty of this United Kingdom Parliament across the whole United Kingdom. At all stages in the future, as marked out by the Northern Ireland protocol and the exceptions to this Bill, the people of Northern Ireland will be subject to European Union law for a long time into the future, as far as we can see, so it is not correct, is it, to say that the sovereignty of the entire United Kingdom will be placed in this place?

Steve Barclay: We will debate at length tomorrow the provisions relating specifically to Northern Ireland, but there is a further sovereignty within the Bill in respect of Northern Ireland. I do not want to stray too far into that debate now, but there is a consent mechanism that pertains specifically to the Northern Ireland protocol, so there is a further sovereignty lock in that regard. However, that is a matter for the groupings that we will address tomorrow.

Turning to clause 3, we are confident that the list of so-called glosses set out in clause 2 works in all the cases that we have examined, and I pay tribute to the officials who have trawled the statute book in that regard. However, it is right that we, as a responsible Government, reserve the ability to nuance the impact of those technical changes should unforeseen issues arise during the implementation period. The power set out in clause 3 provides for that. The Bill gives five different applications for that power. Three relate to the glosses. The power can add to the glosses; it can make exceptions; and it can be used to make different provisions from the list, if for any reason we need to change a gloss in a specific case or set of cases. The power has two further applications: it can be used to tidy up the European Union (Withdrawal) Act 2018 and to cover any specific technical inoperabilities that may occur that have not been foreseen. It is appropriate, prudent and sensible that the Government are prepared in this regard, which is why those five elements are in the Bill.

Joanna Cherry (Edinburgh South West) (SNP): Analysis by the Scottish Parliament Information Centre, which is the equivalent of the House of Commons Library and is therefore independent, notes that clause 3 empowers UK Ministers acting alone to make provision in devolved policy areas. The Government's delegated powers memorandum states that they will not normally do so without the agreement of the relevant devolved Administration, but as the Secretary of State will be aware, the Sewel convention does not apply to delegated legislation. Does he therefore agree that this power shows that the Bill is indeed the power grab that the Scottish National party has always said it is? If it is not, why is it there at all?

Steve Barclay: The hon. and learned Lady is incorrect in saying that. First, this is an international agreement, which is a reserved matter—a matter for the United Kingdom. Secondly, these are glosses—technical issues—in terms of the tidying up that I set out, and they are tightly defined. Thirdly, the devolved elements are addressed by giving the devolved Assemblies the power, through clause 4, to do further glosses themselves.

Joanna Cherry: I am sorry, but the Secretary of State is simply wrong about that. On any legal analysis, it is quite clear that clause 3 gives UK Ministers acting alone the power to make regulations in relation to areas of devolved competence. I reiterate my question: why is that power there at all if the Government are not intending to use it to take powers away from the Scottish Parliament and other devolved Administrations?

Steve Barclay: Again, with great respect to the hon. and learned Lady, she is over-reaching in the interpretation that she is applying to clause 3. It is a technical provision that allows for technical changes—glosses to terminology

—such as the example that I gave the Committee a moment ago of how EU citizens may be defined. The clause is for technical changes in unforeseen areas, rather than fundamental changes of powers. Indeed, we have given an equivalent power through clause 4, in respect of the ability of the devolved authorities to do exactly the same thing or very similar.

Clause 3 must stand part of the Bill to ensure that the statute book is maintained and that any unforeseen technical issues that arise in future are addressed. That is why clause 3 is required. It is not as the hon. and learned Lady characterises it; it is a technical provision for glosses for any issues that were unforeseen at the time of the Bill's passage.

Joanna Cherry: Could I probe that a bit further? In clause 4, proposed new paragraph 11B specifically provides that Scottish Government—and indeed Welsh Government—Ministers cannot make any provision outwith devolved competence. However, there is no equivalent provision in clause 3 saying that the British Government cannot use the powers to make regulations about devolved matters. If this is just technical, as the Secretary of State says, why will he not agree to include a similar qualification in relation to the British Government's powers? If he will do so, could that perhaps be addressed in the House of Lords?

Steve Barclay: That is not something that I would urge the other place to address, because this is a provision to address unforeseen areas in which technical changes may be required in the tightly constrained areas set out in clause 3. The hon. and learned Lady turns to clause 4, which confers on the devolved authorities a broadly equivalent power to that set out in clause 3. Where legislating for the implementation period falls within devolved competences, it is right that legislative changes can be made by the devolved authorities, with which I am sure she would agree. Therefore, the change in clause 4 provides the devolved authorities with corresponding powers to those set out under proposed new section 8A(1) of the European Union (Withdrawal) Act 2018, as outlined in clause 3, so far as they are exercised within the devolved authorities' competences.

5.15 pm

Clause 4 enables devolved authorities to add to the list of glosses established in proposed new section 1B to make provision different from those on that list and to disapply that list from certain pieces of legislation. The clause also enables devolved authorities to respond to unforeseen complications that may arise during the implementation period to ensure that the provisions established by this Bill continue to give effect to the planned implementation period. In short, the rationale for clause 4 is the same as the rationale for clause 3. When exercised by a devolved authority acting alone, the power is subject to the consent of a Minister of the Crown, consultation with a Minister of the Crown, or a joint exercise with a Minister of the Crown in certain circumstances, which are defined in paragraphs 5 to 7 of schedule 2 to the 2018 Act.

The implementation period is critical. It will provide much-needed continuity and certainty to businesses and individuals as we move from membership of the EU to our future relationship with it. With the power provided in clause 4, the devolved authorities can ensure

that the implementation period will work in relation to devolved legislation should any issues be identified. Clause 4 must therefore stand part of the Bill.

Clause 5 provides for the direct application of the provisions of the withdrawal agreement in domestic law. It will also allow individuals and businesses to rely directly on the withdrawal agreement. They will be able to know that there is consistency in how the agreement is applied in both the UK and the EU. It is also necessary to give domestic legal effect to article 4 of the withdrawal agreement. Through this clause, most of the provisions of the agreement will flow into UK law directly without the need for further legislation.

The withdrawal agreement will, among other things, secure the rights of more than 3 million EU citizens living in the UK and around 1 million UK nationals living in the EU. Ensuring that the withdrawal agreement is interpreted and enforced consistently in both the UK and the EU will ensure that citizens are treated fairly and equally. Clause 5, in its presented form, is vital to the UK's implementation of the withdrawal agreement, and it must therefore stand part of the Bill.

Turning to clause 6, the UK has reached agreements with the EEA EFTA states and Switzerland respectively. The agreements are separate from, although similar to, our agreements with the EU. They protect the rights of Norwegian, Icelandic, Liechtenstein and Swiss citizens living in the UK and those of UK citizens living in those countries, so that they can continue to live their lives after exit day broadly as they do now.

Catherine West: Will the Secretary of State explain in clear language how he believes that will be played out at airports? Will there be several queues? Will there be one queue for everybody from European countries? I ask because many people ask me these questions in my surgery.

Steve Barclay: We will go into more detail on citizens' rights when we discuss the second group of amendments, but clause 5 secures the legal effect to the protections that apply to citizens within the EEA EFTA states. One of the big questions on the Brexit discussions that we have heard repeatedly in this place has been, "To what extent will people's rights be protected?" This Bill is doing that for EU nationals through clause 5, and clause 6 mirrors those protections in law for citizens of the EEA EFTA states. The hon. Lady touches on the arrangements for citizens' rights, which are a separate issue, but this is about how legal protection will apply to those nationals.

Clause 6 gives effect in domestic law to the EEA EFTA and Swiss separation agreements in a similar way to the withdrawal agreement. This ensures that a Norwegian citizen living in the UK can rely on their rights in a UK court in broadly the same way as a Swedish citizen. It does so in the same way as clause 5.

We do not want a Norwegian, Liechtenstein, Icelandic or Swiss national to have any less certainty on their rights than an EU national here or, indeed, a UK citizen in Europe. Clause 6 also enshrines the legal certainty for businesses and individuals covered by the EEA EFTA agreement that article 4 of the withdrawal agreement provides. This clause, as presented, is vital to the UK's implementation of the EEA EFTA and Swiss agreements, and it must stand part of the Bill.

[*Steve Barclay*]

Clause 33 prohibits the UK from agreeing to an extension of the implementation period. Page 5 of the Conservative manifesto says:

“we will not extend the implementation period beyond December 2020”,

and clause 33 says:

“A Minister of the Crown may not agree in the Joint Committee to an extension of the implementation period.”

It could not be clearer. This Government are determined to honour our promise to the British people and to get Brexit done.

Both the EU and the UK committed to a deal by the end of 2020 in the political declaration. Now, with absolute clarity on the timetable to which we are working, the UK and the EU will be able to get on with it. In sum, clause 33 will ensure that we meet the timetable set out in the political declaration and deliver on our manifesto promise. For that reason, the clause must stand part of the Bill.

Chris Bryant: I understand why clause 33 is in the Bill. As much as I am a remainer—I remain a remainer, and I will remain a remainer until my dying day—I none the less accept that the second referendum has now happened. That is the end of it.

My anxiety, however, was first expressed, in a sense, by the previous Prime Minister when she wrote the first letter of intent with regard to article 50, which stated that we would have trouble on security issues if we did not have a full deal by the end of the implementation period. I ask the Government to think very carefully about how we ensure that, by the end of this year, we have a security deal covering the whole range of security issues that face this country. I would argue that that is as important as the trade-related issues.

Steve Barclay: I welcome the constructive way in which the hon. Gentleman raises his concerns about security while recognising the general election mandate and how it plays into this clause and its reflection of the manifesto.

I draw the hon. Gentleman’s attention to two things. First, the withdrawal agreement commits both sides, including the European Union, to using their best endeavours to reach agreement. Secondly, the political declaration commits to a timescale of the end of 2020. That is why we are confident that this can be done to the timescale, and it is a reflection of the commitments given by both the UK and the EU in the withdrawal agreement and the political declaration.

Kevin Hollinrake (Thirsk and Malton) (Con): Does the Secretary of State agree that all things are possible when both parties to a negotiation are willing to proceed in good spirit? Indeed, in a briefing to EU politicians in November 2019, Michel Barnier said the timescale would normally be far too short but that Brussels would strive to have a deal in place by the end of 2020. It is clearly possible to do this deal for the end of 2020. Does my right hon. Friend agree that is the right approach to take?

Steve Barclay: I very much agree with my hon. Friend. Indeed, the Commission President will be meeting the Prime Minister tomorrow, and I will be meeting Michel Barnier, to act on that constructive spirit. Both sides have committed to the timescale.

I am conscious that the House is now in a different place, but many Members will recall that it was often said it was impossible to reach an agreement before, indeed, the agreement was reached.

Sammy Wilson (East Antrim) (DUP): I welcome the fact that the Government are determined to bring this process to an end by December 2020, and I hope that that does concentrate minds in the EU. If the EU and the Government cannot come to an agreement by then, what are the implications for, first, the future arrangements and, secondly, the current withdrawal agreement, especially the provisions in Northern Ireland?

Steve Barclay: First, I believe we can and will do this, and, as I have indicated to the House, so does the EU, because it has committed, in the political declaration, to doing it. Secondly, a number of issues are addressed through this Bill: citizens’ rights, which the hon. Member for Brighton, Pavilion (Caroline Lucas) asked about in relation to her constituents, are protected through this Bill. People used to talk about a no-deal outcome, and one thing this Bill does is secure the protection of the 3 million EU citizens within our country, who are valued, and of the more than 1 million UK citizens there. The right hon. Gentleman has concerns about the Northern Ireland protocol, and I stand ready, as do my ministerial colleagues, to continue to discuss issues with him. We will debate that in more detail in Committee tomorrow, but, again, the Northern Ireland protocol is secured through the passage of this Bill. That puts us in a very different place from where many of the debates were in the previous Parliament in respect of concerns about no deal.

Caroline Lucas: I remind the Secretary of State that just last month the Commission President said that she has serious concerns about this timetable. All experts in trade are concerned that an 11-month period simply does not necessarily give the time to get a good deal done, so why is he signing up now to something he could postpone until at least June, when he will have a better sense of how negotiations are going? Why is he cutting off his nose to spite his face by saying now that he will not extend the implementation period?

Steve Barclay: I will move on, because new clauses 4 and 36 speak to the same point, but, in short, this is being done partly for the reasons I have already given the House in respect of what is set out in the political declaration, where there is a shared commitment, and partly because Members on my side of the House gave a manifesto commitment to stick to this timetable. I am sure the hon. Lady would be the first to criticise the Government if they made a manifesto commitment and then decided not to stand by it. So we are committed to the commitment we gave on the timescale, which is why we want to move forward with clause 33.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC) *rose*—

Steve Barclay: I will make a little progress and then, of course, I will come back to the hon. Gentleman.

New clauses 4 and 36 stand in the names of the Leader of the Opposition and the acting leader of the Liberal Democrats respectively. New clause 4 has been

tabled by the Leader of the Opposition in an attempt to force the Government to extend the implementation period if a deal has not been agreed with the EU by 15 June. The new clause would also give Parliament a vote on any such extension. New clause 36 is similar in effect to new clause 4, but it would do this without having any parliamentary vote. It states that a deal is required on both economic and security matters by 1 June or an extension is mandated as a consequence of this legislation. The Opposition parties therefore want to amend the Bill to force further delay.

Gary Sambrook (Birmingham, Northfield) (Con): Does my right hon. Friend agree that it is astounding that so many Opposition Members did not listen to the call in the recent general election from the people, who are fed up with continuous delays and extensions? The message they gave us on the doorstep was to get Brexit done so that we can all move on and start talking about other things, such as our NHS, schools and policing.

Steve Barclay: My hon. Friend is right to say that a very clear message was reflected in our mandate. To be fair to Opposition Members, I should say that I watched the shadow Brexit Secretary on “The Andrew Marr Show” and he did accept the need to move on. [*Interruption.*] I am giving credit to him, although I appreciate that he is engaged on other matters in his own party at the moment. My hon. Friend is absolutely right that there was a clear desire from the British public to get on to the other priorities to which he refers.

5.30 pm

Jonathan Edwards: Is not the danger in setting this fixed date that the British Government will quickly have to make a decision about what they want to achieve in the second phase of Brexit? Are they going to go for close alignment? If so, they could possibly get the deal done in the year. But if they decide they are going to disalign, that will create difficulties, and the best we can hope for will be, if not a no-deal cliff edge, a bare-bones free trade agreement. That could be very bad news for the economy.

Steve Barclay: With respect to the hon. Gentleman, we see it as a win-win. The EU wishes to trade with the UK; we wish to trade with the EU. They are our neighbours and we want to have a constructive relationship, but at the same time people voted for change and they want to see change. The Government are committed to delivering, through the Bill, the change that the British public voted for.

Vicky Ford (Chelmsford) (Con): Does my right hon. Friend agree that it is not only the British people who are fed up with seeing Parliament going round and round in circles on Brexit, which is why they voted for the Conservative party in the general election? People in many European countries just want to get on and get past Brexit. They want a trade deal with us; we should agree one quickly and move on.

Steve Barclay: My hon. Friend, who always speaks with authority as a former Member of the European Parliament, is absolutely right to understand that this is a desire not just of the British public but of many of our friends and neighbours in Europe, who want to see

the debate move forward and therefore want to see this legislation delivered. That is why it is right that we have clause 1 and why the new clauses are inappropriate.

Bob Blackman (Harrow East) (Con): Does my right hon. Friend agree that the negotiations with the European Union on the free trade agreement will be relatively easy on goods, but the negotiations on services will be much more complicated? That is mainly because on goods we have a balance of trade deficit with the European Union, but on services we have a balance of trade improvement.

Steve Barclay: I refer back to the remarks I made a moment ago about this being a win-win for both sides. Let me take a portfolio that I used to deal with as a Minister: financial services. It is in the interests of EU businesses to be able to access capital at the cheapest possible price. I see in his place my hon. Friend the Member for Wimbledon (Stephen Hammond), who has expertise in this regard; he knows that the expertise in respect of the global markets and the liquidity that London offers is of benefit not just to the rest of the world but to colleagues in European businesses. They want access to the talent of the constituents of my hon. Friend the Member for Harrow East (Bob Blackman) and many others, which is why it is in both sides’ interests to reach agreement. That is the discussion that the Prime Minister will have with the President of the Commission tomorrow.

Stephen Hammond (Wimbledon) (Con): For those of us who have been clear about our opposition to no deal, the problem with new clause 4 is that in effect it takes away some of the certainty and benefits to business, because it opens up the possibility of an unended extension, and the problem with new clause 36 is that it is anti-democratic. Any colleagues who think that such provisions may need to be in place should recognise that they would undermine the whole purpose of the withdrawal agreement. The best way to stop no deal is to secure a deal.

Steve Barclay: My hon. Friend is absolutely right. I know that he engages extensively with the business community, and what the business community wants is the clarity and certainty that the Bill delivers, and it also wants an implementation period that has a clear demarcation in terms of time. That is what the Bill will deliver.

Several hon. Members *rose*—

Steve Barclay: I shall give way one further time to the right hon. Member for Leeds Central (Hilary Benn), who was the Chair of the Exiting the European Union Committee.

Hilary Benn (Leeds Central) (Lab): The Secretary of State has expressed enormous confidence that a deal will be done by December; may I test that confidence a little further? Will he give the House an assurance today that there is no prospect whatsoever of the UK leaving without an agreement in December this year?

Steve Barclay: I have set this out very clearly. The right hon. Gentleman will have studied the Bill—he always does—and will know exactly what is in clause 33, which is a commitment to stick to the timetable set out

[*Steve Barclay*]

for the implementation period, which we committed to in our manifesto. I would hope that he, as a democrat, would want a Government to adhere to their manifesto.

The reality is that, on 12 December, the British public voted in overwhelming numbers to get Brexit done by 31 January and to conclude the implementation period by December 2020, so that we can look forward to a bright future as an independent nation. Page 5 of our manifesto explicitly states that we will negotiate a trade agreement by next year—one that will strengthen our union—and that we will not extend the implementation period beyond December 2020. We are delivering on these promises that the British people have entrusted us to deliver, and the Opposition are interested only in further delay and disruption. I urge Labour and the Liberal Democrats not to press new clauses 4 and 36.

I look forward to hearing from Members across the House as we take the Bill through Committee. This Government are committed to delivering Brexit, and this Bill will enable us to do so.

The Chairman of Ways and Means (Sir Roger Gale): Order. I should probably have indicated for the benefit of new Members, and will indicate now, that clause 33 will not be decided today. Although it is grouped with these amendments, it will be taken as a Committee of the Whole House decision tomorrow and may or may not be divided on. To make that clear, it will not be that we have forgotten it.

Paul Blomfield (Sheffield Central) (Lab): Thank you very much, Sir Roger. It is a pleasure to rise to speak to new clause 4 primarily and to have the opportunity to correct the misrepresentation by the Secretary of State of our objectives in tabling it. It is also a pleasure to do so with you in the Chair, Sir Roger. I want to take this opportunity to thank you and indeed all the Clerks for the work that has been done to ensure that we are able to debate the issues in the Bill today. Much of that work was done over the recess when other people were enjoying the break.

I have to say how much we regret that the Government have provided so little time to debate a considerable number of amendments, all tabled because they will have profound consequences for our country for generations to come. Our proposals over the next two days echo the concerns expressed in the previous Parliament and reflect the approach that has guided us as an Opposition over the past four difficult and divisive years.

Michael Tomlinson (Mid Dorset and North Poole) (Con): I am grateful to the hon. Gentleman for giving way. He talks about the principles that have guided him. Surely they are the principles that have misguided him and his party. Does he not understand that the political landscape has changed as a result of the general election? As the Secretary of State said, people want to get Brexit done. They do not want further delay, which is all that his new clause and new clause 36 would bring.

Paul Blomfield: I had hoped for a better initial intervention. We are very clear that we accept that the general election has changed the landscape. The shadow Secretary of State for Exiting the European Union has

made that position clear, other colleagues have made that position clear, and I will do so in my remarks. Government Members should recognise that, although under our electoral system the arithmetic in this place is very clear, the majority of the British people voted for parties that were not of the mind of the Conservative manifesto and wanted to give the British public a further say. I say that not to deny the reality of the voting in this place, but to urge Government Members to have some caution about the way that they approach this issue and claim authority from the British people.

Sir William Cash: Will the hon. Gentleman give way?

Paul Blomfield: I will of course give way. It is always a pleasure.

Sir William Cash: I am most grateful to the hon. Gentleman. I just wanted to clarify one thing. Labour Front Benchers and the whole Labour party—with few exceptions, if any—voted against the repeal of the European Communities Act 1972. First, does he confirm that that was the case—I do not think that he can deny it? Secondly, does that not make it clear that, back in 2018 when that Act received Royal Assent, they were refusing to accept the will of the British people and were against repealing the 1972 Act?

Paul Blomfield: I am always happy to confirm what is on the public record, but I would say that the Opposition were clear; we campaigned to remain in the European Union because we believed that it was the right thing for our country and for the continent that we share with the other members of the EU, but we accepted the outcome of the referendum and voted to trigger article 50. We believe that there would have been the possibility both of winning an overwhelming majority in this House and of uniting the British people around a departure from the European Union that reflected the 52:48 vote of a divided country in 2016—a decision that would have taken us out of the European Union while remaining close to it, aligned with the single market, in a customs union, and continuing to be part of the agencies and partnerships that we have built together over 46 years. That sort of deal was available and it was Government Members who denied it.

We voted against the Bill on Second Reading because we believe that the withdrawal agreement is a bad deal for the UK, just as we voted against previous withdrawal agreements. When Government Members point fingers, it is worth remembering that we were not alone in that. Albeit for very different reasons, many Government Members, including the Prime Minister, voted more than once against getting Brexit done—on the terms of the previous Prime Minister's deal and for his own reasons.

Matt Rodda (Reading East) (Lab): I appreciate the sentiment in my hon. Friend's speech and the way in which he describes the events of the past few years. Does he agree that our duty now, as a responsible Opposition, is to make these very points and to point out to the Government—however large their majority—issues of substance on which we disagree and where the interests of the United Kingdom are not being pursued effectively by the Government?

Paul Blomfield: I very much agree. There needs to be a voice for the approaching 55% of people in this country who were uncomfortable with the direction offered by the Conservative party manifesto. Although the result of the general election was clear, it does not mean that the Government can proceed without question, challenge or scrutiny. That is the point of many of our amendments.

Catherine West: My hon. Friend is making an excellent speech, the tone of which is just right. May I press the wider question around scrutiny? We will shortly have no Exiting the European Union Committee and I am not sure when the Select Committees will return. There is a lot of detail and, having sat on the International Trade Committee, I know that a lot of mistakes can be made at the beginning of the process when it comes to having a forward-looking trade deal. I fear that rushing into it like this—not allowing Parliament much time to debate the principles at the beginning and giving the Government a tiny implementation period—could lead to a much worse outcome than if we were to take a little time to be more thoughtful and give Parliament a genuine role in the new arrangements.

Paul Blomfield: My hon. Friend is right to focus on the issue. The Government have seemed reluctant to embrace the idea of scrutiny and accountability since October in so very many ways. I hope they will think seriously and quite genuinely over the period ahead to ensure that there is a proper opportunity for this House to question and debate the direction of travel.

John Redwood: I am glad that we have this opportunity for the Opposition to make their points, but can they not see that trying to take away the proposition that we leave at the end of the year, come what may, completely undermines the British negotiating position? Every time they have tabled an amendment over the past three and a half years, it has always been to do Britain down and leave us in a weak position.

Paul Blomfield: The right hon. Gentleman and I have had previous exchanges about comments that he might have made about doing Britain down. The position we have taken is that possibly it is not always the best idea to jump off a cliff—that if we find ourselves in a position where we are, for the sake of weeks or months, unable to secure a deal that is in the interests of the British economy, the sensible thing to do is to give ourselves a little bit of flexibility. He may think otherwise, but that is not our view.

5.45 pm

Sammy Wilson: Does the hon. Gentleman accept that for many people listening to the argument he is making, this is not a case of a fear of jumping over the cliff but more a fear that those opposed to leaving the EU want us to have our feet firmly stuck in the mud of the EU for ever, and that is the reason he wants a further extension?

Paul Blomfield: I thank the right hon. Gentleman for that intervention, because it gives me the opportunity to say that that is absolutely not the case. We accept that we are leaving the European Union in three weeks' time—end of—but that is not the end of Brexit because we will have considerable discussion in this place, and the Government will be involved in negotiations for some time to come, on the future relationship.

The future relationship is the concern behind new clause 4, because we have consistently sought to oppose any proposals that risk damaging people's jobs and livelihoods. That is why we voted against the deal proposed by the previous Prime Minister, the right hon. Member for Maidenhead (Mrs May): the current Prime Minister may have voted against her for different reasons. It is why we also voted against the deal proposed by the current Prime Minister in the last Parliament.

Since its introduction in October, this Bill has only got worse—in our view, much worse. It grants expansive powers to Ministers and severely diminishes any role for Parliament in the crucial period ahead. It removes our role in approving the Government's negotiating mandate and voting on the final treaty. Protections for workers' rights have been ditched, confirming that the TUC was right to dismiss previous Government promises as "meaningless procedural tricks". The new Northern Ireland protocol undermines the UK's internal market—something that the Prime Minister had promised his former allies faithfully that he was committed to protecting. Shamefully, the Government have removed the requirement to negotiate an agreement with the EU on unaccompanied children seeking asylum.

The Government have not only removed any role for Parliament in deciding whether to extend the implementation period but are now specifically prohibiting Ministers from agreeing an extension through clause 33, as the Secretary of State pointed out. So no deal is back on the table, as I think he confirmed in his response to my right hon. Friend the Member for Leeds Central (Hilary Benn). It is that risk that new clause 4 attempts to address. We do not plan to press it to a vote this evening, but it is intended to provide an opportunity for the Government to come back to this House with their proposals, perhaps on Report, on how we avoid the catastrophe of no deal at the end of this year.

It is a reflection of the unfortunately polarised discourse on Brexit, reflected in some of the comments earlier, that new clause 4 was described in some sections of the media at the end of last week as an "attempt to delay leaving the EU by two years".

It is no such thing. We recognise, as I said, that the general election result means that we are leaving the European Union on 31 January, but what happens thereafter is crucial to our economy, to jobs and to people's livelihoods, whether they voted leave or voted remain.

Mike Wood (Dudley South) (Con): The hon. Gentleman says that he recognises the decision that the electorate took last month, but does he not accept that there was a very clear mandate to conclude the implementation period by the end of this year, which was clearly in the Conservative manifesto—the manifesto of the party that has clearly been elected with a significant majority in this House?

Paul Blomfield: I am not sure whether the hon. Gentleman was listening to the point that I made earlier. I am very clear on the electoral arithmetic, but he should also be clear that there is significant concern among the British people—represented by almost 55% of those who cast their vote in the general election—about the future direction, and there is no mandate for leaving the European Union without a deal.

Stephen Hammond: I do not think that anyone can doubt my credentials as someone who is concerned about and opposed to no deal, but the hon. Member's remarks would have greater validity if new clause 4 allowed for the potential of a very short extension necessary for the conclusion of a future relationship, as I think he was beginning to say, rather than a completely open-ended extension, which is unsurprisingly being described as an extension to Brexit. If he had wanted to stop no deal, he should have voted for a deal, and he should do that now.

Paul Blomfield: I do not question the hon. Member's credentials in terms of his concern about our leaving without a deal, but I ask him to look carefully at new clause 4. The framing of the new clause in relation to two years builds on the provisions of the withdrawal agreement to which the Government have signed up but includes the capacity for a much shorter transitional period if the Government are successful in concluding a deal or if this House agrees. Our proposal very much addresses the point that he makes. I will come to that in more detail, and he might want to intervene again.

It was because of the risks of a disorderly departure that we were first to argue—it seems like a very long time ago now—for a transition period, which at that stage the Government opposed. We were raising the voice of business and of the trade unions, and we were pleased when the Government accepted that principle, although they saved face by renaming it an implementation period. When the end of the transition was originally set for December 2020, it was on the assumption that we would have left the EU on 29 March last year, leaving 21 months—*[Interruption.]* The Under-Secretary of State for Exiting the European Union asks, “Why didn't we?” He could ask that of a number of his colleagues, including the Prime Minister. That would have left 21 months to negotiate our new relationships on trade and, as my hon. Friend the Member for Rhondda (Chris Bryant) pointed out, on security in particular. Twenty-one months was seen as ambitious. Many in the Government sitting around the Cabinet table doubted its deliverability. That is why there was a provision to extend it. But now there is only 11 months, and in trade negotiation terms 11 months is unbelievably short.

The Government say that they want an ambitious, best-in-class free trade agreement. They talk about CETA as a model, but not about the time taken to negotiate CETA, of which they are well aware. They say that it will be easy to negotiate, because we start from the unique position in trade talks of existing alignment; the right hon. Member for Wokingham (John Redwood) is nodding. But it is the Government's objective to diverge from that alignment, to seek a deal that allows the UK to race to the bottom, undercutting the EU on obligations and regulations and stepping off the level playing field. That will be uniquely difficult to negotiate, and any deal secured in 11 months is highly likely not to be a good deal for the UK.

Jonathan Edwards: The hon. Member is making an important point. Essentially, this will be the first trade deal in history where the aim is to put up barriers rather than remove them. Rather than this being an easy process, is it not likely to be convoluted and difficult?

Paul Blomfield: I thank the hon. Member for that intervention, and I agree with him.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): Does my hon. Friend agree that we only need to look at the North American Free Trade Agreement renegotiation—a negotiation on the basis of a trade deal that has taken almost two years and still is not fully completed—to get an answer about how long it takes to negotiate a trade deal when one already exists and economies are already partly aligned?

Paul Blomfield: I thank my hon. Friend for his intervention; he is right. I fear that the Government platitudes about the ease of negotiating this deal skirt over the real challenges that will be faced and the need for some flexibility and provision to avoid the cliff edge.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): Will the hon. Gentleman give way?

Paul Blomfield: I have been fairly generous in giving away. I will make some progress and then take further interventions.

Under the provisions of the withdrawal agreement, as the Secretary of State pointed out, any extension to the transition period must be agreed by 1 July 2020, only five months after negotiations have begun. I fully accept that we might be completely wrong in our concerns. The Government might be able to negotiate a best-in-class free trade agreement within 11 months. If that is the case and they are able to secure a deal, there will be no extension under the provisions of our new clause, so what are they worried about? If the Government are confident—*[Interruption.]* The Secretary of State is finding this funny, but if the Government are confident in their ability to agree a comprehensive future relationship with the European Union, I hope that they will have no problem in returning to the House with proposals along the lines of those outlined in new clause 4.

Daniel Kawczynski: I am grateful to the hon. Gentleman for giving way. When he says that it is a race to the bottom, surely he is showing his own prejudice, in the sense that he does not want the United Kingdom to devolve itself of any unnecessary regulations that have been imposed on this country over the last 47 years.

Paul Blomfield: I was quite involved in the debate during the referendum, and I listened carefully to what many of the Government Members who were advocating our departure were saying. They talked about a bonfire of regulations. The direction of travel for leaving the European Union was fairly clear: it is to free ourselves of those rights and protections that defend working people, protect the environment and protect consumers and to create a different sort of economic model. The hon. Member may not agree with my description, but I think that a “race to the bottom” summarises that pretty well.

Kevin Hollinrake: The hon. Member asks what the problem is with new clause 4, because if we have done a deal by the end of 2020, we will leave anyway. The point is that if we are not allowed to delay, the imperative on both sides of the negotiating table is to get this done by the end of 2020. If we allow it to be extended for another two years, the negotiations are bound to take longer.

Why can he not approach these negotiations with confidence? The Government are confident that they can do it within the period. Michel Barnier, whom I quoted earlier, seems confident that it can be done. Why can his party not approach the negotiations in that spirit?

Paul Blomfield: If the Government were so confident, why did they build into the withdrawal agreement the provision to be able to extend? It was a cautious insurance policy. They were right to do so. We are trying to help them with the problems that they are creating for themselves now.

Many Government Members know that there is a potential for us not to have secured the sort of deal that this country needs by the end of December. If, unamended, this Bill forces the country into a no-deal crash-out—which was described, for example, by Make UK, the voice of the manufacturing sector, as “the height of economic lunacy”—the Government will regret not having taken the opportunity to make some provisions along the lines of new clause 4, which protects the UK from the entirely unnecessary threat of no deal. It simply builds on the mechanism for extending the transition period that is already baked into the Government’s own withdrawal agreement; it is oven ready, as the Prime Minister would like to say. For the same reasons, we do not accept the insertion of clause 33, which is grandstanding nonsense that prohibits Ministers from agreeing to an extension to the transition period.

Let me be absolutely clear again: we are not seeking to delay Brexit—the UK will have left the EU in three weeks’ time—nor do we want to stay in the transition period any longer than is necessary, but the flexibility that we are proposing provides the certainty that business needs. There is no point in replacing the previous cliff edge, about which the hon. Member for Wimbledon (Stephen Hammond) expressed real concern, with the new cliff edge if the flexibility that we are suggesting is not there.

6 pm

Bob Blackman: The hon. Gentleman is making a very good case about why the Opposition are putting this forward, but will he explain why the date of 15 June 2020 is included? Why is it not 15 September or 15 October, or later in 2020, as one of the conditions that would force a vote in this House on applying for an extension? If he is serious about this, that date should be put back much nearer the end of the negotiations, when we will be more certain about how the Government are proceeding.

Paul Blomfield: I would not actually disagree with the point the hon. Gentleman makes. The date that we have included in new clause 4 is determined by the Government. The position of requiring some flexibility, let us remember, reflects the Government’s previous view. In the last version of this Bill, published in October, the Government accepted the principle that the transition period could be extended. That was the Government’s view—this Government. It was also the Government’s view that Parliament should have a role in that process—the current Prime Minister. It was right then; it is right now; and I look forward to proposals from the Government on Report to address these concerns.

John Redwood: I rise particularly to support clause 33. I think it is essential that we are finally out of the EU in every proper way by the end of this year. Some three and a half years have passed since the British people made their decision that they wished to leave. Many of us voted to leave because we think the world is going to be better once we have left. We do not regard it as some kind of disease or problem that has to be managed; we see it as full of opportunities. We want to rebuild our fishing industry under British regulations and British control. We wish to get all our money back and to spend it on our priorities in health and education. We wish to make sure that we can make the laws we wish, and which the people recommend to us in elections and in the normal dialogue between constituents and Members of Parliament. We are extremely optimistic about our opportunities as a leader of free trade worldwide once we have regained our full vote and voice in the World Trade Organisation and are able to do our own deals with all those parts of the world that the EU has not got round to doing deals with all the time we have been a member.

We are very optimistic. We think we are going to be better off economically. I have always said that, and anyone who suggests otherwise is deliberately misrepresenting my position. I share the frustration of many leave voters that three and a half years on and with a new Parliament with a very clear mandate we are still facing demands that we are going too quickly and that three and a half years plus another year—four and a half years—is still not long enough, and why not six and a half years?

Daniel Kawczynski: Does my right hon. Friend agree that, unlike the Opposition spokesman, who seems to paint a very gloomy picture about our moving away from European regulations, this Parliament and this country are perfectly capable of regulating our own domestic affairs, and protecting the environment and workers’ rights in the British way, without always acquiescing to EU laws?

John Redwood: I, in particular, think we can do a lot better on taxation. I do not want tax on all these green products that the EU makes us tax. I would not have thought that the Green party really wanted those. However, I suspect that if I or others moved amendments to the forthcoming Budget this March to take out those unnecessary taxes, we would be told we are still not allowed to because we are in the implementation period and have to accept European law. It has also interfered in our corporate taxes in a way that actually reduces the revenues we gain from big business. I would have thought Labour and the Liberal Democrats rather oppose that, but because it comes from the EU, they are completely quiet on the subject. They do not seem to mind that the EU interferes with our revenue raising.

Michael Tomlinson: Is my right hon. Friend surprised, as I am, that the official Opposition and the Liberal Democrats, with their new clauses, are seeking yet further delays? Despite what the hon. Member for Sheffield Central (Paul Blomfield) says, that is the effect of new clause 4. It would mean a lack of the certainty that the British people voted for at the recent general election.

John Redwood: I do think it is almost unbelievable that the Opposition are talking about adding to four and a half years of delay, under the Government model

[John Redwood]

now, another two years—six and a half years. Six and a half years at £12 billion a year is a huge sum, and I would like to tease this out a bit more with those on our Front Bench because I think my right hon. Friend the Secretary of State misunderstood me. He thought I was talking about the cost to business, but I am talking about the cost to British taxpayers. This extra implementation period in itself—I really rather regret it, but I see it is a necessity from where we currently are, given the forces in this House—must be costing £11 billion or £12 billion, in tax revenue forgone, that we have to pay.

I would like some reassurance from Front Benchers that once we are properly out at the end of December, under clause 33, there will not be further bills. I want us to be able to say to the British people, “We now do control our own money. We are not going to carry on paying for this show.” I think it might be quite a good negotiating tactic to suggest to the EU that perhaps there is not a strong legal basis for some of the claims it wishes to make, because we need to put some countervailing pressure on the EU during this remaining negotiation period on the free trade agreement. I do not think we have to pay for a free trade agreement. I think it is massively in the interests of the rest of the European Union, because it sells us more than we sell it, but we have to be firm, otherwise it will walk all over us again and demand more concessions.

Sir Desmond Swayne (New Forest West) (Con): Is not the lesson of the prolonged, tortuous seven years of negotiation on the Canadian deal the very fact that it was an open-ended process that did not come to an end? The effect of new clause 4 is basically to ensure, in providing for an extension, that it makes that extension certain, because the knowledge that the extension can take place will take away the very pressure to make an agreement within the time that is available.

John Redwood: Those of us who have had to study European Union affairs for all too long, because they affect our own country so much, have learned from bitter experience that deals nearly always happen at the last minute under artificial or genuine deadlines that the EU has often imposed on itself. All we are trying to do, in supporting a Government in doing this, is to say to the EU that there is a deadline on this negotiation: “If you, O EU, really want a free trade deal with us, as you have said you do in the partnership agreement, hurry now while stocks last.” It is not all about us; it is about the EU as well. It needs this free trade agreement, and we need to keep the pressure up. Let us tell it that there needs to be significant progress by the middle of this year so that it is realistic to finalise the text.

I do think it should be relatively straightforward, if there is good will on the EU side as well as on our own side, because we have been party to its international negotiations. If we take the best of the Japanese deal and the best of the Canadian deal—it is already there in text—it should be relatively easy to say that we can at least have that. The EU has already offered that to non-members of the European Union, and we should be able to add a bit more because by being a member we already have agreements to things that are in our mutual interest to continue.

I would be very optimistic about the negotiations, but I am quite conscious that if we negotiate as, unfortunately, the previous Government did before the change of leadership and the general election, we will end up making more concessions to get something that the EU has already promised in the political declaration. I do not want the fish at risk, and I do not want the money at risk. I do want to take full control of the money, the fish, the law making and the taxes from the beginning of next year, as we are promised by this Bill, and clause 33 is a very important part of trying to deliver that.

I wish the Government every success. I am optimistic on their behalf because of the promises the EU has made. My message to the EU is: “Do not underestimate the British people. You may have been right to believe that many of their political representatives in the last Parliament were on the EU’s side, not on the UK’s side, but the British people are altogether a more serious proposition, and the British people have spoken loud and clear.” The British people have had enough of the delay, enough of the dither, enough of the concessions and enough of the idea that Brexit is a problem. We believe in Brexit; we want the freedoms; and we want to choose our own taxes, our own laws and to spend our own money. Bring it on—the sooner, the better.

Dr Philippa Whitford (Central Ayrshire) (SNP): The Prime Minister and some members of the Conservative party call on everyone to “move on” from Brexit. It is as if he expects those of us who see the disadvantages of leaving the EU simply to put our brain in a box and forget about the impacts on our constituents and communities. He expects us not to speak up for the colleagues, friends and, in my case, loved ones who have come here from the EU, made their home here and improved our society. He expects us not to mourn our loss of EU citizenship and to be silent about the damage to healthcare, manufacturing, the food and drink industry, farming, and even fishing—yes, fishing, that oft-quoted supposed beneficiary of Brexit.

The trouble is that the Prime Minister thinks there is only one fishing industry, and one Scottish fishing industry, and he completely ignores inshore fishing, such as that in my constituency on the west coast of Scotland. Eighty-five per cent. of that catch goes to the EU, but with extra bureaucracy, delays and the threat of tariffs, the industry will struggle to compete with Northern Irish fishermen, who share the same waters but will land their catch directly into the single market. To save their boats, some fishermen have even mooted registering them in Northern Ireland, but that would destroy the viability of our fishing harbours, fish markets and onshore processing. It is certainly not a “sea of opportunity” for coastal communities.

Despite his hollow demand to “let the healing begin”, the Prime Minister has produced a worse deal than his predecessor. Like her, he made no attempt to seek common ground across the Chamber, or across the nations of the UK, and he ignored the Scottish Government’s compromise of enabling both Northern Ireland and Scotland to stay inside the single market and customs union, which would have respected the fact that both nations voted to remain in the EU. Even the supposed triumph of the Northern Ireland protocol is sketched on the back of a fag packet, with almost everything left for the Joint Committee to work out and enact through sweeping and unlimited delegated powers.

The changes made to the October version of the European Union (Withdrawal Agreement) Bill set the tone for what we can expect from this Government in future. The deletion of clause 34 and schedule 4 removes the protection of workers' rights from this legally binding treaty, while clause 37 abandons the commitment to family reunification for unaccompanied child refugees. Particularly concerning are the Government's plans for a ridiculously short transition period of only 11 months—despite the former Prime Minister taking two and a half years just to get the withdrawal agreement. The Tory manifesto revealed the Government's aim of changing the balance between Government, Parliament and the courts, and in this Bill we see that begin. There is little input for the devolved Governments, despite the impact that Brexit will have on their devolved policies. This debate has been limited to just three days in the House of Commons, as opposed to 30 days to debate the treaties of Rome or Maastricht.

We hear much about sovereignty as an argument for Brexit. The rather pointless clause 36 simply restates parliamentary sovereignty, yet clauses 5 and 6 give the withdrawal agreement supremacy over all domestic UK law. This Bill is not “getting Brexit done”; it is the beginning of the beginning. The former Prime Minister tried to have her cake and eat it, while painting herself into a corner with her own red lines. This Prime Minister clearly does not care if he only manages a few crumbs of a basic, bare-bones trade deal, and the loss of 50-plus EU free trade deals with other countries in the world. Such is the obsession with a short transition—there is certainly no more talk of frictionless trade!

The long wish list of aspirations in the political declaration is way beyond a trade deal; it is the future relationship with the EU. The political declaration makes it clear that the more the UK diverges, the less there will be on the table, and the outcome of that will affect the wellbeing of people in all our constituencies. By deleting clause 31, and by removing parliamentary oversight of negotiations on the future relationship, MPs are losing the ability to influence the terms of that relationship on behalf of our constituents and local industries. We are also losing the possibility of scrutinising the Government's proposals and holding them to account on their progress. This is a blind Brexit. As others have said, we are expected to jump off a cliff at the end of this month, and we are meant just to trust that somehow the Government will knit a parachute on the way down.

6.15 pm

Clauses 1 to 4 are to ensure that EU and EU-derived law functions during the standstill transition, by keeping modified parts of the European Communities Act 1972 in force, along with the sweeping use of delegated powers. No end date is set in any of the clauses, with references only to “implementation period completion day”. Clause 33 later forbids any extension to the transition period, which means that we still face a no-deal crash-out at the end of this year, thus continuing business uncertainty, discouraging investment, and keeping the brakes on the UK economy. A Government do not need to legislate for their own actions, so that is clearly a stunt to keep hard Brexiteers and no-deal disaster capitalists on board—or do the Prime Minister's colleagues perhaps not trust him to keep to his “die in a ditch” commitments yet again? This is a bizarre act of self-harm, as not only

are the Government planning to take the UK off a cliff without a parachute; they are actively removing the safety net at the bottom.

If the Opposition had pushed for new clause 4, we would have supported it. Brexit will harm the health and wellbeing of ordinary people across the UK, and while the Prime Minister may have won the election in England, he did not win it in any of the devolved nations. Indeed, by specifically standing on a ticket of denying Scotland a choice on her future, he lost more than half his Scottish MPs. At the ballot box last month, three-quarters of Scottish voters rejected this Prime Minister, rejected his party and rejected his deal. He has no mandate to inflict his disastrous Brexit on Scotland, and we will not support the Bill.

Rachel Maclean (Redditch) (Con): Thank you, Sir Roger, for allowing me to speak in this important debate. It is a pleasure to be back in Parliament with a new mandate, following the general election. I spoke about the withdrawal agreement in the previous Session, and I am happy to add my voice again to this debate. I will keep my comments brief, but I wish to add my support for the Government's approach.

As the Secretary of State set out, it is important to have an implementation period. Redditch is a centre of business and has many small and medium-sized enterprises. Although they had mixed views on the referendum, most businesses, citizens and voters now conclude that it is more damaging to be constantly in a cycle of extension and delay to Brexit than to do what the Government are now doing by setting out a clear timeline to follow. Once this Bill has passed, we will have that certainty, and from my experience before I came to Parliament of running a small business for nearly 30 years—yes, I do look that old—[HON. MEMBERS: “No! No!"] Thank you, thank you. I will pay you all later. What people need to run their business is certainty, which is what the Bill will provide. It means that we know where we are going, and when businesses know that, they can do what they do best and prepare for the situation in which they find themselves. This is definitely the right way forward.

Let me address the comments made by Opposition Members about new clause 4, which seeks to introduce an extension to the implementation period. I do not support that approach as I think it is a rerun of the previous Parliament, and we all saw how damaging that was, not only for this Parliament but for our reputation in the country. Voters were looking at us and wondering what we were doing and why we were not implementing the clear instructions that they gave us in the historic referendum of 2016. Again, no matter how they voted—whether they voted to leave or remain—there was a simple principle of democracy at stake. Voters said to us, “We have given you those instructions.” It may not have been what I, as an individual, wanted to happen, but that was the overwhelming democratic result of the country. They said, “We expect you, as politicians and parliamentarians, to implement it.” We did not do that and it was a very damaging situation that eroded trust in us as politicians. Anyone who has been out on the doorstep, not only in their own constituency but in others, knows that that is what the public are saying to us.

Daniel Kawczynski: The Labour party has made a great deal of wanting to hold us to account over the transition period and any possible extensions, so is my hon. Friend surprised that there is only one Labour Back Bencher in this debate, bearing in mind the importance Labour Members attach to this issue?

Rachel Maclean: My hon. Friend makes a very good point. We see this time and again from the Opposition. They are constantly crying out that they need more time for scrutiny, yet when we have the time there is a sea of empty Benches. We have seen that so many times. This is not the first time. We do not even have the shadow Brexit Secretary here. There is a lack of interest. I honestly think that it would not matter how much time we gave them; they still would not want us to actually honour the will of the British people. I am afraid it is a fig leaf.

Jeremy Wright (Kenilworth and Southam) (Con): Does my hon. Friend agree that part of the problem with what the Opposition propose is not just their lack of attention in coming to the Chamber, but their lack of attention to detail in what they propose? On new clause 4, they talk about the need to bring authority back to Parliament, but does she agree that what it actually says is that only a two-year extension could be proposed by the Government in this country—[*Interruption.*] That is exactly what it says. And that only the European Union could put a shorter extension on the table. It does not give Parliament the authority to suggest a shorter extension at all.

Rachel Maclean: I thank my right hon. and learned Friend for that point. I expect nothing less from his forensic attention to detail. He highlights the inconsistency at the heart of the Opposition's arguments. It reminds me of some of the amendments we had in the previous Parliament, when the Opposition wanted to us to give away our control about the process of leaving the European Union. That was constantly the approach they forced on the Government. That has actually ended up very well for us, because we now have a strong governing majority.

The response I have had from my constituents in Redditch since I have been fortunate enough to be returned to this place, and since I have been out and about on my travels speaking to them, is that people are just so happy that we can finally get this process concluded. I agree with the Opposition that we all need to now reach out across the House. We need to put the divisions behind us. I do not want to stand in this place and come across in a way that is taken to be—I am struggling to find the right word. What I want to say is that I want to find common ground. I think there is now common ground between the Government and the Opposition. We want to come together. There is a recognition that different positions were taken by voters, but we need to come together in the interests not only of Parliament, but the country and all our constituents.

Jim Shannon (Strangford) (DUP): I am very respectful of the hon. Lady's position and the position of others in this House. However, when she refers to coming together, does she understand that we on the Unionist side of the House feel greatly threatened and disadvantaged

by the agreement? What is being done to alleviate the concern of Unionists in this House about an agreement that basically puts us outside of the rest of the United Kingdom and under the control of the EU? How can that be right? Does the hon. Lady respect and understand—

The Chairman of Ways and Means (Sir Roger Gale): Order. I think this is the moment when the Chair has to intervene just a little. I have given a lot of slack during the course of the afternoon. The hon. Gentleman is fully aware that a greater part of tomorrow will be devoted to matters relating to Northern Ireland and I do not wish to stray too far into matters that will be debated tomorrow. We have a minimum of four hours to debate a lot of clauses later this evening. If the hon. Lady is able to win some time for the House, and if other hon. Members are able to do so, we might manage to spend more time debating issues that I suspect a lot of people wish to discuss.

Rachel Maclean: Thank you for guidance, Sir Roger. I will adhere to it and conclude my remarks by saying that I thoroughly support the Government. I support clause 33, which has to be in the Bill. It is an excellent Bill and I look forward to it passing tonight.

Mr Alistair Carmichael (Orkney and Shetland) (LD): I am mindful of your strictures with regard to time, Sir Roger. The hon. Member for Sheffield Central (Paul Blomfield) said during his opening remarks that he did not intend to press new clause 4 to a Division. If it assists the Committee, I can indicate that it is not my intention to press new clause 36, which stands in my name and in the name of my right hon. and hon. Friends. I do, however, wish to speak to those. Before I do so, I would like to pick up on the points made by the hon. and learned Member for Edinburgh South West (Joanna Cherry) to the Secretary of State with regard to the powers given to the United Kingdom Government and to the Scottish Government and other devolved Administrations.

I found the Secretary of State's explanation to be a little less than clear and somewhat less than convincing. In proposed new paragraph 11B in clause 4, relating to the powers of the Scottish Parliament, he will see that the devolved Administrations have no power to legislate outside their devolved competences. It is of course in the nature of devolution that the Administrations have no power, so I suggest to the Secretary of State that the inclusion of that provision is at the very least somewhat otiose. He would have to come up with a better explanation than he did to the hon. and learned Lady as to why it is necessary to have, or not to have, a similar provision with regard to the powers of this House.

The Secretary of State talked in his opening remarks about the commitment in the Conservative party manifesto, in respect of which it now has a handsome majority in this House. He was quite right to put that before the Committee, and it is perfectly legitimate that the Government should do so. However, I would suggest that he took it one step further than was sensible when he suggested that clause 33 was necessary for the Government to meet their manifesto obligations. Whether or not a Government meet their manifesto obligations is essentially a matter of politics, not law, and for the Secretary of State to suggest it is necessary to have a

clause of this sort to meet their manifesto obligations is something of an overstatement. It would be possible for them to meet their manifesto obligations without recourse to clause 33.

As other Members have pointed out, it is perfectly legitimate—we are entitled to do so—for those of us on the Opposition Benches, and I suspect a number of the better-informed Government Members, to point out that the previous implementation agreement reached by the former Prime Minister, the right hon. Member for Maidenhead (Mrs May), was for 21 months. At that point, we thought that was exceptionally ambitious, but now we find that it can all be done in 11 months. I have been a Member of this House for over 18 and a half years. You learn a thing or two in that time, Sir Roger. You know that, because you have been here even longer than me. One of the things we learn is to take assurances of that sort with a measure of some scepticism when we hear them from those on the Treasury Bench, whichever party is in government. That is why I think this is perfectly legitimate.

We have heard the assurances given by those on the Treasury Bench tonight. They may be right, in which case we will have an agreement concluded by the end of this year, but if they are not, those assurances will stand on the record, and the Minister and his colleagues will have to be accountable for them. I suspect that we now have a choice between close alignment, because that will be all that is possible in the 11-month negotiation period, and no deal. It will be interesting to see whether the unity that has been present behind the Secretary of State on the Government Benches today is maintained after that point.

6.30 pm

The Secretary of State and his colleagues have been candid in saying that no deal is still very much on the table, in the event that they do not have a deal concluded at the end of this year. It is worth remembering the extent of the implications of no deal. We have focused almost exclusively on the execution of a trade deal this evening. As the hon. Member for Rhondda (Chris Bryant) reminded us, intelligence and security co-operation is also at risk, and the consequences of failing to get that right would go well beyond monetary and commercial considerations.

I am also concerned about the third issue that would come into play in a no-deal Brexit: the position of Northern Ireland as part of the United Kingdom. The Union of the United Kingdom can be broken up by any one of its four constituent parts. If we end up with a no-deal Brexit, we force Northern Ireland into a situation that is different legally and in regulatory terms from that which pertains in the rest of the United Kingdom. Once that wedge is inserted, we will never see it removed.

I do not intend to press new clause 36 to a Division. We have heard the bold and ambitious assertions from those on the Treasury Bench. Time will tell whether they are right, but if they are wrong, the Secretary of State's words are on the record and, believe me, they will come back to haunt him.

Kevin Hollinrake (Thirsk and Malton) (Con): I will keep my remarks mercifully brief, restricting them to new clause 4. This would be a detrimental amendment to the Bill, because it would completely undermine the negotiations that the Government have to undertake.

I understand the concerns about a no-deal situation at the end of 2020—I am very concerned about that, too—but we must follow the golden rules in a negotiation. I have negotiated many things in my life, although clearly not something as large as leaving the European Union—but who has? However, there have been some things that would have had a much bigger direct impact on my life, certainly in terms of business negotiations. Some of those have been life-changing and, particularly in negotiations with our banks, pretty much life-threatening. The golden rule in any negotiation is that a person has to walk into them with confidence. That is absolutely how we have to undertake the negotiations. Of course, as the right hon. Member for Orkney and Shetland (Mr Carmichael) said, there are some downsides to these negotiations. It is therefore even more important to walk into them with confidence. We must believe that we can do this deal.

Mr Carmichael: The provision for an extension to be concluded by 1 July was in the withdrawal agreement that the Prime Minister negotiated. Did he do that because he lacked confidence?

Kevin Hollinrake: We are in a different situation. I am still involved in my business; it has grown a lot over the last 26 or 27 years, and I have concerns about the impact on it of the wrong kind of exit from the European Union. However, I still think it is absolutely right to set the deadline of the end of 2020 to do this deal. In our manifesto and all the statements in the general election, it is true that we said that we would do this deal by the end of 2020 and that we would be out completely by then. It would be wrong and a breach of the trust that the people had in us in the general election for us now to say that there could be a further extension.

Michael Tomlinson: My hon. Friend is absolutely right about confidence, but does he agree—he has alluded to this—that it is not just confidence, but a firm deadline that is required, rather than a flexextension or the risk of a further extension or postponement? We saw that in the last two Parliaments. That fundamental error, which was made by previous Administrations, will not be made by this one.

Kevin Hollinrake: My hon. Friend is absolutely right. The date is the imperative that makes sure that both sides will be looking towards that date to finalise negotiations. There are incentives and imperatives on both sides of the negotiating table. If there is the right spirit of negotiation between the two parties, and we undertake the negotiations in that frame of mind, we will absolutely be able to do this deal. However, if we provide the opportunity for an extension, we hand over the advantage in the negotiation to the other side. That is the absolute reality. We cannot do that, nor do we need to.

There are a number of reasons to think that we can do the deal within the timescale. We start from a position of total alignment, which is bound to help. This is different from a normal free trade agreement, in terms of the negotiations. Clearly, there have to be negotiations on what happens about divergence, but we start from a position of absolute alignment, which, to my mind, makes these negotiations totally possible in the next 12 months.

Dr Whitford: No one has ever negotiated a trade deal in just 11 months, so is it not likely that we will end up with something incredibly primitive? As for casting up that people voted for this in the election, what they voted for was the Government party saying, “We will achieve that by the end of the year.” They did not vote for it saying, “Well, never mind—we will crash out with no deal if we fail.”

Kevin Hollinrake: The hon. Lady makes a very good point, and I do not want to do that either. However, if she reads the comments from Michel Barnier that I quoted earlier, from the *Financial Times* of 26 November 2019, she will see that he said that normally such a period would be far too short, but that Brussels would strive to have a deal in place. Clearly, he thinks that he is capable of doing that. He talks about how he would sequence negotiations. For some things, we would have to kick the can down the road a bit and put some contingencies in place to deal with those. Clearly, he thinks that it is possible that we can do that deal.

Dr Whitford: The political declaration has a huge wish list of aspirations. Are they going to be negotiated later, or does the hon. Gentleman really think that including the European Medicines Agency, the European Chemicals Agency and all the various things that are in the wish list will be achieved by the end of the year?

Kevin Hollinrake: There may be a staging process; we do not know how the negotiations are going to roll out yet. Michel Barnier said that Brussels could take contingency measures to deal with those kinds of issue, because he does not want economic disruption. There is an appetite on both sides. What the European Union has done far better than the UK Parliament is negotiate as a bloc, together. There has not ever been any difficulty from its side in terms of people wanting different things, whereas clearly the UK Parliament has not behaved like that. As a result, the biggest vulnerability within the European Union from a poor trade deal or no trade deal is with regard to the Republic of Ireland.

The Republic of Ireland’s GDP growth rate is around 5%. Most financial commentators say that if there was a no-deal Brexit, the Republic of Ireland would go into recession. The EU would not want that. It would not leave the Republic of Ireland behind. The UK has imperatives in striking a deal and so has the EU. To my mind, that means we can do a deal in the next 12 months. I urge the Opposition to have more confidence in their position. The remarks from the hon. Member for Sheffield Central (Paul Blomfield), the Opposition Front-Bench spokesman, betrayed a lack of confidence, appetite and enthusiasm for this whole thing.

We cannot deal with Brexit like this—and I voted to remain. We must walk forward with confidence not only about our new relationship with the European Union, but, crucially at this time, about our negotiations on the trade deal.

Graham Stringer (Blackley and Broughton) (Lab): It is a pleasure to see you in the Chair, Sir George.

It has been mentioned that I am the only Labour Back Bencher in the Chamber, which is a double privilege. First, I think I am the only Labour leaver from the last Parliament left in the House. Secondly, the hustings for the start of the Labour leadership election are going on

upstairs, which is important. One of my party’s problems is that although many of our supporters voted to leave the EU—and are enthusiastic about leaving—they are very poorly represented in the Labour party itself.

There is an element of tilting at windmills in this debate. I do not believe the catastrophe theories about the next 11 months or so. The public want us to get out, and it is in the mutual interest of the EU and its member states and the UK to get as good a deal as possible, so I do not believe the catastrophic predictions. I voted against the previous Prime Minister’s deal three times, and against the current Prime Minister’s deal—in November, I think—but I did so because there were not simple majorities and I believed there was a better deal out there. Going through the Lobby, I was aware that some were voting against because they wanted a better deal—one we believed would better represent the decision in the 2016 referendum—but that others were voting to delay the process because they wanted, either by measures in this Chamber or by a second referendum, to overturn the 2016 decision itself.

I am pleased we are now to leave the EU on 31 January, but I am less pleased that, because of tactical mistakes made by my colleagues, we are in a minority against the Conservative Government and look like being so for some time. I take issue with both the philosophy and the detail of the remarks of my hon. Friend the Member for Sheffield Central (Paul Blomfield) from the Front Bench. The debate about whether we should remain in or leave the EU was never simply about the economy. Much of the debate—certainly this is one of the things that has motivated me since the 1975 referendum, when I voted to leave—is about the democratic argument. I believe it is better for both the economy and our society if people in this country elect the people who make our laws rather than letting unelected and appointed people in other countries make them. That is a fundamental principle of democracy. Without it, we simply do not have a democracy. I also think that making our own regulations and laws for our own industries is likely to make us economically more efficient and proficient.

The other side of my hon. Friend’s argument is that the Conservatives want a race to the bottom. They might or might not. I am in the Labour party, not the Conservative party, because my philosophy differs from theirs on many issues, but it is better in a democracy if we argue those issues out in general elections such as the one we have just had. If the Conservatives, as they tend to, want a more free-market approach, they should argue for that, and if we want a more interventionist approach, we should argue for that, and whether we win or lose the argument is up to the electorate. At present, however, our ability to support our own industries depends not on whether we or the Conservatives win an election, but on rules for state intervention and support set down by the EU.

Sir John Hayes (South Holland and The Deepings) (Con): As always, the hon. Gentleman is making a compelling argument. I congratulate him not only on his insight but on his consistency. In the end, this is a question of who exercises power and from where, in exactly the way he describes. For too long, too many people on both sides of the House have seen this argument through an economic prism, but it is actually about who decides our destiny, and it should be the British people through those they choose to speak for them here.

6.45 pm

Graham Stringer: I thank the right hon. Gentleman for his intervention. He will not necessarily take this as a compliment, but Tony Benn could have made those points, because they have run through the arguments of both Conservative and Labour Members who support leaving the EU ever since we joined in 1972.

Not only is it better that those decisions be taken here, but it is often assumed that the EU is good for the economy and the protection of trade union and environmental rights, yet quite a lot of evidence runs counter to that. I am not an expert on fishing, but the discard rule has been an environmental disaster in the North sea. I understand quite a bit about trade union protections and legislation and I never get a satisfactory answer from my side about the Laval and Viking decisions of the European Court of Justice. Not only do they undermine the minimum wage and the nature and definition of a trade dispute; they are effectively unchangeable, as we in this country cannot change laws made by the ECJ. That is what is fundamentally wrong with being a member of the EU.

I have no doubt that there will be changes when we leave the EU—people will be able to claim there has been a negative economic change there or a positive one here—but that happens all the time. Where has our paper industry gone? Has it been helped by the EU and its regulations? What about our agrochemical industry? It was essentially destroyed by European legislation, but I do not hear people in this Chamber arguing against the EU in that regard. It is accepted—I do not know why—that the EU will always be good for these things.

If new clause 4 were to be put to the vote, I would not join my colleagues in support of it. I agree with what Labour Front Benchers have said—that we should use the debate on the Bill to improve things—but going over the debate we have been having in this Chamber since 2016 will not do that. I have no idea—I have not counted up the time—but my guess is that we have spent as much time in this Chamber discussing the 2016 referendum, at which we committed to giving the people the choice, as we did debating both the Lisbon and Maastricht treaties put together. I understand, however, that Front Benchers do not intend to put the new clause to a vote. I hope they can be more constructive as we continue this debate.

Sammy Wilson: The Democratic Unionist party will be supporting clause 33, though tomorrow we will be tabling amendments to the Bill, because, although we accept that it is essential to get out of the EU as quickly as possible, we believe that the terms of the withdrawal agreement are detrimental to Northern Ireland. The purpose, however, of any amendments my party puts forward will be to assist the process of leaving the EU and to ensure that the whole UK leaves. That is not the case with new clauses 4 and 36, which are designed to extend the period for which we stay in the EU and would make it much more difficult to have a clean break.

Have we learned nothing from the tactics the EU has used over the last few years? The longer the period, the more it can hold back, and the more demands it can make. We have seen that time and again.

The last Parliament made it clear that it would not give the Government the support that they needed to move forward with a deal. The EU dug its heels in deeper, and did not try to be accommodating. What is important about clause 33 is that it draws a line, sends a signal and makes the position very clear. It says, “Here is the deadline: now get on with the negotiations.” No clearer message could be sent to those who are negotiating on the EU’s behalf.

Indeed it is significant that, although we were formerly told that a trade deal could take years to negotiate, the language is suddenly changing because the arithmetic in the House has changed and the Government’s will is different. We are now being told, “Well, it might not be as difficult as it was for Canada and Japan. After all, we are starting from the same place, and we have a lot of the same regulations”—and there are a number of other reasons why the negotiation might be easier than we were previously told that it would be.

Jonathan Edwards: I suspect that the right hon. Gentleman is referring to the comments of the EU Trade Commissioner. He made those comments in the context of a decision by the British Government to retain close alignment. The difficulties occur when we disalign.

Sammy Wilson: Of course that will be the opening negotiating position. He is not going to say, “Yes, and by the way, we do not have to have close alignment.” There will still be a desire on the part of the EU to keep us as close as possible. However, one way of ensuring that we get a deal, and get the kind of deal that we want, is to make it clear that we will not engage in protracted negotiations. We must say, “We will not allow you to use all the tactics that you have used before. You must come to a conclusion. If you want access to our UK market—and you need access to it because you sell more to us than we sell to you—and if you want the future trading relationship and the co-operation that the Government have offered time and again, you must reach a deal quickly.”

John Redwood: Has the right hon. Gentleman noticed, in the three and a half years of these endless debates, that the Labour and Liberal Opposition have always tabled proposals that strengthen the EU and undermine the UK? Has he noticed that they only ever put the EU case, and never put the UK case?

Sammy Wilson: That was the whole point of extending the implementation period, to allow that tactic to be used, even in this Parliament, with different arithmetic. It is one of the reasons why I think the Government are right to draw a line and say, “We have a year in which to do this. Now let us get on with it, and let us get the deal.” I just hope that during that period, the Government will also be cognisant of the fact that the protocol on Northern Ireland is damaging to the Union, and will seek to ensure in the negotiations that that protocol is weakened and the differences between Northern Ireland and the rest of the UK are changed, so that we leave the EU along with the rest of the United Kingdom and on the same terms.

Daniel Kawczynski: The right hon. Gentleman has talked about our huge trade deficit with the European Union and how vital a free trade agreement is to the

[Daniel Kawczynski]

EU—how much more in its interests such an agreement is. I understand that our current trade deficit is more than £92 billion a year. Is the right hon. Gentleman cognisant of that figure?

Sammy Wilson: That is one of the reasons why it should not be too difficult to secure a trade deal. After all, in whose interests is that? It is in the interests of workers in Germany, France, Italy, Spain and other countries all over Europe to have access to the UK market. Our market is lucrative for them. We hear all this talk about why it will be difficult to do a deal, but why would EU negotiators, now that they know there is a different will in the House, want to turn their backs on the UK market? Why would they not want to have the ability to sell goods to us, and to sell them on good terms? They will not want to erect the barriers that people said they were likely to erect.

This is the right thing to do, tactically and politically. The Minister has said that it is necessary to deliver on the commitment that his party made to the electorate during the general election, but let us go back further than that: it is necessary to deliver on the referendum result of 2016, when we promised people that we would leave. I think that the delay has been long enough, and people are frustrated enough, so this is the right thing to do politically, but I also think that it is the right thing to do from the point of view of industry, and economically. We have heard time and again that investment decisions are being delayed because of uncertainty—that people need to know what the future is likely to be, so that we can then see a bounce in the economy. Let us not push this further down the road. Let us make sure that people have certainty as quickly as possible.

Gareth Johnson (Dartford) (Con): Does the right hon. Gentleman agree that, throughout the general election, the mantra of the British people was “Just get on with it.”? Indeed, the outcome of the election was a mandate to the House to get on with the exiting of the European Union, and the new clause flies in the face of the outcome of the general election that we have just had.

Sammy Wilson: Yes. I—

The First Deputy Chairman of Ways and Means (Sir George Howarth): Order. I was hesitating to interrupt the right hon. Gentleman, because I thought that he was reaching his peroration, but may I just remind him that he should keep his remarks as close as possible to the clauses and new clauses that we are debating?

Sammy Wilson: Let me conclude my speech, Sir George, by issuing a word of caution about clause 33. While a deadline of December this year can put pressure on the EU, it can also put pressure on the Government. As we in Northern Ireland have learned, the pressure on the Government from the 31 October deadline led to concessions that were not good for, at least, our part of the United Kingdom. This is where Government will and determination are important.

Equally, the deadline that the Government have imposed on themselves could be used by EU negotiators to make demands. Those negotiators could say, “If you want a deal by that stage, here are the things that we want from you: we want you to make concessions on fishing, on

level playing fields, on payments and on a whole range of other things.” That is the only word of caution that I will issue. Deadlines put pressure on both sides, and come December this year, whether the Government are prepared to stand firm in the face of their own deadline and not be pushed around will be a test of their will.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clauses 2 to 6 ordered to stand part of the Bill.

Clause 7

RIGHTS RELATED TO RESIDENCE: APPLICATION DEADLINE AND TEMPORARY PROTECTION

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): I beg to move amendment 5, page 9, line 36, leave out from “Crown” to end of clause and insert

“must by regulations make provision—

- ‘(a) implementing article 18(4) of the withdrawal agreement (right of eligible citizens to residence documents proving legal status), including making provision for a physical document;
- (b) implementing article 17(4) of the EEA EFTA separation agreement (right of eligible citizens to residence documents proving legal status) including making provision for a physical document; and
- (c) implementing article 16(4) of the Swiss citizens’ rights agreement (right of eligible citizens to residence documents proving legal status).”

This amendment would mean that EEA and Swiss citizens residing in the UK would automatically have rights under article 18(4) of the withdrawal agreement (and equivalent provisions in the EEA EFTA and Swiss citizens’ rights agreements) rather than having to apply for them, and would have the right to a physical document proving their status.

The First Deputy Chairman of Ways and Means (Sir George Howarth): With this it will be convenient to discuss the following:

Amendment 6, page 10, line 41, at end insert—

‘(3A) Regulations made under this section shall apply to—

- (a) the rights of all persons eligible for leave to enter or remain in the United Kingdom by virtue of—
 - (i) the withdrawal agreement, or
 - (ii) residence scheme immigration rules (see section 17) as in force on 21 December 2019, and
- (b) such other persons as Ministers consider appropriate.

(3B) The residence scheme immigration rules (see section 17) may not be amended so as to reduce the range of persons eligible for leave to enter or remain in the United Kingdom by virtue of those rules (other than by primary legislation), but other persons may be added as Ministers consider appropriate.”

This amendment would ensure that the range of persons entitled under UK law to benefit from the rights set out in the Withdrawal Agreement cannot be reduced except by primary legislation.

Amendment 27, page 10, line 41, at end insert—

‘(3A) Regulations made under this section may not prevent EEA and Swiss nationals, or their family members, who are resident in the United Kingdom on or prior to 31 December 2020 applying for settled status at any time.”

This amendment would ensure that people eligible for settled status would not be prevented from obtaining it by an application deadline.

Clause stand part.

Clauses 8 to 10 stand part.

Amendment 2, in clause 11, page 14, line 2, leave out subsection (1) and insert—

“(1) A person may appeal against a citizens’ rights immigration decision to the First-tier Tribunal.”

This amendment would give a right of appeal against a citizens’ rights immigration decision.

Amendment 3, page 14, line 24, leave out subsections (3) and (4) and insert—

“(3) Subject to subsection (4), while an appeal is pending, the person concerned shall be deemed to have all the rights associated with indefinite leave to remain under the residence scheme immigration rules, in particular as concerns residence, employment, access to social security benefits and other services.

(4) Subsection (3) does not apply to an appeal against a decision falling within subsection (2)(a) or (c).

(4A) “Pending” shall have the same meaning for the purposes of subsections (3) and (4) as in section 104 of the Nationality, Immigration and Asylum Act 2002.”

This amendment would protect the rights of EU citizens while their appeals are pending.

Amendment 20, page 14, line 24, leave out “also”

This amendment is consequential on Amendment 2.

Amendment 7, page 14, line 25, leave out “(including judicial reviews)”

This amendment would remove the power being provided to ministers to make regulations about judicial review of certain immigration decisions.

Amendment 21, page 14, line 27, leave out “(1) or”

This amendment is consequential on Amendment 2.

Clauses 11 to 14 stand part.

That schedule 1 be the First schedule to the Bill.

Clause 15 stand part.

Amendment 22, in schedule 2, page 46, line 12, leave out “Secretary of State” and insert

“Independent Chief Inspector of Borders and Immigration”.

This amendment would make the Independent Chief Inspector of Borders and Immigration responsible for appointing non-executive members to the independent monitoring authority, rather than the Secretary of State.

Amendment 23, page 46, line 20, leave out “Secretary of State” and insert

“Independent Chief Inspector of Borders and Immigration”.

This amendment would make the Independent Chief Inspector of Borders and Immigration, rather than the Secretary of State, jointly responsible with non-executive members of the Independent Monitoring Authority for ensuring that, as far as possible, numbers of non-executive members exceed the number of executive members on the IMA.

Amendment 37, page 59, line 15, leave out paragraphs 39 and 40

This amendment would require any transfer or abolition of the functions of Independent Monitoring Authority for the Citizens’ Rights Agreements to be by way of primary legislation.

That schedule 2 be the Second schedule to the Bill.

Clauses 16 and 17 stand part.

New clause 5—*Protecting EU Citizens’ Rights*—

“(1) This section applies to—

- (a) European Union citizens having the right to reside permanently in the UK according to Article 15 (“Rights of permanent residence”) of the Withdrawal Agreement;
- (b) persons to whom the provisions in (a) do not apply but who are eligible for indefinite leave to enter or remain, or limited leave to enter or remain by virtue of residence scheme immigration rules (see section 17).

(2) A person to which this section applies has the rights and obligations provided in Article 12 and Title II Part II ‘Citizens’ Rights’ of the Withdrawal Agreement.

(3) The Secretary of State must by regulations make provision—

- (a) implementing article 18(4) of the withdrawal agreement (right of eligible citizens to receive a residence document), including making provision for a physical document providing proof of residence;
- (b) implementing article 17(4) of the EEA EFTA separation agreement (right of eligible citizens to receive a residence document) including making provision for a physical document providing proof of residence;
- (c) implementing article 16(4) of the Swiss citizens’ rights agreement (right of eligible citizens to receive a residence document) including making provision for a physical document providing proof of residence.

(4) No provision of this or any other enactment, or adopted under this or any other enactment, may be used to require European Union nationals and their family members, or nationals of Iceland, Norway, Liechtenstein and Switzerland and their family members, who reside in the United Kingdom immediately prior to the end of the implementation period, to apply for a new residence status under Article 18(1) of the Withdrawal Agreement, or to introduce a deadline for applications under residence scheme immigration rules or relevant entry clearance rules.

(5) Residence scheme immigration rules and relevant entry clearance immigration rules may not be amended to provide that any person who benefited or is eligible to benefit under those rules on the day on which this Act is passed benefits any less than he benefited or was eligible to benefit on the day on which this Act is passed.”

This new clause provides for all EU citizens who are resident in the UK before exit day to have the right of permanent residence, whether or not they have been exercising treaty rights, and makes sure that every person who is entitled to settled status has the same rights.

New clause 18—*Fee levels and exemptions*—

“(1) No person to whom regulations under section 7(1) (as qualified by section 7(2) and 7(3)) apply may be charged a fee to register as a British citizen that is higher than the cost to the Secretary of State of exercising the function of registration.

(2) No child of a person to whom subsection (1) applies may be charged a fee to register as a British citizen if that child is receiving the assistance of a local authority.

(3) No child of a person to whom subsection (1) applies may be charged a fee to register as a British citizen that the child or the child’s parent, guardian or carer is unable to afford.

(4) The Secretary of State must take steps to raise awareness of people to whom this section applies of their rights under the British Nationality Act 1981 to register as British citizens.

(5) A Minister of the Crown may amend, waive or restrict any requirement of any other person to pay a fee to register as a British citizen where the Secretary of State considers it appropriate or necessary to do so in consequence of any discrimination between people of, or children of people of, differing nationality or other status.”

This new clause would ensure that persons entitled to benefit from the citizens’ rights protections in the Bill did not miss out on registering as a citizen of the UK because of the level of fee currently charged.

New clause 33—*EU Settlement Scheme: physical documented proof*—

“The Secretary of State must make provision to ensure that EEA and Swiss nationals and their family members who are granted settled or pre-settled status are provided with physical documented proof of that status.”

This new clause would require the Government to provide physical documents to enable people to prove their settled status.

New clause 34—*Settled status: right to appeal*—

(1) A person may appeal against a settled status decision to the First-tier Tribunal.

(2) A settled status decision includes a decision—

- (a) to refuse to grant leave to remain under Appendix EU of the Immigration Rules made under section 3(2) of the Immigration Act 1971, or
- (b) to grant limited leave to remain under Appendix EU of the Immigration Rules made under section 3(2) of the Immigration Act 1971 to a person who has applied for indefinite leave to remain under that Appendix.

(3) An appeal against a decision under subsection 2(b) may be brought only on the grounds that the person is entitled to indefinite leave to remain under Appendix EU of the Immigration Rules.

(4) While an appeal under subsection 2(a) is pending, the person concerned shall be deemed to have all the rights associated with indefinite leave to remain under Appendix EU of the Immigration Rules in particular as concerns residence, employment, access to social security benefits and other services.

(5) While an appeal under subsection 2(b) is pending, the limited leave to remain granted under Appendix EU to the Immigration Rules shall continue in force.

(6) “Pending” shall have the same meaning for the purposes of subsections (4) and (5) above as in section 104 of the Nationality, Immigration and Asylum Act 2002.”

This new clause would establish a right to appeal settled status decisions.

Stuart C. McDonald: It is a pleasure to serve under your chairmanship, Sir George.

For us, this part of the Bill is relentlessly dire. For decades, British citizens and citizens across Europe have enjoyed the extraordinary benefits of free movement—to live, work and study across a continent. This part of the Bill implements part 2 of the withdrawal agreement, the part that brings all those benefits of free movement to a crashing halt. Future generations throughout Europe will miss out, but none more than UK citizens.

The First Deputy Chairman: Order. I hope that those who are standing at the back of the Chamber will take the advice that it is discourteous to chunter while the hon. Gentleman is speaking.

7 pm

Stuart C. McDonald: If those colleagues are waiting for a vote on the previous group, it may be useful to tell them that that vote is not happening, but if they are interested in free movement rights, they are welcome to stay.

As I was saying, free movement rights have been brought to a crashing halt by part 2 of the withdrawal agreement, and that is what this part of the Bill seeks to implement. It is not just UK citizens who will no longer be able to benefit from free movement, but those here at home who will have less opportunity to meet, work alongside or form families with European colleagues or to benefit from the skills and expertise they bring as workers in our public services or the wider economy.

In Scotland, we face the very real prospect of a stagnating or declining population, so any legislation implementing that agreement would be horrible, but this legislation is even worse than it needs to be because where the withdrawal agreement gives the Government a choice, they have made the wrong choice. Instead of making life just a little bit easier for EU nationals going through a torrid time, the Government are making it

more miserable. In doing so, they have broken explicit promises made by the Prime Minister, the Home Secretary and the Chancellor of the Duchy of Lancaster during the Brexit referendum.

Our amendments seek to remedy the awful choices that the Government have made—namely, the choice to demand that citizens apply to stay; the choice that they have made to fail to provide a physical document as proof of status; and the choice that the Government have made about how the new Independent Monitoring Authority should be constituted. Our new clause 18 seeks to make life a little better for EU nationals by ensuring that those who are entitled to British citizenship can access that entitlement, regardless of their ability to pay exorbitant Home Office fees.

I turn first to amendments 5 and 6. Article 18 of the withdrawal agreement gave the Government a choice. They could either do what the Prime Minister and the Home Secretary promised and declare in law the rights of EU citizens automatically—a so-called declaratory system or registration system. Alternatively, they could make EU citizens apply to stay in their own UK homes, changing the rules after those citizens had put down roots here and pulling the rug from under their feet. There is no reasonable explanation why the Government chose the latter. The difference between a declaratory or registration system and an apply-to-stay scheme might not sound like much to those who are new to the issue, but the implications are absolutely momentous in terms of the potential disaster that individuals will face and of the number of people who face such a disaster.

By way of a hypothetical example, let us imagine a retired French lady and a young Polish guy. The French lady has been here since the 1970s and had a permanent residence document under the old EU rules. Understandably, she thought she did not need to apply to stay, but it turns out that, of course, she did. The Polish guy was born here and because of that he believed that he was British, so he did not apply. However, it turns out that because his Polish mum and his UK father were not married at the time of his birth, he was not British after all, and he should have applied as well. Under the Government’s proposals, that French lady and the young Polish lad will be subject to the full force of the hostile environment. At some point, out of the blue, they will lose their jobs, their access to the NHS or the tenancy of their homes. It will be just like the Windrush fiasco, but for them it will be even worse because they will have no way to rectify their terrible situation and will be subject to removal. Imagine what that will mean for those individuals.

In terms of scale, we need to recall that few schemes such as the one that the Home Office is attempting ever get close to a 90% reach, never mind a 100% reach, and that even if the Home Office does amazingly well and achieves a 90% reach of EU nationals, that will still mean that hundreds of thousands of people will be in situations like that. There are a million reasons why we will not get close to a 90% reach.

Dr Whitford: Is it not concerning that, when we look at the monthly figures, we see that more than 40% of EU nationals are only being given settled status? I am sure MPs right across the House will have had examples of people, particularly women with caring responsibilities

who have been here for decades, who are not being given it. My concern is for those very elderly people who are not even considering that this might apply to them.

Stuart C. McDonald: My hon. Friend is absolutely right. I was just about to give an example of the sort of person who will be caught out by this, and there are many more. It is not just those who did not think they needed to apply because of the complex stays, or their immigration and nationality situation, but also those with, for example, low digital literacy or poor language skills. There are also those who accepted pre-settled status and overlooked the subsequent deadline for applying for settled status, as well as children and vulnerable adults. The list goes on.

This is absolutely not the way, as the Government have said previously, to avoid a new Windrush disaster. This is the way to create a disaster on an even greater scale. It is not just me saying this; it is the 3 million campaign group, legal experts and think tanks, and it is the cross-party conclusion of the Home Affairs Committee, so we call on the Government to think again and to provide the status automatically and keep the settlement scheme open so that people can access the physical document that they need, as and when they realise they need it. That is what amendments 5 and 6 seek to do, as does the official Opposition's new clause 5, which, because it would do everything in one go, is the one that we will support in a vote.

The second bad choice the Government made was in relation to documentation. The withdrawal agreement allows for the provision of a physical document as evidence of status. Alternatively, that proof could be in digital form. The Government have gone for a purely digital form of proof, which is completely contrary to what the overwhelming majority of EU nationals would prefer. How many Members would be happy to rely exclusively on a piece of Government digital code in an online system as the sole means of evidencing their right to live, work or study here or anywhere else? If the digital form were available alongside the opportunity to request a document, that would be fine, but it is completely unacceptable for it to be in digital form only. What if our retired French lady is digitally challenged, as the expression goes? How difficult will it be for her to prove her rights? And what will happen when the young Polish guy seeks to persuade a landlord that he is eligible to rent a flat in England? We know how great the chance is that the landlord will rent that flat to a person with a passport, way before they will go through the process of checking the Polish lad's immigration status. The right-to-rent scheme is already in limbo because judges have found such episodes occurring with other less complicated forms of proof. What if the digital system crashes altogether at a crucial moment, as has happened already? Again, the Home Office is making decisions against the interests of EU citizens. That is why amendment 5 calls for a physical document to be provided.

I like to be fair, so let me acknowledge one good decision that the Government have made. That was the decision to open the settled status scheme to a broader category of citizen than was strictly required by the withdrawal agreement. Amendment 6 seeks to cement that into primary legislation, rather than leaving it to the whim of an immigration Minister to do away with

at the drop of a hat by changing the immigration rules. The official Opposition's new clause 5 would do the same thing.

A third disappointing choice that the Government have made relates to the make-up of the Independent Monitoring Authority—that is, the body tasked with ensuring that citizens' rights under the agreement are properly protected. The withdrawal agreement gives broad discretion as to how the board should be made up. Given the torrid time that EU citizens are enduring, the last thing they want to see are provisions that mean that the person appointing the members of the IMA is a person who has ignored all the other concerns and broken the key commitment that she made to them during the referendum. That is of course the Home Secretary.

Yes, there are other provisions that are designed to create a degree of independence for the IMA, but in advance of the creation of the authority, it is the chief inspector of borders and immigration who has been monitoring the settled status scheme and who has prepared reports and recommendations about it. That makes him a strong candidate for knowing what skills are required for the Independent Monitoring Authority, but there are other independent people who could do the task and give EU citizens much more faith in the process. Additionally, in amendment 52, we seek to strengthen the role of the devolved Administrations in the process of appointing those IMA members being selected because of their knowledge of conditions in the devolved areas.

Turning to appeals, it is positive that the Bill makes provision for a right of appeal against settled status decisions, but not that it does so only by way of regulations or immigration rules. There should be a statutory right of appeal in the primary legislation. These significant rights are not to be toyed with on the whim of a Minister. So again, we support parties who have tabled amendments to put the right of appeal in the Bill directly.

In amendment 7, we challenge the Government's giving Ministers the right to make provisions about judicial reviews of certain citizens' rights immigration decisions. This seems unprecedented, and if the Minister can provide another example of such a power being granted, I would be grateful to hear about it. There is huge concern about what the Government want to do with judicial oversight of the decisions that they make, and I hope that this is not an early example of Government attempts to curtail judicial oversight of significant and sensitive immigration powers.

I turn now to the registration of British citizenship. This is another scandal that has developed on the watch of successive Conservative Home Secretaries negligently conflating naturalisation with registration. After the British Nationality Act 1981 came into force, many children and young people who would automatically have been British through birth here were instead given a statutory right to register as British if they met certain criteria such as living in the country for a certain period or their parents becoming settled or British. These criteria reflect the fact that for those children and young people, the UK is their true home. De facto, they are British and should therefore be legally entitled to British citizenship. A Conservative Minister of State said, when introducing the relevant provisions in 1981, that it is extremely important that those who grow up in this country

[Stuart C. McDonald]

should have as strong a sense of security as possible. That is not the same as naturalisation, where the law gives the Secretary of State discretion in relation to people who have chosen to make the UK their home. But the Home Secretary charges for children to register, as if the two things were equivalent. Even though the administrative cost to the Home Office of registration is around £370, the Home Office has been charging over £1,000 for several years—something the now Chancellor acknowledged was a huge sum when he was asked about it at the Home Affairs Committee. Imagine anyone in this Chamber being asked by an official for £1,000 before their child could be confirmed as British and could exercise their rights as a British citizen. It would be deemed outrageous and totally unacceptable to every single person in this Chamber. It is similarly outrageous that the Home Office is inflicting that fate on other children who are just as entitled to their British citizenship.

Alison Thewliss (Glasgow Central) (SNP): My hon. Friend is making an excellent point, and I am glad he is raising the issue. I often get families at my surgeries who cannot afford to have their children registered; they might register themselves because they need to work or travel, but they cannot afford to pay for their children. With the decision of the courts on this issue, does my hon. Friend have any view on whether people should be issued with refunds for the children they have already paid for, as the courts have ruled the charges unlawful?

Stuart C. McDonald: I fully support that decision, and I will come to the court case in a moment. Another example I found when searching for cases is that parents have to choose which child will become a British citizen. They cannot afford to pay for two or three, so they have to pick which child will benefit from citizenship. It is a really appalling and cruel game.

It is therefore welcome, as my hon. Friend pointed out, that the fees have been found unlawful in the High Court because they do not properly take into account the best interests of children. I pay tribute to the Project for the Registration of Children as British Citizens, Amnesty International and others for their work on that case. Instead of appealing against that decision, the Home Office should listen to the reasoned arguments and stop this absolute scandal. Among the victims of this scandal are many EU and European Economic Area nationals—for example, a young Belgian girl born in the UK to Belgian parents just after they moved here and before they were settled. She becomes entitled to British citizenship automatically after 10 years, or if the parents become UK citizens or settled themselves, but she or her family quite simply may not be able to afford the £1,000 fee. She, along with many others, will be forced to register under the settlement scheme, when they have a far stronger right to citizenship. As the Project for the Registration of Children as British Citizens and Amnesty pointed out in a letter to the Minister's predecessor, children and young people in the care system are especially at risk.

There are many things that need to be done to allow children and young people to access their right to British citizenship, but one key aspect is ensuring that all who

have that right through registration can afford it. That is why new clause 18 sets out to limit the fee that can be charged for the administrative cost and to provide for free exemptions and waivers in appropriate circumstances. I do not want this to be limited to EU citizens, but it has to be because of the scope of the Bill. However, there is a far bigger job of work to be done in ensuring that these things are done right across the board. As my hon. Friend the Member for Glasgow Central (Alison Thewliss) pointed out, we should look to reimburse those who have had to break the bank, take loans or do whatever else simply so that their children can become British citizens or register the right to British citizenship that they are entitled to under statutes passed in this place. It seems a simple matter of justice to me. I cannot understand how any Government or MP would want to continue to deprive de facto British citizens of the legal British citizenship they are entitled to, and that is why new clause 18 should be put to a vote this evening.

In conclusion, many EU citizens are having an incredibly difficult time, to put it mildly. They were hurt again by the lazy rhetoric coming from the Conservative party during the election about the cost of benefit payments to EU migrants, and by the Prime Minister's remarks about EU citizens daring to treat the UK like their own country. Instead of occasional platitudes in this Chamber, we need consistent and vocal support for EU nationals. More than that, we need action, not words, and these amendments and new clauses are exactly the action that is needed to improve the lives of those people.

The Minister for Security (Brandon Lewis): It has now been over three years since the referendum, and we are here today because the Conservative party can finally break the deadlock and ensure that there is no more delay. This Bill means that the UK will leave the EU on 31 January, delivering on our pledge to get Brexit done. Our Prime Minister, standing right here at the Dispatch Box, laid out a powerful vision for a rejuvenated, forward-looking, optimistic United Kingdom. This Bill will allow us to unite the whole country and take advantage of the opportunities that lie ahead for us.

Throughout the negotiations, our first priority has been to safeguard the rights of EU citizens, those who have built their lives here and contributed to the UK. The clauses laid out in the citizens' rights part of the Bill are essential to implementing the withdrawal agreement so that EU citizens' rights to live, work, study and access benefits in the UK are protected. We have delivered on that commitment, and this Bill provides certainty to EU citizens and their family members who are covered by our implementation of the withdrawal agreement.

7.15 pm

The citizens' rights clauses—clauses 7 to 17—include provisions to implement technical aspects of the withdrawal agreement. This will provide for a grace period for EU settlement scheme applications, frontier workers, restrictions of rights of entry and residence, appeals, recognition of professional qualifications, social security co-ordination and equal treatment. The Bill also implements the EEA EFTA separation agreement and Swiss citizens' rights agreement, providing EEA, EFTA and Swiss nationals with certainty. For colleagues' reference, unless I make further distinction, I will refer to this entire group as "EU citizens".

Once we leave the EU, and after the implementation period, we will end free movement. Clause 7 allows Ministers to set a deadline for applications to the scheme and enables the Government to preserve the rights of EU citizens during the grace period. It also means that we can maintain the same protections for those with a pending application or appeal at the end of that grace period.

I urge hon. Members not to press new clauses 5, 18 and 33, as well as amendments 5, 6 and 27 to this clause, which put the success of the EU settlement scheme in jeopardy. If we remove the need to apply for status, put in place a declaratory system, provide for physical documents, lock the eligibility criteria and remove the deadline, it could undermine our ability to give EU citizens the certainty that we have promised and are determined to deliver.

I will be very clear with Members: the EU settlement scheme is already up and running. It is designed to be quick and easy for applicants, and it is working. For Members' information, the latest figures show that over 2.8 million applications have now been received, and nearly 2.5 million people have been granted status. The scheme is a success.

Peter Grant (Glenrothes) (SNP): As the Minister will know, I questioned the Prime Minister on this issue on 25 July. I reminded him that during the referendum he personally promised that no EU citizen living in the UK would be treated any less favourably as a result of our leaving the European Union. I asked the Prime Minister whether he would

“now guarantee the right to healthcare, pension rights, the right to leave and return, the right to bring over family, the right to vote and all the other rights currently enjoyed by EU citizens”.—[*Official Report*, 25 July 2019; Vol. 663, c. 1498.]

The Prime Minister, at the Dispatch Box, told me and this House that the Government were giving those guarantees “unilaterally”. Which clauses make good on those promises from the Prime Minister about the right to pensions, the right to healthcare and the right to bring family members over at some time in the future? If they are not in the Bill, the Prime Minister has made promises from the Dispatch Box that the Government have no intention of keeping.

The First Deputy Chairman of Ways and Means (Sir George Howarth): Order. I draw Members' attention to the fact that interventions should be brief and to the point. I am not necessarily saying the hon. Gentleman's was not, but for further reference I think that advice should be taken.

Brandon Lewis: Thank you, Sir George. As my right hon. and hon. Friends will outline, we are working with our colleagues and friends around Europe, and they are all very happy with the scheme. In fact, as I will come to in a few moments, our scheme is far more generous than what many countries around Europe offer to UK citizens. I hope that will change, but this programme does deliver—I will come to some specifics in further clauses, but I am sticking to the clauses that are before us today. It is delivering a scheme that, as I say, has had over 2.8 million applications already, and nearly 2.5 million people have already been granted status. That is a success. EU citizens in the UK also have until the end of June 2021 to apply.

Stuart C. McDonald: I have two quick questions for the Minister. First, how many individuals have applied? I note that some may have made several applications. Secondly, and more importantly, does he dispute my estimate that hundreds of thousands of EU citizens will fail to apply in time? Has the Home Office made such an assessment?

Brandon Lewis: I disagree with the hon. Gentleman. In fact, I disagreed with quite a lot of what he said when he was on his feet a few moments ago, when he gave some clear misrepresentations of what is happening with this system. Over 2.8 million people have already applied, with nearly 2.5 million applications being granted, so that shows that the scheme, which has not been running for a year and still has at least a year and a half to run, is working.

On the second part of the hon. Gentleman's question, I remind him and other colleagues who are unaware that not only have we said that if somebody has a good, reasonable reason for not applying earlier, we will still process their EU settled status application—even after June 2021—but we are doing specific work with groups around the country to reach the most vulnerable people. We have the road shows and our online work, and the phone centre is working around the clock, seven days a week, to deal with people's queries. We have put in some £9 million to work with voluntary groups around the country to reach everyone, so, yes, I disagree with him in the sense that I think that we will get to these people.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): Will the Minister give way?

Brandon Lewis: I will in a moment.

If EU citizens do not apply through the EU settlement scheme, it may prove difficult to distinguish them from those who arrived after the end of the implementation period. The hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) ignored that fact completely earlier. It is essential that EU citizens have the evidence that they need to demonstrate their rights here in the UK.

Dr Whitford: Will the Minister give way?

Brandon Lewis: Not at the moment. Such an approach could also lead to EU citizens who have not applied for documentation suffering inadvertent discrimination compared with those who have. That is exactly what happened to the Windrush generation, and the Government are adamant that we must avoid a repeat of that dreadful situation.

Stephen Doughty: Given that the Minister mentions the Windrush generation, he will surely recognise that many of the amendments relate to concerns that the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), others and I raised during Select Committee on Home Affairs sessions that examined the EU settlement scheme and, of course, the Windrush scandal. There is no malign intent behind the amendments. They are about ensuring that people have their rights and are able to exercise them. What lessons has the Minister learned from the Windrush scandal and, indeed, the evidence taken by that Committee?

Brandon Lewis: The hon. Gentleman makes a good point. It is clear, as I have just said, that we all want to ensure that we avoid the problems that we had with the Windrush generation. One of the key issues—

Stuart C. McDonald: Will the Minister give way on that point?

Brandon Lewis: I will finish answering the first intervention before I consider taking any others. Part of the problem with a declaratory scheme is that it leads to the problems of Windrush. This scheme means that people have evidence of their rights, which means that they cannot be contestable in future, avoiding that problem in the first place. Moreover, this scheme is already more generous in its scope than the agreements themselves require, which the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East did outline earlier. For example, some people do not meet all the current requirements of free movement law and therefore are outside the scope of the agreement. As a matter of domestic policy, we have decided, nevertheless, that such people should be in scope of the EU settlement scheme, so we have granted them residence rights.

I will go a bit further on physical documentation. We are developing a new border and immigration system that is digital by default for all migrants, not just EU citizens. It is being rolled out incrementally and, over time, we intend to replace all physical and paper-based documents, which can be lost or stolen. Eventually, all migrants, not just those from the EU, will have digital status only, so amendment 5 would impede our ability to deliver an improved, equal and fair digital status.

Dr Whitford: Does the Minister not understand that someone getting to the end of the settled status process may be told that an email is meaningless and they will not have a document, which will not be reassuring? Part of the Windrush issue was that the Home Office destroyed records, so people who are depending on the Home Office to keep digital records are naturally pretty nervous. They would keep their records quite safe at home.

A declaratory system does not prevent registration. We can register people, but we can automatically say that they have a right. This is an application system, and people are being turned down or given pre-settled status—it is not the same.

Brandon Lewis: It is important that I clarify some of the hon. Lady's misrepresentations. Her point argues for and against her colleague's earlier comments. We want to ensure that people have a status, and a digital status means that it is there for ever. It means that employers, landlords or anybody can access it in future. It is not reliant on somebody keeping any documentation or ensuring that it is not stolen. As for her comments about the process, it is fast and easy—

Dr Whitford: Not for everyone.

Brandon Lewis: Let me finish the point. It takes five to 10 minutes online—the same as renewing a driving licence or passport.

The hon. Lady should be aware that, as of the last set of official figures, only two¹ people have been actively refused settled status, and both refusals were on serious criminality grounds. I stand by this country's right to

protect the security and safety of people in this country by refusing settled status to people with a serious criminal record.

Pre-settled status is granted only to people who have not been living in the country for five years. I will come back to the process around that in a moment, but anyone who has lived in the country for five years or more—we are helping them with ways of evidencing that—is entitled to full settled status.

Alison Thewliss: Will the Minister give way?

Brandon Lewis: I will just finish my point. Protections for those who do not apply by the June 2021 deadline are already built into the agreements. There will be no cliff edge for vulnerable people who are unable to make an application due to circumstances beyond their control. As with all aspects of the EU settlement scheme, we will adopt a flexible and pragmatic approach and exercise discretion in applicants' favour. I urge hon. Members to withdraw their amendments, but I will take the hon. Lady's intervention.

Alison Thewliss: What the Minister is saying is not accurate. I have a constituent who has a national insurance number card, which are not even issued anymore, who was only given pre-settled status. That constituent was able to prove that they had been here, and everything they submitted was correct, yet they have pre-settled status. How many more people have been given that?

Brandon Lewis: As I said, anybody who has lived in the country for five years or more is entitled to settled status. I am very happy—*[Interruption.]* Will the hon. Lady listen to the answer? If hon. Members have individual cases in which somebody has been granted pre-settled status when they feel that they should have received full settled status, I will personally look at those cases. Every such case that has come forward so far has turned out to involve an issue. In one case, the person had not actually even applied for settled status and had gone through an entirely different system. In other cases, applicants had not been able to provide evidence. However, our teams are working with people—that is why we are doing the road shows—to ensure that anything that people can provide as evidence of their being in this country for more than five years will allow them to be granted settled status. With nearly 2.5 million settled statuses already granted out of 2.8 million applications, I think that highlights the success.

Stephen Doughty: Will the Minister give way again?

Brandon Lewis: No, I will not give way on that point any further.

Clause 8 enables the Government to protect frontier workers and means that we can establish a registration scheme providing certainty to such workers about their rights going forward. Clauses 9 and 10 go hand in hand, enabling us to continue to apply EU deportation thresholds when assessing conduct committed before the end of the implementation period for the purposes of restricting a person's right to enter or reside here in the UK. Conduct committed after the end of the implementation period will be assessed according to UK rules on criminality and behaviour non-conducive to the public good. That creates a fair and even system for all that does not benefit any foreign nationals over others.

1. *[Official Report, 13 January 2020, Vol. 669, c. 1MC.]*

Clause 11 provides a power to put in place various rights of appeal in connection with citizens' rights and immigration decisions, including refusals under the EU settlement scheme, which are an essential and important part of our commitments.

I ask hon. Members not to press amendments 3, 2, 20, 21, 7 and new clause 34 because they are unnecessary. Thanks to the power contained in clause 11, EU citizens who are appealing a decision on residence will be able to do so under the EU settlement scheme. Individuals who have been granted pre-settled status who believe they should have been granted settled status can also appeal.

The amendments would also potentially do damage. The situations requiring the right of appeal under the agreements are numerous, and the applications of existing rules relating to appeal rights are complex. Putting a right of appeal into the Bill would mean that none of that detail could be properly reflected.

The amendments would make it harder for EU citizens to appeal against an exclusion decision. They would actually remove our ability to provide EU citizens with access to the special appeals immigration commission when challenging an exclusion decision through judicial review. They would also prevent the Government from treating EU citizens in the same way as third country nationals when it comes to removals during an appeal process. Furthermore, the amendments create a perverse incentive for individuals to launch appeals and would mean that people who have applications that have absolutely no chance of succeeding could access social security benefits. I am concerned that this would open our immigration system to potential benefits abuse, which is something we should not allow. I hope what I have said assures hon. Members that these amendments are not only undesirable but unnecessary, so I urge them not to press them.

7.30 pm

Clause 12 provides a power to amend the statute book to protect existing decisions on the recognition of professional qualifications and to ensure that outstanding applications for recognition can be completed. Such lifelong recognition of qualifications will provide certainty to professionals such as nurses, vets and lawyers who provide crucial services to us all.

Clause 13 enables the Government to maintain our statute book in accordance with the social security co-ordination provisions. This will protect areas such as access to pensions, benefits and healthcare cover for those who move between the UK and the EU before the end of the implementation period.

Clause 14 provides a similar power for maintaining the statute book to make sure that the rights of equal treatment and non-discrimination are protected in future. The clause will, for example, make sure that EU citizens who are resident before the end of the implementation period can continue to access benefits and services on the same basis as they do now.

Clause 15 establishes the Independent Monitoring Authority for the withdrawal agreement and the EEA EFTA separation agreement on citizens' rights. Schedule 2 makes provision for the authority's constitution and functions. The authority will be fully independent and will have significant powers to receive complaints and conduct inquiries. It will also have the power to bring legal action

against the Government and public authorities, and work is already well under way in the Ministry of Justice to set up this new organisation.

I urge hon. Members not to press amendments 22, 23 and 37. The first two amendments are unnecessary, as non-executive appointments to the Independent Monitoring Authority's board will be made under the well-established principles of public appointments, in accordance with the governance code for public appointments. The Secretary of State will also have a statutory duty to have regard to the need to protect the IMA's operational independence.

Clause 16 contains supplementary provisions, such as to prevent any overlapping conferred powers from affecting the extent of any power of a devolved authority. Clause 17 provides the necessary definitions of terms used in this part of the Bill.

I also urge hon. Members not to press new clause 18, which would remove citizenship fees for EU citizens. That could lead to discrimination based on nationality by giving EU citizens preferential fees for citizenship. It would also undermine the legislative structure, which is already in place, that not only sets fees but provides for specific fee exceptions.

Stuart C. McDonald: That is exactly why new clause 18(5) would allow Ministers to extend the reduced fees and the waiver scheme to everybody else. It would be entirely within the Minister's gift to make sure such discrimination does not arise. What is discriminatory is the horrendous fee, which prohibits some kids from getting the British nationality to which they are just as entitled as the children of everybody in this place.

Brandon Lewis: New clause 18, as drafted, would discriminate by nationality because, as I said, it would give EU citizens preferential fees for citizenship.

My next sentence would have negated the need for the hon. Gentleman's intervention, because I was about to say that new clause 18 would also undermine the legislative structure that is already in place. This Bill is not the place to set fees, including specific fee exceptions, as that is done in different legislation.

Part 2 of the Bill honours our obligation to EU citizens who are living in the UK by ensuring they have the certainty they need as our country moves forward. Frankly, it is disappointing that not all European countries have provided the same assurances to British nationals living in the EU, which is something we hope will change. We will continue to work towards that for our citizens.

This Government have always put citizens' rights first and foremost, and we will continue to do so. EU citizens are our friends, our family members and our colleagues. They have made and continue to make a hugely important contribution to our country, our economy, our communities and our society, and we want them to stay. This Bill will ensure we can deliver that unequivocal guarantee, both now and in the future.

Paul Blomfield: I rise to speak to new clause 5 on the system for providing settled status, on which we will be seeking a vote, and to amendments 2, 3, 20 and 21 on the right of appeal, as well as amendment 37 on the Independent Monitoring Authority.

[Paul Blomfield]

I regret the Minister's combative response to the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), who made a typically thoughtful and considered contribution that did not reflect division across the Committee because, when these issues have previously been debated in Parliament, considerable concern has been expressed on both sides about the consequences of getting this wrong. If we do get it wrong, it will have a significant impact not only on EU citizens in the UK and on Brits in Europe but, frankly, on our caseload as Members of Parliament.

I believe it is possible to reach agreement on some of these issues, and it is in that spirit that I address our amendments. On new clause 5, the Minister said that providing certainty for EU citizens is central to the Government's agenda. The Prime Minister said:

"under this Government they"—

EU citizens—

"will have the absolute certainty of the right to live and remain."—
[*Official Report*, 25 July 2019; Vol. 663, c. 1459.]

That seems clear, but the reality of applying for settled status is different. It is a constitutive system in which EU citizens acquire settled status or pre-settled status only by successfully applying for their right to live and work in the UK post Brexit. New clause 5 seeks to avoid that by making the scheme declaratory, meaning that EU citizens and family members who meet the eligibility criteria would automatically have the right to continue to live and work in the UK and would simply need to register for the purpose of proving their status.

We believe our approach would avoid a repeat of Windrush. The Minister suggested that the Government's objective is to avoid such a Windrush situation and that a declaratory system could encourage a repeat. The Windrush scandal was caused by a number of factors: the changing legal environment for people who had lived here for decades; the 2012 introduction of the hostile environment; the lack of record keeping by the Home Office both under this Government and when we were in power—I am not trying to score party points; and by Home Office staff being incentivised by targets and bonuses to reach deportation targets. But for the Windrush victims, crucially, there was at least the legal safety net of the Immigration Act 1971, so they could seek recourse against their treatment.

What the Government are saying is that making the EU settlement scheme declaratory would create a second Windrush. They are perversely blaming the scandal—it was a scandal, as the Minister recognises—on that safety net, which is a fundamental misunderstanding. They are saying that the way to avoid another Windrush is to remove the safety net that the Windrush victims faced.

No system will get 100% of those eligible to apply, and I recognise the Minister's point about the Government's efforts to ensure that as many apply as possible. I take his point that 2.8 million have already done so, and I am sure many more will apply by the deadline of June 2021, but not everybody will. The Government do not even have a target for how many people they think should be eligible to apply. If only 3% of the estimated 3.5 million EU nationals living in Britain fail to apply, which is not beyond the bounds of possibility, it will leave 100,000

people facing a hostile environment and facing possible deportation. I have talked to many EU citizens who, despite all the Government's publicity efforts, are unaware that the rights they have enjoyed for 30 years need to be applied for, and I have had to explain to them about how to apply for settled status. The Government have recognised that, as has the Minister. In an interview with the German newspaper *Die Welt*, he said:

"If EU citizens have not registered"

by the deadline for settled status

"without an adequate justification, the immigration rules will apply,"

When pressed on whether that would mean deportation, he said:

"Theoretically, yes, we will apply the...rules."

The possibility of people whom we describe as our neighbours, friends, taxpayers and colleagues being deported exists while we pursue the same approach to settled status as the Government are now.

It is not too late to correct course. In our view, and that of others proposing similar amendments, a declaratory system is the only way to prevent hundreds of thousands of people from potentially being criminalised and deported. Under a declaratory scheme, if somebody does not register for settled status before June 2021, they will not lose rights; they will simply need to register for the Government to provide them with the proof of their status.

Stuart C. McDonald: I am grateful to the hon. Gentleman for the speech he is making. Does he agree that the Minister is completely wrong to think that a declaratory system means that fewer people will apply after June next year? People will still have every incentive to apply for the settlement scheme, because they will need that proof to avoid the hostile environment and to access the NHS, employment and all their other entitlements in this country.

Paul Blomfield: The hon. Gentleman is absolutely right to say that there would be every incentive to apply, because without the proof these people will not be able to exercise their rights. We are simply seeking to ensure, through our new clause, that they do not lose their rights. The approach we are suggesting is explicitly allowed under the withdrawal agreement. The Government had a choice about what kind of system they would implement and, in our view, they chose wrong. We need to remember that this is not just about EU citizens in the UK; the largest national group affected by Brexit are the 1.2 million British citizens in Europe. The EU and the individual member states, not all of which have met our expectations, have been clear that rights granted to UK citizens will be based on reciprocity. The Minister is right to want to see other countries stepping up to the mark, but that will not be assisted if we reduce rights of citizens within the UK, because that will risk a reduction of rights of citizens across the EU27. So a declaratory scheme for EU citizens will be good not only for those here, but for UK citizens living in Europe.

I wish to move on to another aspect of the problems with the settlement scheme. The Minister said that 2.8 million have applied and he went on, unintentionally, I am sure, to give the wrong impression about the granting of status, because he said that 2.5 million had been granted status—that is correct, but it is not the status they had applied for. The most recent statistics

show that almost half of the applicants for settled status are being granted pre-settled status, which comes with substantially fewer rights; it is a temporary form of leave lasting up to five years—*[Interruption.]* It is not indefinite leave to remain.

Brandon Lewis: You are misleading people—

Paul Blomfield: In a moment, I will ask the Minister to come back on me on some of these points and he might want to respond on that. In addition to the cliff edge at the end of 2021, when anyone who has not applied to the settlement scheme will face possible deportation, pre-settled status creates hundreds of thousands of individual cliff edges when people come to the point of confirming their individual position, because it does not provide—*[Interruption.]* I see my friend and former Committee colleague the hon. Member for Worcester (Mr Walker) looking puzzled about that, but if pre-settled status does not provide a permanent right to remain, that is granted only at the point at which settled status is gained. We are creating hundreds of thousands of individual cliff edges.

The campaign group the3million has shared one case with me that illustrates many of the problems with settled status. It involves an older Dutch woman who has been living in the UK for decades. Despite her living at the same address for more than 30 years, and paying council tax, income tax and NI, the online system could not find a trace of her, so she was forced to trawl through paperwork to provide evidence of seven years of residency. For some of those years she had saved council tax bills, but she had to find at least six bank statements for each of the other years. She then faced huge difficulties scanning and uploading the documents. After she had eventually sent them off, she waited several weeks for a response, only to be told that the Home Office required more evidence. After another difficult process of finding and submitting documents, she was finally granted settled status, but this woman has said that she could not have done it without help, and her journey shows that although the app may be simple for the most straightforward of cases, as soon as somebody faces difficulties, it can be immensely difficult to resolve them and secure the right status.

7.45 pm

That is also why it is important to have the right to challenge individual decisions. Under the withdrawal agreement, the Government agree to ensure that EU citizens have a right of appeal against any decision to refuse settled status. Clause 11 of the agreement specifically confers powers for Ministers to make regulations providing for appeal rights, but this Bill does not confirm the provision of appeal rights for all applicants. To that end, amendment 2 seeks to clarify that EU citizens have the right to appeal a decision on settled or pre-settled status. Clearly, the Government are not intending to accept any amendments, so I would welcome the Minister intervening to confirm today on the record that the right of appeal will be created using powers under the withdrawal agreement and that it will cover all those in the UK, particularly those who came under the Zambrano and Surinder Singh routes. Would he like to intervene? *[Interruption]* He indicates that he will come back at a later stage, and I would be grateful for that.

We know that particular groups are at a higher risk of not registering—for example, older people, children in care, those with lower language skills, or non-EEA citizens who are dependent on an EU family member. The scheme makes it more difficult for women and disabled people to secure their correct status and it is therefore likely to be causing discrimination. However, the Government have not put in place the tools to monitor the scheme effectively; they are not collecting equalities data; and despite my requesting it several times over a lengthy period, they have still not published their equalities impact assessment.

Clearly, it is also essential that the EU settlement scheme is properly monitored and the withdrawal agreement sets up the Independent Monitoring Authority for that purpose—it is charged with overseeing the Government's implementation of the citizens' rights section of the agreement. As set up in schedule 2, the IMA will be neither independent of the Government nor empowered to hold them to account. The Government have used this Bill to further weaken the authority by permitting its functions to be delegated by secondary legislation. Our amendment 37 would ensure that if the Government intend to modify or abolish the IMA, that would be done only through primary legislation. We would ask the Government to look seriously at that proposal, as well as the other amendments tabled by other Opposition parties on the IMA.

I am coming to a conclusion, so I wonder whether the Minister wants to intervene on the point I made to him. *[Interruption.]* He is going to come back later in the debate, and that is fine. My concluding point is simply that the Committee needs to be mindful that the rights and position of 5 million citizens are at risk over Brexit—those in this country and those British in Europe—so it is essential that we get this process right. Our proposals would ensure that every eligible EU citizen and family member automatically has the right to stay here, which the Government are not providing for in this Bill. We would put their right to appeal in law and ensure that the IMA can properly hold the Government to account. We hope that the House will support us on new clause 5 and we ask the Government to look seriously at the other issues we have raised.

Suella Braverman (Fareham) (Con): I am pleased to speak in support of clause 7 and part 3, and I support all the comments made by the Minister. When I served as a Minister in the Department for Exiting the European Union, I was responsible for drafting much of the Bill, and I am glad that a lot of it has survived my absence from the Government. I pay tribute to the Front-Bench team, to parliamentary counsel and to the officials for the drafting of a complex and critical piece of legislation. In preparing the Bill, we conducted considerable engagement with the charitable sector, representatives of EU citizens and the legal sector to identify their concerns so that we could design a new framework that would not only command their confidence but, above all, work.

I should say at the outset that with Brexit, free movement will obviously come to an end. That is one reason many people voted to leave the European Union, myself included. I am the child of immigrants, yet I do not have a problem with saying that it is right that our democratic institutions, our UK Government and the

[*Suella Braverman*]

British people have control over migration, not Brussels, the EU Commission or the EU Parliament. Everyone in the House should welcome that fundamental aspect of the EU Brexit project if we are truly to reflect the desires and needs of those who send us here.

With the ending of the free movement of people, I do not think we can be in any doubt about the Government's commitment to safeguarding the position and rights of the 3 million or so EU citizens who are already living and working here. We want them to stay, as has been said so many times; we value their immense contribution; and we want to make Brexit as easy as possible for them.

I am glad about the proposals that provide for the legal rights of EU citizens, their access to healthcare and social security, recognition of their professional qualifications, and their employment and equalities rights. The Bill will enable them to continue to live their lives as they do now. It is this Bill that provides for the groundbreaking Independent Monitoring Authority, which is a hugely important proposal that will reflect our watertight commitment to EU citizens.

First, the scheme is working. The Minister himself has overseen the roll-out of the settled status scheme for years now. As of October 2019, more than 1 million people had been granted settled or pre-settled status under the EU settlement scheme. That milestone came four months after the scheme fully launched in March last year. That is an excellent start, and I pay tribute to the Home Office and all those involved in such an immense administrative task.

Secondly, the scheme is working because it is practical and user friendly. The EU settlement scheme is designed to make it straightforward for EU citizens and their families to stay in the UK after Brexit. They need only to complete three key steps: prove their identity, show that they live in the UK and declare any criminal convictions. A wide range of support is available for EU citizens and their families, including a dedicated settlement resolution centre and 300 assisted digital locations to support those who have limited access to IT, and the Home Office funds a plethora of organisations to help those citizens who are more vulnerable—the homeless, the disabled and the elderly—to navigate the system.

Stuart C. McDonald: I wonder whether the hon. Lady can do something that the Minister could not. During her time in government, did she see an estimate of the number of EU citizens who, perhaps accidentally or because they did not fully understand their own immigration situation, will have failed to apply for the scheme by the deadline? Was I right to suggest that it will be hundreds of thousands? What should happen to them?

Suella Braverman: I will come back to that point, but of course any system will have the challenge of reaching everybody affected by it. That is why the Government have not held back at all in coming forward with outreach, engagement and the publicity and advertising campaign, and with the resources made available to the millions of EU citizens who are affected. We need only look at the numbers to see that the uptake rate is so far very encouraging. We should judge it on the evidence, not fear speculative future possibilities.

Stuart C. McDonald: I accept all that, just as the Opposition spokesperson accepted all that—in general, all is going well—but the difference between us is on the consequences of not applying. Under our system, people could still apply for years to come; under the Government's proposed system they will not be able to. Overnight, there will be tens—probably hundreds—of thousands of people without status. How many people do the Government expect to be in that situation, and what should happen to them?

Suella Braverman: It is important for any system to have robust deadlines and to have consequences if deadlines are not met. Importantly, though, there is a grace period in the legislation that allows considerably for people being late or delayed in making their application. That strikes the right balance by ensuring robustness but making allowances for those who might not get there in time.

Thirdly, we know that the system is working because EU citizens and those who work for them have told us so. Charities such as the East European Resource Centre and the Refugee and Migrant Centre, which receives Home Office funding and has helped thousands of EU citizens and their families, have welcomed the operation of the scheme so far.

Lastly, the significance of the Independent Monitoring Authority cannot be diminished. It represents not just the legal protections that are offered and provided for in the Bill, but a cultural change at the Home Office and in Government towards migrants. It represents a culture of protection and safeguarding and of enabling people to know their rights and exercise them.

Much has been said about avoiding the mistakes of Windrush, and I can see exactly why people fear history repeating itself. My parents emigrated to this country from Commonwealth countries at the same time as the Windrush generation and could have easily been caught up in the mistakes and consequent problems. When I was a barrister, I did a lot of work in immigration law, representing the Government in the High Court and in immigration tribunals. Of course, any large administrative exercise of this scale can be vulnerable to mistakes. This policy area is heavily legislated for and therefore very complex. Mistakes are made, but there is also abuse of the rules.

Any system must be light-touch and pragmatic enough to minimise the burdens on those who are directly affected and those who have to go through the system, but at the same time robust enough and sound enough to prevent such abuse. It is okay to live in an ideal world and assume that there is no abuse of immigration rules, but, unfortunately, the reality—the hon. Member for Cumberland, Kilsyth and Kirkintilloch East (Stuart C. McDonald) will know this from his experience in the sector—is that there is abuse. In recent times, we have faced unsubstantiated claims and unjustified appeals, and thousands of pounds of taxpayers' money has been used to perpetuate pointless and vexatious claims through the immigration system and the High Court.

The Government are highly cognisant of their obligations to EU citizens. It has to be said that even without the IMA there would be many avenues of legal redress for EU citizens—appeal rights and judicial review are enshrined not only in the Bill, but in common law—but the Government have gone further. They are committing to

setting up an independent watchdog specifically—exclusively—for EU citizens to monitor the application of the rules, carry out inquiries, take up judicial review and represent EU citizens, be their collective voice and ensure that mistakes are remedied swiftly. It will be thanks to the IMA that a Windrush-type scandal will be avoided, EU citizens will have a voice and the system will improve and serve people. That is a step change—a sign of the political will to get it right and drive forward change.

Leaving the European Union presents us with myriad opportunities to take back democratic control of our migration policy—something that we should welcome and see as an opportunity for our country. I commend the Bill and the measures on EU citizens to the Committee.

8 pm

Christine Jardine (Edinburgh West) (LD): I rise to support Labour's new clause 5 and to press to a vote my own party's new clause 34, which would create a right of appeal when settled status was refused.

Shortly before the general election, I visited a school in my constituency. During the usual chat with students about what they would do after their exams, what careers they would pursue and whether they would go to university, one girl told me that she was worried about her future. She wanted to go to university, but she was afraid that she would not be able to. She had lived in Edinburgh most of her life, but she and her parents were from a different part of the European Union and they did not feel secure about what would happen to them if Brexit went ahead. This is the only country that she really knows, and her parents did not know where they stood because of the uncertainty and the difficulties that they saw with the settled status proposals. She is not the only one.

Like so many in this place, I have colleagues, friends and many, many constituents who have made their lives here. These are not the people who, as this Government shamelessly claimed during the election campaign, cost us billions, put pressure on public services and strain on school places, and led to more crime. These claims were made despite the evidence from migration advisory services, which showed the opposite to be the case.

These are people who came to this country to work and pay taxes. Many were part of the hugely valuable workforce in our NHS, our university sector and major private companies. They deserve to have this country recognise that and respect their rights. This Government should do that by standing by the promise that was made to those people by the Prime Minister when he entered Downing Street. That is why I and the Liberal Democrats will be supporting the Labour party's new clause 5 to give automatic rights to EU citizens, rather than them having to apply for settled status with the potential of facing deportation if they do not. That is no way for this or any other Government or any other country to treat people.

Alex Chalk (Cheltenham) (Con): It is incredibly important that we take every opportunity to reassure EU nationals who, as the hon. Member rightly says, are so valued in our country. In those circumstances, did she take the opportunity to give that reassurance to her constituents and say that if they simply applied for settled status, it would be vanishingly unlikely for them to have any difficulty staying in the UK?

Christine Jardine: I thank the hon. Member for his point, but what I did was promise them that I would fight for their rights in this country. I would fight for them to have the automatic—[*Interruption.*] No, I was not scaremongering. I promised them that I would do what I am doing tonight. I said that I would stand in this House and call for them to have the automatic right to stay in this country—this country, where they have lived, where their parents have contributed and paid taxes—without having to apply and face the fear of deportation if they failed. That is what I promised.

Our economy—our demographic—demands that we encourage people to come here and contribute, bolster our workforce and fill the skills gap that we see in the NHS. That is why, as I promised that teenager and the many constituents who have come to me, I will fight to safeguard the rights of all EU citizens in the United Kingdom, and of those UK citizens who have made their lives across the EU, by asking for reciprocity. That is why we have tabled new clause 34 to create a right of appeal if an application for settled status is refused. These people deserve so much better than what is being offered by this Government.

On 13 December, following the general election, I thought about how that teenager and so many other people who have come to this country must have felt. What does the future now hold for her and her siblings and for so many others in my constituency and across the country? I am talking about people who, through no fault of their own, have had the security, which the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) mentioned, ripped from them.

Many of those people will vote with their feet. We will lose people in an exodus that shames us. We will lose people who make a valuable contribution to our education system and our health service—something that shames this country. People will leave their lives and their livelihoods because they do not feel welcome. The hon. Member for Cheltenham (Alex Chalk) accused me of scaremongering. The rhetoric of his party during the election, demonising people and driving us towards a scandal that will dwarf Windrush, was far from acceptable. It is not good enough. The Minister talked tonight about safeguarding rights, but if he really wants to do that and if he really wants to respect the people who have come here and contributed to our being the fifth largest economy in the world, make their right to stay here automatic—and do it now.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I thank you, Sir George, and the many Members who have made contributions today. Some really important points have been made on all the amendments on this crucial subject, which many of us who served on the Home Affairs Committee in the previous Parliament examined in great detail. The Minister gave a rosy depiction of how the scheme is working and how everything will function. Of course, we would all like to see people register for the scheme and get the right information, and we would all like to see more digital systems that work for everybody. The reality, though, is somewhat different, as those of us who have regular daily experiences with the immigration system on behalf of our constituents, and who have seen the many pieces of evidence that we took on the Home Affairs Committee, recognise.

[Stephen Doughty]

The amendments that have been tabled, including by my party's Front-Bench team, which I support, are there to improve the system and ensure that it actually delivers the rights that were promised to EU citizens and EEA citizens who have been resident in this country for many years and who have, as many have said in this debate, made huge contributions to our communities and to our country as a whole. Certainly in my own constituency, the contribution of EU citizens over many decades has been immense. Over the past few years, many constituents have come to me with concerns about the scheme, including those that are reflected in the amendments that many of us are supporting this evening.

We are not scaremongering if we look at the record of the Home Office and its continued failures on a series of issues. We have only to look back to 2017, when the Home Office sent letters to 100 EU citizens telling them that they had to leave the UK immediately—an episode for which the then Prime Minister, the right hon. Member for Maidenhead (Mrs May), had to apologise in 2018. Members of Parliament were sent letters about the importance of applying for the EU settlement scheme, even though they were not EU nationals. It was an extraordinary situation, which the then Home Secretary had to explain.

One has only to look at the regular monthly statistics from the Home Office to see the number of cases of wrongful deportations and wrongful detentions as a result of the hostile environment policy and as a result of mistakes and problems. That is why appeal rights are so crucial. If we look at the compensation pay-outs that are being made when the Home Office makes mistakes, we can see how much this is costing the Government. We have all those examples and, of course, the example of the Windrush scandal, which was so shocking and so shaming to our country. People who had contributed to our country over so many years were treated in such an incredible way. With all those examples ringing in our ears, we should be taking these issues incredibly seriously. I urge the Minister and the Government, and those in the other place when they are examining these parts of the Bill, to look seriously at ways in which this legislation can be improved, so that we can deliver on the commitments that have been made. I do not doubt the Minister's intent. I am sure that he is sincere in wanting to provide EU citizens with the rights that they deserve, but the reality is often different.

I want to raise with the Minister the specific point about physical documentation. Of course we all want to see digitalisation; we all want to see more efficient systems. We all want to see a system where we can quickly get information—whether that is employers, housing providers or other providers of services—to ensure that people receive the things that they are entitled to under the law. But the reality is, as we all know, that these systems break down. There are mistakes in them and names are often rendered incorrectly. What is the back-up? What will happen when somebody is trying to apply for a house, access medical services, apply for a job or apply for an education that they are entitled to in this country and the system breaks down? The computer may say no, or the blue screen of death may come up on the computer. Whatever the problem, we all know that these things fail.

When we are talking about such a fundamental thing as the right to live, work and exercise rights in this country, which many EU citizens should have under this legislation and deserve, we have to ensure that there is back-up. We have our birth certificates and passports—physical documents for the most crucial aspects of our rights and citizenship rights in this country. I caution the Minister: when the mistakes happen—the inevitable breakdown, a cyber-attack on the system or the system becoming unavailable—what will happen to the people who get caught up in them? All those mistakes will generate not only a huge cost for the Government in rectifying them in due course, but great harm and concern to the individuals involved. Anyone who deals with the immigration system on a weekly basis, as many of us do, can point to myriad examples.

There is also the crucial issue of numbers, which the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), who served with me on the Home Affairs Committee, mentioned. No exercise on this scale has been attempted before the registration of millions of individuals under this system. Problems are inevitably going to occur, not least when the Government themselves cannot tell us exactly how many EU and EEA citizens are lawfully resident in the UK. They also cannot tell us—this has been asked on a number of occasions—how many people they estimate will not have applied by the deadline that is now being put in place. I find it deeply worrying that the Government propose to implement a policy without even knowing the number of people that it is going to affect. We do not want to see the unlawful detentions and deportations of individuals that we have sadly seen in the past, nor the harm they cause to the individuals whose rights are affected.

This issue goes back to some fundamental promises that were made—not only by the current Prime Minister, but by the previous Prime Minister and by those who advocated leaving in the first place. The 3million campaign, which has done so much good to highlight the concerns of those affected by these changes, rightly points out that it was made clear during the 2016 referendum that there should be

“no change for EU citizens already lawfully resident in the UK...EU citizens will automatically be granted indefinite leave to remain in the UK and will be treated no less favourably than they are at present.”

That was a clear promise and a solemn undertaking, and it is one that has been repeated by the Prime Minister and Ministers since. I have no doubt that the Minister intends these measures in good faith, but the reality of accessing the scheme, demonstrating those rights and being able to prove that they are being lawfully exercised will be very different. I think we will be picking up the pieces of this in years to come, so I urge the Minister to look carefully at these amendments.

The First Deputy Chairman of Ways and Means (Sir George Howarth): I call Sir Desmond Swayne, who is known for many things in the House, not least his brevity.

Sir Desmond Swayne: Thank you, Sir George.

I am persuaded that the amendments are unnecessary, and I support the provisions of the Bill. But just one word of caution: I have received a number of inquiries from constituents—European citizens—who clearly have

not been reached at all by any of the outreach, such are the basic questions that they ask. Indeed, I received one such inquiry today. On that score, when I think about it, I do not know whether I have been living in a bubble, but I have not seen any of that outreach at all myself. Admittedly, I have not been looking for it. Nevertheless, I just ask Ministers to re-examine the outreach that there has been and to reassure their level of confidence that it is adequate.

Bambos Charalambous (Enfield, Southgate) (Lab): I speak in support of new clauses 5 and 18. Constituents have contacted me to raise serious concerns about the rights of their family and friends who are EU citizens and who are eligible for settled status, but who may not be able to complete their application on time or may be unaware of the deadline. This is a particular issue among elderly EU citizens, some of whom may have serious medical conditions that impair their ability to complete forms. One constituent told me about her mother, who is in her 90s and came to the UK as a refugee from Poland just after the second world war, but who has never needed to apply for citizenship. She now has Alzheimer's and, had it not been for the help of her daughter, would be at risk of losing her rights through not being able to apply for settled status. No doubt there are others like her.

As the Minister stated, we want to avoid another Windrush situation. The IMA is no substitute for a safety net to protect the rights that people are at risk of losing. It has been suggested that legal redress can be achieved outside a tribunal system, but what would be the cost? Huge fees are incurred by people trying to get redress for their legal rights; such fees can be astronomical. One of my constituents, Martin Janu, has a wife who is Spanish. She is fearful of the potential erosion of her rights under settled status, so she has applied for citizenship, but that is at the cost of £1,400. Having such high fees for applications for citizenship and visitor visas is nothing more than a racket by the Government, who are ripping off applicants.

Yasmin Qureshi (Bolton South East) (Lab): I thank my hon. Friend for making this case. I had a call three days ago from a constituent who told me that his wife, who he has been married to for well over 40 years, is a French national. She has worked as a teacher in a school here and is now on a pension, but she is worried about what is going to happen to them. I actually went on to the Home Office website and tried to guide them through what they need to do, but they are worried about what is happening to them and about the costs of all these processes. It is very important that we have safeguards in place.

8.15 pm

Bambos Charalambous: My hon. Friend makes an excellent point. We need to have safety nets in place, and these new clauses would provide the safety nets needed to ensure that people's rights are protected, no matter how few people might be affected.

In short, EU citizens who have been here lawfully and qualify for settled status should not have their rights limited by any barriers, such as time limitation or fees. If the Government do not listen to these warnings, there is a very real risk of another Windrush. The Government will then be found to have been asleep at the wheel,

because another scandal is avoidable. This situation is unacceptable, totally avoidable and easily remedied. I therefore invite the Minister to accept new clauses 5, 18 and 34.

Brandon Lewis: I will be brief; I just want to respond to a couple of points that have been raised during the debate. The hon. Member for Sheffield Central (Paul Blomfield) quoted me during an interview some time ago—with a German journalist, if I recall correctly. Sadly, he did not give the whole quote, so colleagues are probably not quite aware of the point I was making, which was that the whole point of the settled status scheme is to ensure that nobody is left behind and all rights are properly protected. That is why not only are we running the scheme until the end of July¹ 2021, but we have also said—as I said at the Dispatch Box again today—that we will be looking to grant settled status to anybody who comes forward after that stage who has not acquired settled status because they have not applied for it for a good, reasonable reason. This scheme is based on a very different principle.

Yasmin Qureshi: Will the Minister give way?

Brandon Lewis: No, I will not be giving way at the moment.

The hon. Member for Cardiff South and Penarth (Stephen Doughty) said that the whole process is different from previous systems. We are looking to grant status. I give great credit to the superb team of Home Office civil servants, particularly in Liverpool, who have delivered this scheme—a scheme that, as the hon. Gentleman said, is unprecedented in now having taken more than 2.8 million applications and processed some 2.5 million of them. To be clear with colleagues, of the almost 2.5 million applications that have been processed, I can confirm that only five have been refused—all on grounds of serious criminality. It is right that we do those checks and ensure that there is proper evidence.

Let me go a bit further in response to the comments of the hon. Member for Sheffield Central regarding the difference between pre-settled status and settled status. What he said at the Dispatch Box risks creating a scaremongering regime that has been portrayed in a couple of other speeches this evening. Pre-settled status is a pathway to settled status, ensuring that people who have lived in this country for five years or more have their rights fully secured. There is no cliff edge. When somebody has lived in this country for five years or more, having got pre-settled status, they can move straight to full settled status; their rights will be the same. They will be protected from the moment they have pre-settled status, and the evidence is an important part of that.

The hon. Gentleman asked a very specific question about appeal rights. Yes, appeal rights apply to all cases under the new settlement scheme. That also goes to the point raised by the hon. Member for Edinburgh West (Christine Jardine). My hon. Friend the Member for Fareham (Suella Braverman) is absolutely right: we are determined to make sure that we are delivering on the rights of EU citizens and that we in this country play our part in delivering on the promises we made.

Paul Blomfield: When the Minister says that this will apply to all citizens, does he include those who came under the Zambrano and Surinder Singh routes?

1. [Official Report, 13 January 2020, Vol. 669, c. 2MC.]

Brandon Lewis: Yes, absolutely.

I say to my right hon. Friend the Member for New Forest West (Sir Desmond Swayne) that we are always reviewing the outreach work. The Home Secretary and I are particularly focused on this work to make sure that it is not just giving good value for money for the taxpayer but is also reaching the hardest-to-reach places and communities in the country. We are working with some 57 voluntary organisations around the country and with commercial and public sector organisations that employ large numbers of EU citizens, and we will be looking to continue that work and drive it further and further.

It is important that we encourage people to apply for this settled status. It is simple, quick and easy; it delivers on people's rights; and it delivers on our promises. That is why we will not accept any amendments or new clauses this evening.

The First Deputy Chairman of Ways and Means (Sir George Howarth): Order. I say for the benefit of new Members in particular that although the Minister has responded to the debate, I am now going to call the mover of the lead amendment to conclude and respond to the debate.

Stuart C. McDonald: Thank you, Sir George. I thank all hon. Members for their contributions to this robust and very helpful debate in which I think every single speaker spoke of the contribution that EU nationals make to this country and the importance of protecting their rights.

So far so good, but beyond that, there are fundamental differences about how best we do it. Opposition Members say that we must automatically protect EU nationals' rights in law, so that nobody will lose their rights overnight, while Government Members say that they must apply to stay. The Government have not challenged at all our assertion that that almost certainly means that tens, probably hundreds, of thousands will potentially lose their rights overnight. The Minister said that there will be a period in which anyone with a good, reasonable reason for missing a deadline will be able to get that all fixed. We are possibly talking about a six-figure number—and what is a good, reasonable reason? I gave two hypothetical examples in my speech, one being a French lady who has been here since 1970, has retired, had permanent residence under the old EU scheme, and does not think she needs to apply. There are lots of folk in that boat. Is that a good, reasonable reason—that she did not think she had to apply? What about the Polish guy that I cited? He was born in the United Kingdom. He therefore thought that he was British because his father was British, but actually, because of his parents' marital status at the time of his birth, he is not British. He fails to apply. Is that a good, reasonable reason—that he thought he was British but was wrong about nationality law?

There will be tens of thousands of cases just like that, and the Government have done absolutely nothing to reassure us about the cliff edge that awaits us. Amendment 5 would go some way towards solving that by putting in place a declaratory system. The Opposition's new clause 5 is more comprehensive. I therefore beg to ask leave to withdraw the amendment so that we can support the new clause instead.

Amendment, by leave, withdrawn.

Clause 7 ordered to stand part of the Bill.

Clauses 8 to 14 ordered to stand part of the Bill.

Schedule 1 agreed to.

Clause 15 ordered to stand part of the Bill.

Schedule 2 agreed to.

Clauses 16 and 17 ordered to stand part of the Bill.

The First Deputy Chairman: Before I put the Question on the first new clause to be voted on, I should inform Members that the split of letters at the desks in the Division Lobbies has changed slightly—there's a treat! Members whose surname begins with G will now need to go to the middle desk instead of the left-hand desk. There have been no other changes. The distribution of names is different in the new Parliament and the revised lettering should mean that the queues at the desks are more even.

New Clause 5

PROTECTING EU CITIZENS' RIGHTS

“(1) This section applies to—

- (a) European Union citizens having the right to reside permanently in the UK according to Article 15 (“Rights of permanent residence”) of the Withdrawal Agreement;
- (b) persons to whom the provisions in (a) do not apply but who are eligible for indefinite leave to enter or remain, or limited leave to enter or remain by virtue of residence scheme immigration rules (see section 17).

(2) A person to which this section applies has the rights and obligations provided in Article 12 and Title II Part II ‘Citizens’ Rights’ of the Withdrawal Agreement.

(3) The Secretary of State must by regulations make provision—

- (a) implementing article 18(4) of the withdrawal agreement (right of eligible citizens to receive a residence document), including making provision for a physical document providing proof of residence;
- (b) implementing article 17(4) of the EEA EFTA separation agreement (right of eligible citizens to receive a residence document) including making provision for a physical document providing proof of residence;
- (c) implementing article 16(4) of the Swiss citizens’ rights agreement (right of eligible citizens to receive a residence document) including making provision for a physical document providing proof of residence.

(4) No provision of this or any other enactment, or adopted under this or any other enactment, may be used to require European Union nationals and their family members, or nationals of Iceland, Norway, Liechtenstein and Switzerland and their family members, who reside in the United Kingdom immediately prior to the end of the implementation period, to apply for a new residence status under Article 18(1) of the Withdrawal Agreement, or to introduce a deadline for applications under residence scheme immigration rules or relevant entry clearance rules.

(5) Residence scheme immigration rules and relevant entry clearance immigration rules may not be amended to provide that any person who benefited or is eligible to benefit under those rules on the day on which this Act is passed benefits any less than he benefited or was eligible to benefit on the day on which this Act is passed.”—(*Paul Blomfield.*)

This new clause provides for all EU citizens who are resident in the UK before exit day to have the right of permanent residence, whether or not they have been exercising treaty rights, and makes sure that every person who is entitled to settled status has the same rights.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 252, Noes 342.

Division No. 3]

[8.24 pm

AYES

Abbott, rh Ms Diane
 Abrahams, Debbie
 Ali, Rushanara
 Ali, Tahir
 Allin-Khan, Dr Rosena
 Amesbury, Mike
 Anderson, Fleur
 Antoniazzi, Tonia
 Ashworth, Jonathan
 Bardell, Hannah
 Barker, Paula
 Beckett, rh Margaret
 Begum, Apsana
 Benn, rh Hilary
 Betts, Mr Clive
 Black, Mhairi
 Blackford, rh Ian
 Blackman, Kirsty
 Blake, Olivia
 Blomfield, Paul
 Bonnar, Steven
 Brabin, Tracy
 Bradshaw, rh Mr Ben
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Ms Lyn
 Brown, rh Mr Nicholas
 Bryant, Chris
 Buck, Ms Karen
 Burgon, Richard
 Butler, Dawn
 Byrne, Ian
 Byrne, rh Liam
 Cadbury, Ruth
 Callaghan, Amy
 Cameron, Dr Lisa
 Campbell, rh Sir Alan
 Carden, Dan
 Carmichael, rh Mr Alistair
 Chamberlain, Wendy
 Champion, Sarah
 Chapman, Douglas
 Charalambous, Bambos
 Cherry, Joanna
 Clark, Feryal
 Cooper, Daisy
 Cooper, Rosie
 Cooper, rh Yvette
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela
 Creasy, Stella (*Proxy vote cast by Peter Kyle*)
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Daby, Janet
 Davey, rh Sir Edward
 David, Wayne
 Davies, Geraint
 Davies-Jones, Alex
 Day, Martyn
 De Cordova, Marsha
 Debbonaire, Thangam
 Dhesi, Mr Tanmanjeet Singh
 Docherty-Hughes, Martin
 Dodds, Anneliese
 Doogan, Dave
 Dorans, Allan
 Doughty, Stephen
 Dowd, Peter
 Dromey, Jack
 Duffield, Rosie
 Eagle, Ms Angela
 Eagle, Maria
 Eastwood, Colum
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Elmore, Chris
 Esterson, Bill
 Evans, Chris
 Farron, Tim
 Farry, Stephen
 Fellows, Marion
 Ferrier, Margaret
 Flynn, Stephen
 Fovargue, Yvonne
 Foxcroft, Vicky
 Foy, Mary Kelly
 Furniss, Gill
 Gibson, Patricia
 Gill, Preet Kaur
 Glindon, Mary
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanna, Claire
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Healey, rh John
 Hendrick, Sir Mark
 Hendry, Drew
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hopkins, Rachel
 Hosie, Stewart
 Huq, Dr Rupa
 Jardine, Christine
 Jarvis, Dan
 Johnson, Dame Diana
 Johnson, Kim
 Jones, Darren
 Jones, Gerald
 Jones, rh Mr Kevan
 Jones, Ruth
 Jones, Sarah
 Kane, Mike
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Kinnock, Stephen
 Kyle, Peter

Lake, Ben
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Linden, David
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lynch, Holly
 MacAskill, Kenny
 MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Maskell, Rachael
 Matheson, Christian
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McLaughlin, Anne
 McMahan, Jim
 McMorris, Anna
 Mearns, Ian
 Mishra, Navendu
 Monaghan, Carol
 Moran, Layla
 Morden, Jessica
 Morgan, Mr Stephen
 Morris, Grahame
 Murray, Ian
 Murray, James
 Nandy, Lisa
 Newlands, Gavin
 Nichols, Charlotte
 Nicolson, John
 Norris, Alex
 O'Hara, Brendan
 Olney, Sarah
 Onwurah, Chi
 Oppong-Asare, Abena
 Osamor, Kate
 Oswald, Kirsten
 Owatemi, Taiwo
 Owen, Sarah
 Peacock, Stephanie
 Pennycook, Matthew
 Phillips, Jess
 Phillipson, Bridget
 Pollard, Luke
 Powell, Lucy
 Qureshi, Yasmin

Rayner, Angela
 Reed, Mr Steve
 Reeves, Ellie (*Proxy vote cast by Bambos Charalambous*)
 Reeves, Rachel
 Reynolds, Jonathan
 Ribeiro-Addy, Bell
 Rimmer, Ms Marie
 Rodda, Matt
 Russell-Moyle, Lloyd
 Saville Roberts, rh Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Siddiq, Tulip
 Slaughter, Andy
 Smith, Alyn
 Smith, Cat
 Smith, Nick
 Smyth, Karin
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Stringer, Graham
 Sultana, Zarah
 Tami, rh Mark
 Tarry, Sam
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thompson, Owen
 Thomson, Richard
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Twigg, Derek
 Twist, Liz
 Vaz, rh Valerie
 Webbe, Claudia
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Whitley, Mick
 Whittome, Nadia
 Williams, Hywel
 Wilson, Munira
 Winter, Beth
 Winterton, rh Dame Rosie
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:

Jeff Smith and
 Colleen Fletcher

NOES

Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atherton, Sarah
 Atkins, Victoria
 Bacon, Mr Gareth
 Bacon, Mr Richard
 Badenoch, Kemi (*Proxy vote cast by Leo Docherty*)

Bailey, Shaun	Donelan, Michelle	Holden, Mr Richard	Mohindra, Gagan
Baillie, Siobhan	Dorries, Ms Nadine	Hollinrake, Kevin	Moore, Damien
Baker, Duncan	Double, Steve	Hollobone, Mr Philip	Moore, Robbie
Baker, Mr Steve	Dowden, rh Oliver	Holloway, Adam	Mordaunt, rh Penny
Baldwin, Harriett	Doyle-Price, Jackie	Holmes, Paul	Morris, Anne Marie
Barclay, rh Steve	Drax, Richard	Howell, John	Morris, David
Baron, Mr John	Drummond, Mrs Flick	Hudson, Dr Neil	Morris, James
Bell, Aaron	Duddridge, James	Hughes, Eddie	Morrissey, Joy
Benton, Scott	Duguid, David	Hunt, Jane	Morton, Wendy
Beresford, Sir Paul	Duncan Smith, rh Sir Iain	Hunt, rh Jeremy	Mullan, Dr Kieran
Berry, rh Jake	Dunne, rh Philip	Hunt, Tom	Mumby-Croft, Holly
Bhatti, Saqib	Eastwood, Mark	Jack, rh Mr Alister	Mundell, rh David
Blackman, Bob	Edwards, Ruth	Jayawardena, Mr Ranil	Murray, Mrs Sheryll
Blunt, Crispin	Ellis, rh Michael	Jenkin, Sir Bernard	Murrison, rh Dr Andrew
Bone, Mr Peter	Ellwood, rh Mr Tobias	Jenkinson, Mark	Neill, Sir Robert
Bottomley, Sir Peter	Elphicke, Mrs Natalie	Jenkyns, Mrs Andrea	Nici, Lia
Bowie, Andrew	Eustice, George	Jenrick, rh Robert	Nokes, rh Caroline
Bradley, Ben	Evans, Dr Luke	Johnson, Dr Caroline	Norman, rh Jesse
Bradley, rh Karen	Evans, Mr Nigel	Johnson, Gareth	O'Brien, Neil
Brady, Sir Graham	Evennett, rh Sir David	Johnston, David	Offord, Dr Matthew
Braverman, Suella	Everitt, Ben	Jones, Andrew	Opperman, Guy
Brereton, Jack	Fabricant, Michael	Jones, rh Mr David	Parish, Neil
Bridgen, Andrew	Farris, Laura	Jones, Fay	Patel, rh Priti
Brine, Steve	Fell, Simon	Jones, Mr Marcus	Paterson, rh Mr Owen
Bristow, Paul	Fletcher, Katherine	Jupp, Simon	Pawsey, Mark
Britcliffe, Sara	Fletcher, Mark	Kawczynski, Daniel	Penning, rh Sir Mike
Brokenshire, rh James	Fletcher, Nick	Kearns, Alicia	Penrose, John
Browne, Anthony	Ford, Vicky	Keegan, Gillian	Percy, Andrew
Bruce, Fiona	Foster, Kevin	Knight, Julian	Philp, Chris
Buchan, Felicity	Fox, rh Dr Liam	Kruger, Danny	Pincher, rh Christopher
Buckland, rh Robert	Francois, rh Mr Mark	Kwarteng, rh Kwasi	Poulter, Dr Dan
Burghart, Alex	Frazer, Lucy	Laing, rh Dame Eleanor	Pow, Rebecca
Burns, rh Conor	Freeman, George	Lamont, John	Prentis, Victoria
Butler, Rob	Freer, Mike	Largan, Robert	Pritchard, Mark
Cairns, rh Alun	Fuller, Richard	Latham, Mrs Pauline	Quin, Jeremy
Carter, Andy	Fysh, Mr Marcus	Leadsom, rh Andrea	Quince, Will
Cartlidge, James	Garnier, Mark	Levy, Ian	Randall, Tom
Cash, Sir William	Ghani, Ms Nusrat	Lewer, Andrew	Redwood, rh John
Cates, Miriam	Gibb, rh Nick	Lewis, rh Brandon	Rees-Mogg, rh Mr Jacob
Caulfield, Maria	Gibson, Peter	Lewis, rh Dr Julian	Richards, Nicola
Chalk, Alex	Gideon, Jo	Liddell-Grainger, Mr Ian	Richardson, Angela
Chishti, Rehman	Glen, John	Loder, Chris	Roberts, Rob
Chope, Sir Christopher	Goodwill, rh Mr Robert	Logan, Mark	Robertson, Mr Laurence
Churchill, Jo	Gove, rh Michael	Longhi, Marco	Robinson, Mary
Clark, rh Greg	Graham, Richard	Lopez, Julia (<i>Proxy vote cast by Lee Rowley</i>)	Rosindell, Andrew
Clarke, Mr Simon	Grant, Mrs Helen	Lopresti, Jack	Ross, Douglas
Clarke, Theo	Gray, James	Lord, Mr Jonathan	Rowley, Lee
Clarke-Smith, Brendan	Grayling, rh Chris	Loughton, Tim	Russell, Dean
Clarkson, Chris	Green, Chris	Mackinlay, Craig	Rutley, David
Cleverly, rh James	Green, rh Damian	Mackrory, Cherilyn	Sambrook, Gary
Clifton-Brown, Sir Geoffrey	Griffith, Andrew	Macleane, Rachel	Saxby, Selaine
Coffey, rh Dr Thérèse	Griffiths, Kate	Mak, Alan	Scully, Paul
Colburn, Elliot	Grundy, James	Malthouse, Kit	Seely, Bob
Collins, Damian	Gullis, Jonathan	Mangnall, Anthony	Selous, Andrew
Costa, Alberto	Halfon, rh Robert	Mann, Scott	Shannon, Jim
Courts, Robert	Hall, Luke	Marson, Julie	Shapps, rh Grant
Coutinho, Claire	Hammond, Stephen	Mayhew, Jerome	Sharma, rh Alok
Crabb, rh Stephen	Hancock, rh Matt	Maynard, Paul	Shelbrooke, rh Alec
Crosbie, Virginia	Hands, rh Greg	McCartney, Jason	Simmonds, David
Crouch, Tracey	Harper, rh Mr Mark	McCartney, Karl	Skidmore, rh Chris
Daly, James	Harris, Rebecca	McPartland, Stephen	Smith, Chloe
Davies, David T. C.	Hart, Sally-Ann	McVey, rh Esther	Smith, Greg
Davies, Gareth	Hart, rh Simon	Menzies, Mark	Smith, Henry
Davies, Dr James	Hayes, rh Sir John	Mercer, Johnny	Solloway, Amanda
Davies, Mims	Heald, rh Sir Oliver	Merriman, Huw	Spencer, Dr Ben
Davies, Philip	Heappey, James	Metcalfe, Stephen	Spencer, rh Mark
Davis, rh Mr David	Heaton-Harris, Chris	Millar, Robin	Stevenson, Jane
Davison, Dehenna	Henderson, Gordon	Miller, rh Mrs Maria	Stevenson, John
Dinenage, Caroline	Henry, Darren	Milling, Amanda	Stewart, Iain
Dines, Miss Sarah	Higginbotham, Antony	Mills, Nigel	Stride, rh Mel
Djanogly, Mr Jonathan	Hinds, rh Damian	Mitchell, rh Mr Andrew	Sturdy, Julian
Docherty, Leo	Hoare, Simon		Sunak, rh Rishi

Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, Anne-Marie
 Trott, Laura
 Tugendhat, Tom
 Vara, Mr Shailesh
 Vickers, Martin
 Vickers, Matt
 Wakeford, Christian
 Walker, Sir Charles
 Walker, Mr Robin
 Wallis, Dr Jamie
 Warburton, David

Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Wild, James
 Williams, Craig
 Williamson, rh Gavin
 Wilson, rh Sammy
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Young, Jacob
 Zahawi, Nadhim

Tellers for the Noes:
Tom Pursglove and
Nigel Huddleston

Bryant, Chris
 Buck, Ms Karen
 Burgon, Richard
 Butler, Dawn
 Byrne, Ian
 Byrne, rh Liam
 Cadbury, Ruth
 Callaghan, Amy
 Cameron, Dr Lisa
 Campbell, rh Sir Alan
 Carden, Dan
 Carmichael, rh Mr Alistair
 Chamberlain, Wendy
 Champion, Sarah
 Chapman, Douglas
 Charalambous, Bambos
 Cherry, Joanna
 Clark, Feryal
 Cooper, Daisy
 Cooper, Rosie
 Cooper, rh Yvette
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela
 Creasy, Stella (*Proxy vote cast by Peter Kyle*)
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Daby, Janet
 Davey, rh Sir Edward
 David, Wayne
 Davies, Geraint
 Davies-Jones, Alex
 Day, Martyn
 De Cordova, Marsha
 Debbonaire, Thangam
 Dhesi, Mr Tanmanjeet Singh
 Docherty-Hughes, Martin
 Dods, Anneliese
 Doogan, Dave
 Dorans, Allan
 Doughty, Stephen
 Dowd, Peter
 Dromey, Jack
 Duffield, Rosie
 Eagle, Ms Angela
 Eagle, Maria
 Eastwood, Colum
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Elmore, Chris
 Esterson, Bill
 Evans, Chris
 Farron, Tim
 Farry, Stephen
 Ferrier, Margaret
 Fletcher, Colleen
 Flynn, Stephen
 Fovargue, Yvonne
 Foxcroft, Vicky
 Foy, Mary Kelly
 Furniss, Gill
 Gibson, Patricia
 Gill, Preet Kaur
 Glendon, Mary
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate

Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanna, Claire
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Healey, rh John
 Hendrick, Sir Mark
 Hendry, Drew
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hopkins, Rachel
 Hosie, Stewart
 Huq, Dr Rupa
 Jardine, Christine
 Jarvis, Dan
 Johnson, Dame Diana
 Johnson, Kim
 Jones, Darren
 Jones, Gerald
 Jones, rh Mr Kevan
 Jones, Ruth
 Jones, Sarah
 Kane, Mike
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Kinnock, Stephen
 Kyle, Peter
 Lake, Ben
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Linden, David
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lynch, Holly
 MacAskill, Kenny
 MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Maskell, Rachael
 Matheson, Christian
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McLaughlin, Anne
 McMahan, Jim
 McMorris, Anna
 Mearns, Ian
 Mishra, Navendu
 Monaghan, Carol

Question accordingly negatived.

New Clause 18

FEE LEVELS AND EXEMPTIONS

(1) No person to whom regulations under section 7(1) (as qualified by section 7(2) and 7(3)) apply may be charged a fee to register as a British citizen that is higher than the cost to the Secretary of State of exercising the function of registration.

(2) No child of a person to whom subsection (1) applies may be charged a fee to register as a British citizen if that child is receiving the assistance of a local authority.

(3) No child of a person to whom subsection (1) applies may be charged a fee to register as a British citizen that the child or the child's parent, guardian or carer is unable to afford.

(4) The Secretary of State must take steps to raise awareness of people to whom this section applies of their rights under the British Nationality Act 1981 to register as British citizens.

(5) A Minister of the Crown may amend, waive or restrict any requirement of any other person to pay a fee to register as a British citizen where the Secretary of State considers it appropriate or necessary to do so in consequence of any discrimination between people of, or children of people of, differing nationality or other status." —(*Stuart C. McDonald.*)

This new clause would ensure that persons entitled to benefit from the citizens' rights protections in the Bill did not miss out on registering as a citizen of the UK because of the level of fee currently charged.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 255, Noes 341.

Division No. 4]

[8.42 pm

AYES

Abbott, rh Ms Diane
 Abrahams, Debbie
 Ali, Rushanara
 Ali, Tahir
 Allin-Khan, Dr Rosena
 Amesbury, Mike
 Anderson, Fleur
 Antoniazzi, Tonia
 Ashworth, Jonathan
 Bardell, Hannah
 Barker, Paula
 Beckett, rh Margaret
 Begum, Apsana
 Benn, rh Hilary

Betts, Mr Clive
 Black, Mhairi
 Blackford, rh Ian
 Blackman, Kirsty
 Blake, Olivia
 Blomfield, Paul
 Bonnar, Steven
 Brabin, Tracy
 Bradshaw, rh Mr Ben
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Ms Lyn
 Brown, rh Mr Nicholas

Moran, Layla
 Morden, Jessica
 Morgan, Mr Stephen
 Morris, Grahame
 Murray, Ian
 Murray, James
 Nandy, Lisa
 Newlands, Gavin
 Nichols, Charlotte
 Nicolson, John
 Norris, Alex
 O'Hara, Brendan
 Olney, Sarah
 Onwurah, Chi
 Oppong-Asare, Abena
 Osamor, Kate
 Oswald, Kirsten
 Owatemi, Taiwo
 Owen, Sarah
 Peacock, Stephanie
 Pennycook, Matthew
 Phillips, Jess
 Phillipson, Bridget
 Pollard, Luke
 Powell, Lucy
 Qureshi, Yasmin
 Rayner, Angela
 Reed, Mr Steve
 Reeves, Ellie (*Proxy vote cast by Bambos Charalambous*)
 Reeves, Rachel
 Reynolds, Jonathan
 Ribeiro-Addy, Bell
 Rimmer, Ms Marie
 Rodda, Matt
 Russell-Moyle, Lloyd
 Saville Roberts, rh Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Siddiq, Tulip
 Slaughter, Andy

Smith, Alyn
 Smith, Cat
 Smith, Jeff
 Smith, Nick
 Smyth, Karin
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Stringer, Graham
 Sultana, Zarah
 Tami, rh Mark
 Tarry, Sam
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thomson, Richard
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Twigg, Derek
 Twist, Liz
 Vaz, rh Valerie
 Webbe, Claudia
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Whitley, Mick
 Whittome, Nadia
 Williams, Hywel
 Wilson, Munira
 Winter, Beth
 Winterton, rh Dame Rosie
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
Owen Thompson and
Marion Fellows

NOES

Afolami, Bim
 Afriyie, Adam
 Ahmad Khan, Imran
 Aiken, Nickie
 Aldous, Peter
 Allan, Lucy
 Amess, Sir David
 Anderson, Lee
 Anderson, Stuart
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atherton, Sarah
 Atkins, Victoria
 Bacon, Mr Gareth
 Bacon, Mr Richard
 Badenoch, Kemi (*Proxy vote cast by Leo Docherty*)
 Bailey, Shaun
 Baillie, Siobhan
 Baker, Duncan
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, rh Steve
 Baron, Mr John
 Bell, Aaron

Benton, Scott
 Beresford, Sir Paul
 Berry, rh Jake
 Bhatti, Saqib
 Blackman, Bob
 Blunt, Crispin
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Sir Graham
 Braverman, Suella
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Bristow, Paul
 Britcliffe, Sara
 Brokenshire, rh James
 Browne, Anthony
 Bruce, Fiona
 Buchan, Felicity
 Buckland, rh Robert
 Burghart, Alex
 Burns, rh Conor
 Butler, Rob

Cairns, rh Alun
 Carter, Andy
 Cartlidge, James
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Choqe, Sir Christopher
 Churchill, Jo
 Clark, rh Greg
 Clarke, Mr Simon
 Clarke, Theo
 Clarke-Smith, Brendan
 Clarkson, Chris
 Cleverly, rh James
 Clifton-Brown, Sir Geoffrey
 Coffey, rh Dr Thérèse
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Coutinho, Claire
 Crabb, rh Stephen
 Crosbie, Virginia
 Crouch, Tracey
 Daly, James
 Davies, David T. C.
 Davies, Gareth
 Davies, Dr James
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Davison, Dehenna
 Dinenage, Caroline
 Dines, Miss Sarah
 Djanogly, Mr Jonathan
 Docherty, Leo
 Donelan, Michelle
 Dorries, Ms Nadine
 Double, Steve
 Dowden, rh Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duddridge, James
 Duguid, David
 Duncan Smith, rh Sir Iain
 Dunne, rh Philip
 Eastwood, Mark
 Edwards, Ruth
 Ellis, rh Michael
 Ellwood, rh Mr Tobias
 Elphicke, Mrs Natalie
 Eustice, George
 Evans, Dr Luke
 Evans, Mr Nigel
 Evennett, rh Sir David
 Everitt, Ben
 Fabricant, Michael
 Farris, Laura
 Fell, Simon
 Fletcher, Katherine
 Fletcher, Mark
 Fletcher, Nick
 Ford, Vicky
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike

Fuller, Richard
 Fysh, Mr Marcus
 Garnier, Mark
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gibson, Peter
 Gideon, Jo
 Glen, John
 Goodwill, rh Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Griffith, Andrew
 Griffiths, Kate
 Grundy, James
 Gullis, Jonathan
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harris, Rebecca
 Hart, Sally-Ann
 Hart, rh Simon
 Hayes, rh Sir John
 Heald, rh Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Henderson, Gordon
 Henry, Darren
 Higginbotham, Antony
 Hinds, rh Damian
 Hoare, Simon
 Holden, Mr Richard
 Hollobone, Mr Philip
 Holloway, Adam
 Holmes, Paul
 Howell, John
 Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane
 Hunt, rh Jeremy
 Hunt, Tom
 Jack, rh Mr Alister
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Jenkyns, Mrs Andrea
 Jenrick, rh Robert
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jones, Mr Marcus
 Jupp, Simon
 Kawczynski, Daniel
 Kearns, Alicia
 Keegan, Gillian
 Knight, Julian
 Kruger, Danny
 Kwarteng, rh Kwasi
 Laing, rh Dame Eleanor
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline

Leadsom, rh Andrea
 Levy, Ian
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Loder, Chris
 Logan, Mark
 Longhi, Marco
 Lopez, Julia (*Proxy vote cast by Lee Rowley*)
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Mackrory, Cherylyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, Kit
 Mangnall, Anthony
 Mann, Scott
 Marson, Julie
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McPartland, Stephen
 McVey, rh Esther
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morrissey, Joy
 Morton, Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, rh Dr Andrew
 Neill, Sir Robert
 Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, Chris
 Pincher, rh Christopher
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Pritchard, Mark
 Quin, Jeremy

Quince, Will
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richards, Nicola
 Richardson, Angela
 Roberts, Rob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Seely, Bob
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Sharma, rh Alok
 Shelbrooke, rh Alec
 Simmonds, David
 Skidmore, rh Chris
 Smith, Chloe
 Smith, Greg
 Smith, Henry
 Solloway, Amanda
 Spencer, Dr Ben
 Spencer, rh Mark
 Stevenson, Jane
 Stevenson, John
 Stewart, Iain
 Stride, rh Mel
 Sturdy, Julian
 Sunak, rh Rishi
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, Anne-Marie
 Trott, Laura
 Tugendhat, Tom
 Vara, Mr Shailesh
 Vickers, Martin
 Vickers, Matt
 Wakeford, Christian
 Walker, Sir Charles
 Walker, Mr Robin
 Wallis, Dr Jamie
 Warburton, David
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Wild, James
 Williams, Craig
 Williamson, rh Gavin
 Wilson, rh Sammy
 Wood, Mike
 Wragg, Mr William

Wright, rh Jeremy
 Young, Jacob
 Zahawi, Nadhim

Tellers for the Noes:
Tom Pursglove and
Nigel Huddleston

Question accordingly negated.

New Clause 34

SETTLED STATUS: RIGHT TO APPEAL

“(1) A person may appeal against a settled status decision to the First-tier Tribunal.

(2) A settled status decision includes a decision—

(a) to refuse to grant leave to remain under Appendix EU of the Immigration Rules made under section 3(2) of the Immigration Act 1971, or

(b) to grant limited leave to remain under Appendix EU of the Immigration Rules made under section 3(2) of the Immigration Act 1971 to a person who has applied for indefinite leave to remain under that Appendix.

(3) An appeal against a decision under subsection 2(b) may be brought only on the grounds that the person is entitled to indefinite leave to remain under Appendix EU of the Immigration Rules.

(4) While an appeal under subsection 2(a) is pending, the person concerned shall be deemed to have all the rights associated with indefinite leave to remain under Appendix EU of the Immigration Rules in particular as concerns residence, employment, access to social security benefits and other services.

(5) While an appeal under subsection 2(b) is pending, the limited leave to remain granted under Appendix EU to the Immigration Rules shall continue in force.

(6) “Pending” shall have the same meaning for the purposes of subsections (4) and (5) above as in section 104 of the Nationality, Immigration and Asylum Act 2002.”—(*Christine Jardine.*)

This new clause would establish a right to appeal settled status decisions.

Brought up, and read the First time.

Question put, That the clause be read a Second time:—

The Committee divided: Ayes 251, Noes 343.

Division No. 5]

[8.58 pm

AYES

Abbott, rh Ms Diane	Brown, rh Mr Nicholas
Abrahams, Debbie	Bryant, Chris
Ali, Rushanara	Buck, Ms Karen
Ali, Tahir	Burgon, Richard
Allin-Khan, Dr Rosena	Butler, Dawn
Amesbury, Mike	Byrne, Ian
Anderson, Fleur	Byrne, rh Liam
Antoniazzi, Tonia	Cadbury, Ruth
Ashworth, Jonathan	Callaghan, Amy
Bardell, Hannah	Cameron, Dr Lisa
Barker, Paula	Campbell, rh Sir Alan
Beckett, rh Margaret	Carden, Dan
Begum, Apsana	Chamberlain, Wendy
Benn, rh Hilary	Champion, Sarah
Betts, Mr Clive	Chapman, Douglas
Black, Mhairi	Charalambous, Bambos
Blackford, rh Ian	Cherry, Joanna
Blackman, Kirsty	Clark, Feryal
Blake, Olivia	Cooper, Daisy
Blomfield, Paul	Cooper, Rosie
Bonnar, Steven	Cooper, rh Yvette
Brabin, Tracy	Cowan, Ronnie
Bradshaw, rh Mr Ben	Coyle, Neil
Brennan, Kevin	Crawley, Angela
Brock, Deidre	Creasy, Stella (<i>Proxy vote cast by Peter Kyle</i>)
Brown, Alan	Cruddas, Jon
Brown, Ms Lyn	

Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Daby, Janet
 Davey, rh Sir Edward
 David, Wayne
 Davies, Geraint
 Davies-Jones, Alex
 Day, Martyn
 De Cordova, Marsha
 Debonnaire, Thangam
 Dhesi, Mr Tanmanjeet Singh
 Docherty-Hughes, Martin
 Dodds, Anneliese
 Doogan, Dave
 Dorans, Allan
 Doughty, Stephen
 Dowd, Peter
 Dromey, Jack
 Duffield, Rosie
 Eagle, Ms Angela
 Eagle, Maria
 Eastwood, Colum
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Elmore, Chris
 Esterson, Bill
 Evans, Chris
 Farron, Tim
 Farry, Stephen
 Fellows, Marion
 Ferrier, Margaret
 Fletcher, Colleen
 Flynn, Stephen
 Fovargue, Yvonne
 Foxcroft, Vicky
 Foy, Mary Kelly
 Furniss, Gill
 Gibson, Patricia
 Gill, Preet Kaur
 Glindon, Mary
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanna, Claire
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Healey, rh John
 Hendrick, Sir Mark
 Hendry, Drew
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hopkins, Rachel
 Hosie, Stewart
 Huq, Dr Rupa
 Jarvis, Dan
 Johnson, Dame Diana
 Johnson, Kim

Jones, Darren
 Jones, Gerald
 Jones, rh Mr Kevan
 Jones, Ruth
 Jones, Sarah
 Kane, Mike
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Kinnock, Stephen
 Kyle, Peter
 Lake, Ben
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Linden, David
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lynch, Holly
 MacAskill, Kenny
 MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Maskell, Rachael
 Matheson, Christian
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McLaughlin, Anne
 McMahan, Jim
 McMorrin, Anna
 Mearns, Ian
 Mishra, Navendu
 Monaghan, Carol
 Moran, Layla
 Morden, Jessica
 Morgan, Mr Stephen
 Morris, Grahame
 Murray, Ian
 Murray, James
 Nandy, Lisa
 Newlands, Gavin
 Nichols, Charlotte
 Nicolson, John
 Norris, Alex
 O'Hara, Brendan
 Olney, Sarah
 Onwurah, Chi
 Oppong-Asare, Abena
 Osamor, Kate
 Oswald, Kirsten
 Owatemi, Taiwo
 Owen, Sarah
 Peacock, Stephanie
 Pennycook, Matthew
 Phillips, Jess
 Phillipson, Bridget
 Pollard, Luke
 Powell, Lucy
 Qureshi, Yasmin
 Rayner, Angela

Reed, Mr Steve
 Reeves, Ellie (*Proxy vote cast by Bambos Charalambous*)
 Reeves, Rachel
 Reynolds, Jonathan
 Ribeiro-Addy, Bell
 Rimmer, Ms Marie
 Rodda, Matt
 Russell-Moyle, Lloyd
 Saville Roberts, rh Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Siddiq, Tulip
 Slaughter, Andy
 Smith, Alyn
 Smith, Cat
 Smith, Jeff
 Smith, Nick
 Smyth, Karin
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Stringer, Graham
 Sultana, Zarah

Tami, rh Mark
 Tarry, Sam
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thompson, Owen
 Thomson, Richard
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Twigg, Derek
 Twist, Liz
 Vaz, rh Valerie
 Webbe, Claudia
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Whitley, Mick
 Whittome, Nadia
 Williams, Hywel
 Wilson, Munira
 Winter, Beth
 Winterton, rh Dame Rosie
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
 Christine Jardine and
 Mr Alistair Carmichael

NOES

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Ahmad Khan, Imran
 Aiken, Nickie
 Aldous, Peter
 Allan, Lucy
 Amess, Sir David
 Anderson, Lee
 Anderson, Stuart
 Andrew, Stuart
 Ansell, Caroline
 Argar, Edward
 Atherton, Sarah
 Atkins, Victoria
 Bacon, Mr Gareth
 Bacon, Mr Richard
 Badenoch, Kemi (*Proxy vote cast by Leo Docherty*)
 Bailey, Shaun
 Baillie, Siobhan
 Baker, Duncan
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, rh Steve
 Baron, Mr John
 Bell, Aaron
 Benton, Scott
 Beresford, Sir Paul
 Berry, rh Jake
 Bhatti, Saqib
 Blackman, Bob
 Blunt, Crispin
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Sir Graham
 Braverman, Suella
 Brereton, Jack
 Bridgen, Andrew
 Brinte, Steve
 Bristow, Paul
 Britcliffe, Sara
 Brokenshire, rh James
 Browne, Anthony
 Bruce, Fiona
 Buchan, Felicity
 Buckland, rh Robert
 Burghart, Alex
 Burns, rh Conor
 Butler, Rob
 Cairns, rh Alun
 Carter, Andy
 Cartlidge, James
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Sir Christopher
 Churchill, Jo
 Clark, rh Greg
 Clarke, Mr Simon
 Baron, Theo
 Clarke-Smith, Brendan
 Clarkson, Chris
 Cleverly, rh James
 Clifton-Brown, Sir Geoffrey
 Coffey, rh Dr Thérèse
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Coutinho, Claire
 Crabb, rh Stephen
 Crosbie, Virginia
 Crouch, Tracey
 Daly, James

Davies, David T. C.
 Davies, Gareth
 Davies, Dr James
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Davison, Dehenna
 Dinenage, Caroline
 Dines, Miss Sarah
 Djanogly, Mr Jonathan
 Docherty, Leo
 Donelan, Michelle
 Dorries, Ms Nadine
 Double, Steve
 Dowden, rh Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duddridge, James
 Duguid, David
 Duncan Smith, rh Sir Iain
 Dunne, rh Philip
 Eastwood, Mark
 Edwards, Ruth
 Ellis, rh Michael
 Ellwood, rh Mr Tobias
 Elphicke, Mrs Natalie
 Eustice, George
 Evans, Dr Luke
 Evans, Mr Nigel
 Evennett, rh Sir David
 Everitt, Ben
 Fabricant, Michael
 Farris, Laura
 Fell, Simon
 Fletcher, Katherine
 Fletcher, Mark
 Fletcher, Nick
 Ford, Vicky
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fuller, Richard
 Fysh, Mr Marcus
 Garnier, Mark
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gibson, Peter
 Gideon, Jo
 Glen, John
 Goodwill, rh Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Griffith, Andrew
 Griffiths, Kate
 Grundy, James
 Gullis, Jonathan
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harris, Rebecca
 Hart, Sally-Ann
 Hart, rh Simon
 Hayes, rh Sir John
 Heald, rh Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Henderson, Gordon
 Henry, Darren
 Higginbotham, Antony
 Hinds, rh Damian
 Hoare, Simon
 Holden, Mr Richard
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Holmes, Paul
 Howell, John
 Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane
 Hunt, rh Jeremy
 Hunt, Tom
 Jack, rh Mr Alister
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Jenkyns, Mrs Andrea
 Jenrick, rh Robert
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jones, Mr Marcus
 Jupp, Simon
 Kawczynski, Daniel
 Kearns, Alicia
 Keegan, Gillian
 Knight, Julian
 Kruger, Danny
 Kwarteng, rh Kwasi
 Laing, rh Dame Eleanor
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Andrea
 Levy, Ian
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Loder, Chris
 Logan, Mark
 Longhi, Marco
 Lopez, Julia (*Proxy vote cast by Lee Rowley*)
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Mackrory, Cherilyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, Kit
 Mangnall, Anthony
 Mann, Scott
 Marson, Julie
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl

McPartland, Stephen
 McVey, rh Esther
 Menzies, Mark
 Mercer, Johnny
 Mearns, James
 Metcalfe, Stephen
 Millar, Robin
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morrissey, Joy
 Morton, Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, rh Dr Andrew
 Neill, Sir Robert
 Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, Chris
 Pincher, rh Christopher
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Pritchard, Mark
 Quin, Jeremy
 Quince, Will
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richards, Nicola
 Richardson, Angela
 Roberts, Rob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Seely, Bob
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Sharma, rh Alok
 Shelbrooke, rh Alec
 Simmonds, David
 Skidmore, rh Chris
 Smith, Chloe
 Smith, Greg
 Smith, Henry
 Solloway, Amanda
 Spencer, Dr Ben
 Spencer, rh Mark
 Stevenson, Jane
 Stevenson, John
 Stewart, Iain
 Stride, rh Mel
 Sturdy, Julian
 Sunak, rh Rishi
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Norman, rh Jesse
 Tracey, Craig
 Trevelyan, Anne-Marie
 Trott, Laura
 Tugendhat, Tom
 Vara, Mr Shailesh
 Vickers, Martin
 Vickers, Matt
 Wakeford, Christian
 Walker, Sir Charles
 Walker, Mr Robin
 Wallis, Dr Jamie
 Warburton, David
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Wild, James
 Williams, Craig
 Williamson, rh Gavin
 Wilson, rh Sammy
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Young, Jacob
 Zahawi, Nadhim
Tellers for the Noes:
Tom Pursglove and
Nigel Huddleston

Question accordingly negated.

To report progress and ask leave to sit again.—(*Mike Freer.*)

The Deputy Speaker resumed the Chair.

Progress reported; Committee to sit again tomorrow.

UK Special Forces: Iraq and Afghanistan

Motion made, and Question proposed, That this House do now adjourn.—(Mike Freer.)

9.12 pm

Stewart Malcolm McDonald (Glasgow South) (SNP): Given that there is extended time, I will perhaps—*[Interruption.]*

Mr Deputy Speaker (Sir Roger Gale): Order. Will Members leave quietly, please? We are still engaged in a debate.

Stewart Malcolm McDonald: Thank you, Mr Deputy Speaker. Given that there is extended time, I will let Members rush out as quickly as possible because, as I am sure Government Front Benchers understand, these affairs are hugely important and deserve the proper attention and scrutiny of the House.

I should say at the outset that there is absolutely no joy in bringing this debate before the House this evening, but it is important. It follows, as the Minister knows, the joint investigation of *The Sunday Times* and “Panorama” of the role of special forces and UK personnel in Iraq and Afghanistan. The investigation contained some of the most serious allegations, including allegations of war crimes that have been committed and subsequently covered up by members of the armed forces and perhaps even Ministers themselves.

I should lay out at the very beginning the high regard in which I and those on the Scottish National party Benches hold members of the armed forces. I can see two Defence Ministers on the Government Front Bench who already know that. The high regard in which we hold them is matched only by the high standards placed on them by the Government, on behalf of the British public, and rightly so. The Minister responding this evening knows that better than most.

Jim Shannon (Strangford) (DUP): I thank the hon. Gentleman for giving way—I sought his permission to intervene. Does he agree that our British Army have served in the most difficult wars and conflicts and that their courage and bravery are never in doubt? Does he recognise that every soldier has been subjected to traumatic and stressful circumstances and that the MOD must ensure that every soldier receives the legal advice and help that they need?

Stewart Malcolm McDonald: The hon. Gentleman is entirely correct to make that point, and I thank him for making it early. The two theatres of conflict in the title of this debate this evening—Iraq and Afghanistan—are two of the toughest. Indeed, he is also right to mention that members of the armed forces perform their duties in some of the most extraordinarily difficult circumstances.

It is entirely right, however, as the hon. Gentleman and I discussed before the debate, that standards are upheld. I know that the Government Front-Bench team agrees with that. It is entirely right that this House expects the Government to live up to what the Geneva conventions require. As I said to the Secretary of State earlier, in a different but not entirely unrelated statement, there should be an unforgiving quest for truth and to uphold rules and laws, but I shall return to that later.

In truth, these affairs can get uncomfortable for officials, for Ministers and for serving personnel, but it is entirely right and entirely appropriate that we grapple with them in the most forensic fashion, not least because of the Government’s announcement in the Queen’s Speech and long-held plans, of which the Minister who is to respond has been a champion, to change the rules around what can be investigated for Members who have served in Northern Ireland.

The joint investigation by *The Sunday Times* and “Panorama” was an extraordinarily important piece of investigative journalism. I am quite sure that all the Ministers on the Front Bench have furnished themselves with the details of it from top to bottom, and I thank those journalists and investigators who took the time to take part in it. Investigative journalism is important, especially in such affairs, as a mechanism in a democratic society to arrest any temptation to sweep over these matters or any temptation of a corrupting view setting in.

The important thing about the allegations that have been uncovered—hundreds of documents and statements—is that they were not made by what the former Prime Minister called ambulance-chasing activist lawyers. Nobody wants to see vexatious claims being made, but these allegations were made by serving members of the armed forces. They were made by military intelligence officers and Government-appointed detectives.

Even with the extended time we have this evening, it would not be possible to get into the detail of every case that was uncovered in that journalism, but I want to adumbrate some of the things that it brought to our attention: degrading and inhumane treatment; the unlawful killing of civilians; faulty intelligence; doctored and amended statements when affairs have been investigated, including by the Royal Military Police; and evidence of torture at Camp Stephen in Basra. Anyone who read that journalism or watched the “Panorama” programme could not fail to have been shocked by what appears to be a ruthless and co-ordinated effort to close down the investigations. As I mentioned, it will not be possible to go into all the details of the investigations this evening, but I am sure the Minister will understand that I may wish to follow up on some of the specifics with him in writing.

I plead with the Government in their entirety, not least the Minister who responds this evening, to be judicious in their response and in the handling of these affairs and to approach them with the seriousness they deserve.

There is also the case of the shooting of three boys and one young man in Afghanistan—shot in the head. The premise was that they were Taliban insurgents, but the joint investigation has told us that no such evidence was ever produced. That information was passed to the Service Prosecuting Authority, and a recommendation of war crimes charges was made. A cover up by military officials then ensued. Serious, serious questions about why these allegations appear to have been whitewashed in the way they have been need to be addressed.

In both Iraq and Afghanistan, false information was knowingly given to the victims’ families. Two civilians died in Iraq under the care of the Black Watch, and their families were told that they died days after they were arrested. The families were told that they were in

hospital, which was never the case. There was less than a week between those two cases. What looks like a co-ordinated effort to evade justice simply will not hold.

I talked to some Conservative Members earlier, and I was reminded that this stuff has a habit of coming back to bite if it is not dealt with properly. It may be that it comes back in the most serious fashion imaginable. I support Lord Ken Macdonald's calls for these affairs to be reopened and investigated properly via a public inquiry led by a judge, but it could be that it ends up with the International Criminal Court. It is hard to think of a more seriously grave situation in which the Government could find themselves.

Wayne David (Caerphilly) (Lab): The hon. Gentleman is making a powerful statement, and I am sure all Members will take note of what he says. Does he agree this serves to highlight that we need some parliamentary mechanism to delve into and investigate such accusations and claims?

Stewart Malcolm McDonald: It is almost as if the hon. Gentleman can see the notes in front of me, because I am coming to that exact point.

The allegations uncovered by the joint BBC and *The Sunday Times* investigation have to be taken out of the Government's hands and given to an independent inquiry led by a judge. No honest person could disagree with that.

The hon. Gentleman touches on an important wider point, which is Parliament's broader ability to hold special forces operations to account. That is woefully lacking in this country, and we are being outdone by the United States—the United States!—on the oversight of special forces. In this modern age, the public expect there to be proper parliamentary scrutiny and parliamentary oversight. The system needs updating.

Clearly, there cannot be a free-for-all in which every single Member can access information on live special forces operations, as only a fool would suggest such a thing, but it cannot be beyond the House's collective imagination, or beyond the collective imagination of the small group of Members, some of whom are unfortunately no longer with us, who regularly attend debates on defence, to propose a mechanism by which we can catch up with the United States—the US system is not perfect, but it is something—Denmark and Norway and have proper oversight of special forces operations.

Indeed, it has been mentioned before in the House by both the Labour Opposition and the Scottish National party, to great resistance from Conservative Members, that the time has come for us to introduce a proper war powers Act. I say to the Government that it is better to take this stuff on now and to have a serious parliamentary debate on the scrutiny efforts this Parliament can take forward before it ends up in the International Criminal Court—nobody wants to see that, but it may well be heading there. A failure to deal with this properly, to be judicious and sober in approaching these matters and to ensure that justice is done and the pursuit of the truth is absolutely unforgiving is nothing short of an assault on our values. It is worth remembering that the ICC was set up with the United Kingdom's enthusiastic support, and rightly so. As I said, I do not want to see this end up in the ICC and I am sure that neither does the Minister. He has an opportunity to ensure that it does not.

Against a backdrop of assaults on the international rules-based order, which the Government tell us day in, day out they want to defend and uphold, surely we must respond to this mind-blowing investigation properly.

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

Stewart Malcolm McDonald: I detect that the former Chairman of the Select Committee on Defence wishes to intervene.

Dr Lewis: Before the hon. Gentleman concludes, may I ask whether he feels that a mechanism similar to that of the Intelligence and Security Committee, which conducts investigations into matters relating to the intelligence agencies that cannot be discussed on the Floor of the House, might not be a slightly more appropriate response than the much wider aim of a war powers Act, with all that that would entail?

Stewart Malcolm McDonald: It sounds to me as though I have an ally in the former Chair of the Defence Committee, because I think that part of the remit of the judge-led inquiry that I have advocated on the Floor of the House tonight should be to make a recommendation to the House on what mechanism the House or the Government bring to the House so that these operations can be properly scrutinised. The ISC would be an obvious outfit for that, although I know that other Members would perhaps disagree.

Mr David Davis (Haltemprice and Howden) (Con): It seems to me that the hon. Gentleman makes three separate points. One is about having a war powers Act. I was a co-signatory, with Mr Tony Benn, 20 years ago, in a call for a war powers Act. That is one issue about the role of the House in approving conventional wars over and above article 5 responses—defensive actions.

Secondly, there is a question about the oversight of special forces operations. I have doubts on that, because of the cramping effect on our ability to respond flexibly to serious, non-full-war operations.

It is important to differentiate the third point, which is about the allegations—they are just that at the moment—that have been put by reporters and repeated by the hon. Gentleman. The proper response to those is through criminal actions; we need not an inquiry by this House, but proper investigation and proper criminal prosecution, independently by the authorities. All the soldiers I know—senior special forces soldiers, senior generals and operational officers in the field today—would welcome that, because no soldier wants to be fighting from the low moral ground. A British soldier wants to be fighting from the high moral ground, and in that at least we are in the same place.

Stewart Malcolm McDonald: I thank the right hon. Gentleman deeply for that intervention, as he is of course entirely correct. I would just come back to the second point he picked me up on, which was about oversight. Nobody wants to deny flexibility; clearly, there has to be an ability to respond. We discussed earlier how the US system is not perfect, but I do not think anyone can say that President Trump feels particularly inflexible as a result of the oversight mechanisms that exist on Capitol Hill. I am not suggesting we mirror those in their entirety, but the right hon. Gentleman is a great authority on these affairs and I think it is time—it

[Stewart Malcolm McDonald]

is only my proposal at this stage—that if we have a judge-led inquiry that investigates these matters, part of its remit could be to make a recommendation to the Government and the House on the best means of moving forward for proper oversight that does not compromise flexibility and security, because nobody would want that.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): It is one thing to have oversight, but what if it does not change the culture of acceptable behaviour that has brought about this investigation? One thing that the House does consistently is reject the idea that members of the armed forces are employees—that has been objected to by Government Members on the Front Bench. Among those of us on the SNP Benches at least, there is an acceptance that if we want to change culture, we need to treat members of the armed forces as employees and give them a trade union.

Stewart Malcolm McDonald: My hon. Friend tempts me down another path entirely, and he knows I agree with him on that, but his broader point is entirely spot on. I know he has spent a lot of time looking at these matters over the past two and a half years that he has been a member of the Defence Committee, so he speaks with some degree of knowledge of them.

Adam Holloway (Gravesham) (Con): I have sympathy with much of what the hon. Gentleman is saying—and, indeed, with what the former Chairman of the Defence Committee, my right hon. Friend the Member for New Forest East (Dr Lewis), said—but my right hon. Friend the Member for Haltemprice and Howden (Mr Davis) made the point that this could be crippling, and one needs to balance it quite carefully. Let us not kid ourselves: our top soldiers do not go out wanting to commit war crimes. They go out in very confused, dynamic, frightening situations, operating with imperfect information, to take on people who would otherwise hurt our constituents. We need to keep that firmly in mind and not imagine that we have some great problem of crazy guys with unseasonal suntans running around killing people. That is clearly not the case.

Stewart Malcolm McDonald: The hon. Gentleman identifies an allegation that I have not made. That is important to remember, because I agree with what he just said. Of course members of the armed forces do not go out wishing to commit crimes and atrocities—of course they do not, and I do not allege that.

In response to what the right hon. Member for Haltemprice and Howden (Mr Davis) said, I should say that the allegations—and they are just allegations—do not come from reporters. They are exposed by reporters but they come from members of the armed forces. The problem with what has happened, especially in the Afghan case—the shooting of three children and one young man—is that video evidence is available of what that soldier went into, in an extremely tough situation, as the hon. Member for Gravesham (Adam Holloway) mentioned, but that video evidence has been concealed from top members of the armed forces. It has been concealed from people for whom security clearance exists. I do not know whether the hon. Gentleman has watched the

BBC “Panorama” programme but I strongly suggest that he does so. It has around 90 days left on the iPlayer, so there is plenty of time to do so.

We are clearly not going to resolve this issue and get into all the details tonight, but tonight has to be the start of a proper, judicious and sober parliamentary discussion to ensure that those on the Government Front Bench act appropriately. As I was saying, the assaults on the international rules-based system, which can change depending on who uses the phrase, are coming at us from all angles, so let us be the ones who say, “No more.” Let the Government come forward and do the right thing. Let the Government come forward and say, “This will be uncomfortable, but it is entirely right that we are held to the standards that we are supposed to be held to under international law; that we do have high standards for serving members of the armed forces; and that we will not put up with any concerted effort to cover this up.” Let us shine a light on this stuff.

Where there is a problem politically is that clearly vexatious claims have been made. I do not want to see that any more than the Minister does; in fact, I want to see it dealt with, but I want to see it dealt with properly. It cannot be used as an excuse to shut down any discussion or to close off any avenue of investigation into the deep, deep seriousness of what has been uncovered by the joint investigation.

Carol Monaghan (Glasgow North West) (SNP): Of course we know that the majority of our armed forces who have served in these theatres have served with integrity and honour at all times, but we did not support them in their integrity and honourable behaviour by failing to investigate these allegations. In fact, we must investigate, and the investigation must include an investigation of the victims. Until we do that—unless we properly investigate them—we do not properly support and we do not properly stand up here in this House and say that we can defend completely and utterly the actions of our armed forces.

Stewart Malcolm McDonald: My hon. Friend is absolutely correct. Ultimately, the rules and the laws exist to protect serving personnel, as well as to protect those who are in the theatre of conflict to which they are deployed. The rules and laws are there to uphold the very honour to which we pay tribute in this Parliament.

Alex Chalk (Cheltenham) (Con) *rose*—

Stewart Malcolm McDonald: If the hon. Gentleman does not mind, I will finish with this point.

As I mentioned earlier, the Government tell us that they always want to uphold the international rules-based system. I suspect that we have different views on what that can mean, but this is not it. Clearly, the Minister cannot make any promises to me this evening, but the Government must set up an independent inquiry into the allegations that have been made by fellow members of the armed forces, and I beseech him to do that. We need to know what took place, what the Royal Military Police were doing, why statements were amended and why faulty intelligence leads were followed, resulting in the deaths of civilians and their families being lied to. Their families deserve better, and our armed forces deserve so, so much better.

Although there is a broader political debate on oversight—and it sounds like I have some allies across the House in ensuring that that is on the agenda—I ask the Minister tonight, especially given the intentions of the Government in relation to Northern Ireland, to approach this matter appropriately, to come to the Dispatch Box and to make it clear that there will be an unforgiving and relentless pursuit of the truth and of justice. If he does that, I will back him all the way.

9.36 pm

The Minister for Defence People and Veterans (Johnny Mercer): May I start by congratulating the hon. Member for Glasgow South (Stewart Malcolm McDonald) on securing this debate? He covered a lot of ground, but I want to try to stay within the remit of tonight's debate. He has some very interesting ideas, and in me he has someone with a very contemporary view of defence. I think that we need to modernise some of the things that we do, but much of that is for another day.

What is hugely important is that Parliament and the public should have confidence in how our armed forces conduct overseas operations and in how allegations of criminal behaviour are investigated. This issue is highly topical in the wake of the recent allegations made by *The Sunday Times* and the BBC, which I will address in my reply, and as this Prime Minister has asked me to address the long-standing unacceptability of how we deal with historical prosecutions against servicemen and women, often decades after service.

I want to be clear with the House and with the country from the outset. Many words have been written and said about what I have tried to do, both previously from the Back Benches and now on behalf of the UK Government, when it comes to historical allegations against our servicemen and women. They are almost always inaccurate and usually simply seek to answer one side of the debate, or satisfy one party in the argument.

Let me be absolutely crystal clear: Members will not find any individual in this House more committed to prosecuting those who break the law while in uniform than I am. Many of my cohorts operated in harsh and chaotic circumstances over many years while remaining firmly within the boundaries of the law. Like all of us, I hold no truck whatever with those who were or who are unable to operate within the constraints placed on them as a professional member of the UK's armed forces—armed forces that remain the envy of our peers. I am equally clear that there are few higher sins of Government than to expose those who volunteer to serve and ultimately to sacrifice themselves on this nation's behalf and to subject them to years and years of interminable court processes, allegations and deep personal distress simply as a result of serving this nation on operations. Where there is clear evidence of crimes being committed, the Prime Minister and I are unequivocal that individuals must be held to account for their actions, irrespective of time passed. But we will not allow veterans in this country who have committed no crime to be exposed to endless legal processes well outside of the original intended scope of the laws under which they are brought—hounding some of the nation's finest people years after service.

Stewart Malcolm McDonald: I hear what the Minister saying and I carry a lot of sympathy for it, but if he does not deal with this properly, quickly and appropriately,

the problem will not be courts in the United Kingdom; the problem might well be in the International Criminal Court.

Johnny Mercer: With respect to the hon. Gentleman, I have dealt with this issue for years now, including before I came here. The last individual who wants to see this country go to the ICC to deal with these allegations is me. However, I reiterate the point raised by my right hon. Friend the Member for Haltemprice and Howden (Mr Davis), who is no longer in his place, which is that these are allegations at this stage. I will come to that in a moment.

A balance has to be struck and we will seek that in this Parliament, starting with primary legislation, which I will shortly be laying before Parliament. It is in this very careful space—which I encourage those who are deliberately ill-informed, or who simply want to politicise and rewrite history, not to enter; and that clearly does not include the hon. Member for Glasgow South—that I will answer some of the points raised about the conduct of UK armed forces in Iraq and Afghanistan over the last almost 20 years. I just want to expand on that very briefly, given that we have a little bit of time. I cannot overestimate the pain caused to the families of the victims of these situations by ill-informed debates in this space around amnesties and other options that are simply not considered. The Government are very clear that there can be no time bar on prosecutions, and I urge everyone who takes part in this debate to do so cognisant of the victims and of the people who are being hounded in this process.

The House will be aware of the long-standing policy of successive Governments not to comment on the activities of our special forces. This “neither confirm, nor deny” policy is an essential element in enabling this strategic asset to operate effectively. I am therefore unable to speak in any detail about the vital role that our special forces played in Iraq and Afghanistan and will have to confine myself to making observations about the allegations more generally.

On the basis of five specific incidents—two from Iraq and three from Afghanistan—*The Sunday Times* and the BBC make four broad allegations: first, that we operated death squads in Afghanistan; secondly, that there has been a systematic attempt by the MOD not to investigate allegations; thirdly, that the MOD has applied pressure to terminate investigations prematurely; and fourthly, that the MOD has sought throughout to ensure that war crimes in Iraq go unpunished. The BBC wrote to the Ministry of Defence prior to broadcast setting out these and other allegations that were not repeated in its “Panorama” programme. The MOD promptly forwarded these letters to the service police and the Service Prosecuting Authority. The service police have reviewed the letters and the programme and have confirmed that *The Sunday Times* and the BBC have not produced any new allegations or any new evidence in relation to those five incidents that had not already been considered.

Let me repeat now from the Dispatch Box to the House and beyond that anyone who has any evidence—“evidence” is the key word—has a duty to come forward and let independent police officers examine that evidence. The allegations are deeply disturbing, and as perhaps the most prominent voice on increased legal protections for our armed forces, I wish personally to satisfy myself

[Johnny Mercer]

about them. These investigations are never closed. Any evidence will be looked at in an independent and professional manner, to this day. As the House would expect, the International Criminal Court is considering the BBC's allegations as part of its preliminary examination into alleged war crimes in Iraq. The Government are continuing to co-operate fully with the ICC, and we expect to be able to satisfy it that the service police have appropriately investigated all allegations.

Carol Monaghan: We know that the UN has identified cases of 300 civilians who have been unlawfully killed. If there are 300 civilians who have been unlawfully killed, there are people who have done the unlawful killing. I would therefore like to know what steps are being taken to properly investigate these killings to ensure that we have the answers and there is scrutiny of the operations of the armed forces.

Johnny Mercer: I am about to come on to civilian casualties. Every civilian casualty is reported to the military police. I will cover that in detail in a moment.

First, though, let me deal with the allegation that our armed forces operated so-called death squads in Afghanistan. This is simply not true. Our armed forces did conduct many daring operations to capture Taliban insurgents. However, these were not "kill or capture" operations; rather, they were carefully planned "capture" operations with the object of capturing known Taliban insurgents and their associates. While every effort is taken to minimise the risk to any civilians who are present during such operations, it is simply an unfortunate fact that the risk of civilian casualties in war cannot be eliminated altogether.

Irrespective of the unit involved in any operation, civilian deaths were reported to, and have been independently investigated by, the Royal Military Police. All three of the incidents cited by *The Sunday Times* and the BBC have been investigated. The RMP referred one case—the shooting of Fazel Mohammed and three Afghan minors, to which the hon. Gentleman referred—to the Service Prosecuting Authority, which, having obtained independent legal advice outside the Ministry of Defence from senior external counsel, decided that the evidence did not establish a realistic prospect of conviction. In the other two cases, the RMP concluded that there was insufficient evidence of wrongdoing and did not refer any soldiers for any offence.

It is simply not credible to suggest, given the scale of resources expended by the MOD on investigating alleged criminal behaviour in Iraq and Afghanistan, that this demonstrates that there could have been a systematic cover-up. Over £40 million has been spent to date on the Iraq criminal investigations, while £10 million has been spent on Operation Northmoor, which is the RMP's investigation into 675 allegations from Afghanistan. At their height, the Iraq Historical Allegations Team and Operation Northmoor each involved over 100 investigators who have collated and reviewed vast numbers of documents and interviewed large numbers of alleged victims, families, witnesses, service personnel and veterans.

Throughout, the MOD has wanted investigations and prosecution decisions to be conducted efficiently and effectively. But the reality is that the nature of

warfare has changed. So-called lawfare has become a tool for extending conflicts by other means or attempting to actually rewrite history itself.

Stewart Malcolm McDonald: If I may take the Minister back just slightly, the investigators he mentions who looked at many of these allegations are the same people who have now blown the whistle to the BBC and *The Sunday Times*. They are the same people who have come forward and said that things have been shut down. He rightly says that he will bring forward primary legislation in the near future. Does he envisage that by that time there will be greater or less resource to investigate as a result of his legislation?

Johnny Mercer: Let me be very clear with the hon. Gentleman. There have been allegations made by individuals, a very small number of whom worked within the investigative teams. There have been allegations made by a small number of people associated with operational units involved in the incidents that have been alleged. They have made allegations, and investigators who have interviewed them have been persuaded by their case. Those allegations are then investigated and presented to the independent Service Prosecuting Authority, which makes a decision on whether the threshold of evidence has been breached and a conviction, or even a prosecution, is likely. That decision has been made in a clear-eyed, professional manner without fear or favour, to bring this matter to a close. It is in nobody's interests that this has continued as long as it has. In terms of resource and how we address this, I will come to that towards the end of my remarks, but Members can pick me up if I do not.

In the case of Iraq, the investigative challenges were compounded by the behaviour of some of the legal firms involved. Public Interest Lawyers waged a long-running campaign challenging the ability of the service police to conduct independent and effective investigations. Having lost that argument, PIL notified approximately 1,200 new allegations, many of which were found upon examination to be seriously misplaced or extremely flimsy.

I am clear that IHAT could have handled matters much better—I have not changed my view on that since I personally ran the campaign to expose its practices—but I want to make it absolutely clear that there has been no strategic interference whatsoever in individual cases or in the overall Iraq or Afghanistan case loads. That would be completely pointless. Allegations that are not fully investigated will only contrive to extend the process for our servicemen and women. All investigative and prosecution decisions have been made independently by the service police and the Service Prosecuting Authority without reference to the MOD, the chain of command or Ministers. They have also been subject to independent external and periodic independent reviews by subject matter experts.

The Iraq investigations have been subject to unprecedented court oversight, with extensive, transparent reporting obligations to a designated judge of the High Court. Operation Northmoor has been subject to independent assurance by an experienced senior criminal barrister and a retired chief constable. The allegation that IHAT and Op Northmoor investigations were closed down for political reasons in 2017 is, I am afraid, simply wrong and self-defeating. IHAT's case load was transferred

to Service Police Legacy Investigations, which stood up on 1 July 2017 and is still conducting a small number of investigations. Investigations under Operation Northmoor continued with independent external assurance into 2019.

The assertion that the Ministry of Defence exploited the taint that resulted from Phil Shiner's misconduct to close investigations is also incorrect. The evidence that PIL had paid an undisclosed number of Iraqis, apparently by way of inducement, to bring allegations against our armed forces emerged only after IHAT and the Service Prosecuting Authority had started reviewing the Iraq case load to decide in accordance with the High Court's direction whether further investigation was warranted in individual cases. IHAT and the SPA informed the High Court of their approach and the rationale for it. The High Court did not express any concern about this review process. None of the investigations under Op Northmoor was affected by Phil Shiner being struck off, as the BBC and *The Sunday Times* assert, because none of the investigations involved allegations notified by Phil Shiner.

The Sunday Times and the BBC assert that the closure of IHAT was intended to ensure that the alleged war crimes in Iraq went unpunished. I have outlined why that is simply not credible to the UK's armed forces, as an institution that prides itself on its ethos and values that set it apart from this nation's enemies. Factually, they cite two cases in support of this wholly untenable position: the shooting of an off-duty Iraqi policeman and the deaths of Radhi Nama and Abdul Jabar Mousa Ali at Camp Stephen. In fact, both cases were taken over by SPLI when IHAT closed. SPLI's investigations into both cases only finished in early 2019. This means that the information that forms the basis of comments by former IHAT investigators and by Lord Macdonald, to whom the hon. Member for Glasgow South referred, was incomplete and at least two years out of date. While it has not been possible to attribute the deaths of Mr Nama and Mr Mousa Ali to any individuals, SPLI referred three people to the Service Prosecuting Authority for having committed or failed to prevent, punish or report outrages upon personal dignity. In coming to a decision in this case, the director of service prosecutions obtained independent legal advice from senior external counsel.

It is a matter of deep personal regret that the original RMP investigations were flawed and that opportunities to hold those responsible to account may now have been lost. For this, I unreservedly apologise to those who suffered treatment at the hands of UK forces that was simply unacceptable, and I apologise to our servicemen and women who have, as a result, had years of investigations foisted upon them, having more often than not had nothing to do with the incidents in question.

As the al-Sweady inquiry has already highlighted, the RMP elements deployed to Iraq were simply insufficient to cope with the unexpectedly high number of incidents requiring investigation. This is what led the Provost Marshal (Army) in 2010 to direct IHAT to review nine RMP investigations, including those into the deaths of Mr Nama and Mr Mousa Ali, to ascertain whether all lines of enquiry had been followed. The considerable obstacles to obtaining sufficient evidence to prosecute in historical cases have been recognised by the High Court, which in 2013 ordered the MOD to establish a process of non-criminal quasi-inquests, which have become

known as Iraq fatality investigations, to satisfy fully our obligations under the European convention on human rights. These IFIs are similar in form to a coroner's inquest and are conducted by an independent, retired judge. They are designed to provide the families of the deceased with answers and to help the armed forces learn lessons for the future.

While the fact that the 2003 report into Mr al-Musawi's death contains inaccurate information is deeply concerning, there is insufficient evidence to refer anyone for an offence in relation to this incident. Having exhausted all reasonable and proportionate lines of enquiry, SPLI has uncovered no evidence that conclusively refutes the soldier's assertion that he acted in self-defence. Indeed, two of the deceased's brothers told investigations that Mr al-Musawi fired several shots into the air immediately prior to this shooting.

Today's debate and previous debates on historical investigations have shown the strength of feeling on this vital issue. I am considering some key policy interventions to learn lessons from over 15 years of investigations and litigation arising from operations in Iraq and Afghanistan. I am not of the opinion that any organisation the size of the UK's armed forces will not have its challenging individuals. There is no doubt that some of the experiences of those who came into contact with the UK's armed forces in Iraq and Afghanistan were completely unacceptable.

Stewart Malcolm McDonald: Sensing that the Minister is about to close, may I take him back, because he did ask me to remind him: does he think that after he brings forward his legislation there will be greater resource to investigate these affairs or not? In addition, is the Royal Military Police, in his view, in its current form fit for purpose?

Johnny Mercer: What I will say to the hon. Gentleman is that, in my view, no option is off the table in reflecting, with respect to the past 15 years, on how we never end up in this position again. Resource in this investigation has not been a determining factor: over £50 million has gone into investigating these crimes—or alleged crimes—in both Iraq and Afghanistan. Of course, this is not going to be some sort of paper exercise. It is a defining issue for many of us, and we will of course do this properly. I hope he will have seen from my comments this evening that there is absolutely no intention to cover anything up, to let anybody who sees uniform as a place where they can commit crimes to do so or to enable any of that behaviour, which is totally out of kilter with 99% of people's experiences in the military. However, I am equally firm that the experience of too many of those who have served this nation in operations in subsequent years has been totally unacceptable, and in that respect this Prime Minister and this Government are going to redefine the debate.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): The Minister is making an excellent point. I declare an interest in that my husband is a veteran himself—from the Royal Electrical and Mechanical Engineers. For those who have been subject to investigation after investigation, are we providing enough psychological support and support in terms of their mental health? No matter the circumstances, one cannot help thinking that this must be a very stressful situation for them and their families, and as much as possible must be done.

Johnny Mercer: I thank the hon. Lady for her intervention, and I restate that the experiences of some of our finest people have been unacceptable. I speak to the process that they have been subjected to and to the way that my Department has looked after them through that process. Since 2015 or 2016, when a few of us started working on this—

10 pm

Motion lapsed (Standing Order No. 9(3)).

Motion made, and Question proposed, That this House do now adjourn.—(Leo Docherty.)

Johnny Mercer: Having interrogated those processes, I am confident that we are now in a much better place to support those individuals. There are challenges in reaching out to those who served a longer time ago, but we are acutely aware of them, and the MOD now exists to support with the provision of legal costs and pastoral care and to get those individuals through a very difficult situation.

A key function of a modern military force is the ability to document and evidence sensitive operations in a highly complex and challenging battlespace. We expect a relentless pursuit of excellence from all our armed forces, and particularly from the specialist units involved

in these allegations. If we are to manufacture the political space to introduce increased legal protection for our armed forces, I am conscious that we must demonstrate the ability to hold our people firmly to account, which has not always been the case.

I hope that tonight the House and the country will have noted my determination to get this right. Those who break the law must and will be held to account where the evidence exists—that evidential point is paramount—and we cannot do so without evidence that breaches the threshold required for prosecution. I am equally firm, however, that this Government will simply not allow our legal processes to be exploited in an attempt to hound servicemen and women or to rewrite history. Most fair-minded men and women in this country understand that war is a supremely chaotic, dangerous, frightening and confused environment. This is not a cover for criminal behaviour; it is a tribute to the incredible standards and sacrifices of our armed forces, to which I again pay tribute tonight. Uniform is no place for those who cannot operate within the boundaries we ask them to, and we find that that view is most strongly shared by those who make up that community.

Question put and agreed to.

10.2 pm

House adjourned.

Written Statements

Tuesday 7 January 2020

CABINET OFFICE

New Year Honours List

The Minister for the Cabinet Office and Paymaster General (Oliver Dowden): On Friday 27 December 2019 at 22:30, the Cabinet Office published the New Year Honours List 2020 on www.gov.uk. As part of this publication a version of the honours list was published online which contained address details of the 1,097 recipients. This was done in error. The document was accessible for approximately 40 minutes, and was available to those who had already accessed the information for a further 150 minutes via the original web link.

This incident was a result of human error. The Honours and Appointments Secretariat is responsible for managing and publishing the Honours lists. The New Year 2020 honours round was the first to use a new IT system from which a report was downloaded to create a file for publication.

The sensitivities around address data had been identified as a risk and previous versions of the file prepared for publication had not included address data. As part of the final checking process, further amendments were made to the file and a version of the file, including address data, was mistakenly sent for publication.

The team was made aware of the error at 23:00 on 27 December and the link was removed from the Cabinet Office web page within 10 minutes. It took a further 150 minutes to close the link to the document and remove the page altogether. In this intervening period those who opened the link or had the web page address could still open the document.

The immediate concern following the publication of this information was to ensure that there was no increased risk to any individuals and that their security was being appropriately managed. The Cabinet Office worked with the police and relevant authorities to identify any potentially high risk cases and put in place any necessary actions. Over 48 hours, the Department made contact with all affected individuals to inform them of what had taken place, provide contact details and to apologise for this incident. Chief Constables were briefed through the National Police Chiefs' Council, and local forces made assessments for all recipients.

The Department has worked with the relevant organisations to ascertain the extent of the access to the data. We have no evidence that data has been exploited by a third party, or shared more widely though we continue to be vigilant.

The Government have been informed by the police and other agencies that there is no information to suggest an increased risk in relation to any persons as a result of this data breach. This is not to underestimate the concern this incident may have caused for individuals. On behalf of the Cabinet Office I apologise unreservedly for any distress or inconvenience caused.

Appropriate management action will be taken in response to this incident. Changes have already been made to ensure the relevant IT system generates reports containing only data that is suitable for publication, removing the scope for further human error. I have also instructed the Government Digital Service to improve their processes to ensure all access to data can be removed much more rapidly when required.

The Department reported the matter to the Information Commissioner on Saturday 28 December 2019 and will co-operate fully with its on-going inquiries. In addition, I am announcing today an independent review of data handling practices within the Cabinet Office. This review will focus on process, culture, policy and practice within the Department. It will establish whether appropriate controls are in place around the storage, sharing and deletion of personal data, including learning lessons from this case. More information on this review will be published shortly.

[HCWS21]

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

National Living Wage and National Minimum Wage

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kelly Tolhurst): I am writing to inform the House that the Government are pleased to accept all of the Low Pay Commission's recommendations for the new national living wage and national minimum wage rates, which will come into force in April 2020.

The Low Pay Commission is an internationally renowned independent and expert body which conducts extensive analysis and stakeholder research to make its recommendations.

The Low Pay Commission has recommended that:

The national living wage (for workers aged 25 and over) should increase from £8.21 to £8.72;

The rate for 21 to 24-year-olds should increase from £7.70 to £8.20;

The rate for 18 to 20-year-olds should increase from £6.15 to £6.45;

The rate for 16 to 17-year-olds should increase from £4.35 to £4.55; and

The apprentice rate (for apprentices aged under 19 or in the first year of their apprenticeship) should increase from £3.90 to £4.15.

The Low Pay Commission has also recommended that the accommodation offset increases from the current rate of £7.55 to £8.20 from 1 April 2020.

We welcome the Low Pay Commission's recommendation of an increase to the national living wage rate such that it meets the Government's objective of reaching 60% of median earnings by 2020.

The new national living wage rate of £8.72 will be the highest ever UK minimum wage and benefit over two million workers. From April 2020, a full-time worker on the national living wage will see their earnings increase by nearly £4,000 over the course of the year, compared to when the national living wage was introduced. This increase in the national living wage is the first step in

meeting our commitment to raise the NLW to two-thirds of median earnings, provided economic conditions allow, within the next five years.

The Low Pay Commission's recommendations for increasing the national minimum wage youth rates, by between 4.6% and 6.5%, are well ahead of forecast inflation.

These increases are due to come into effect from 1 April 2020, subject to parliamentary approval. The Government intend to lay implementing regulations before Parliament in due course.

A copy of the response will be available from the BEIS website at: www.beis.gov.uk.

[HCWS20]

Energy Emergencies Executive Committee Report

The Secretary of State for Business, Energy and Industrial Strategy (Andrea Leadson): On Friday 9 August 2019, over 1 million customers were affected by a major power disruption that occurred across England and Wales and some parts of Scotland. The power outage was due to the loss of a mix of generation including a gas-fired power station and an offshore wind farm.

Though the power disruption itself was relatively short-lived—all customers were restored within 45 minutes—the knock-on impacts to other services were significant. This is especially true for rail services which experienced major delays that extended into Sunday 11 August. The wider disruptions were caused by automatic safety systems under the control of individual service providers, which reacted to frequency and voltage fluctuations, or problems with their back-up power supplies.

Given the severity of the incident, I commissioned the Energy Emergencies Executive Committee (E3C) to conduct a review to identify lessons learnt and put in place a robust action plan to improve the reliability and integrity of our power network. The committee's final report was published on Friday 3 January. This follows the publication of its interim report on 4 October. The final report sets out 10 clear actions and these will be implemented in full, to help prevent and manage future power disruption events.

Alongside the E3C report, Ofgem also published the conclusions of its own investigations into the incident. This set out a series of cross-industry actions for maintaining the resilience of the electricity system, as well as announcing voluntary payments totalling £10.5 million for companies involved in the power outages.

GB power disruption: E3C lessons learnt and actions

Following a lightning strike on an overhead transmission line, there was a near simultaneous generation loss at two transmission-connection generators; and a significant number of smaller embedded generators connected to the distribution network.

The two transmission-connected generators experienced technical issues near-simultaneously. Both generators have acknowledged the role they played in the incident and since implemented technical fixes to ensure that their systems can withstand similar incidents in the future. The E3C will share the lessons identified with generators across the UK.

The loss of smaller embedded generation on the day was greater than expected. The E3C report sets out a series of actions to assess the need for improvements to the governance, monitoring and enforcement processes for large and smaller generators.

On 9 August, the cumulative loss of generation exceeded the amount of back-up generation on hold. This triggered the first stage, a demand disconnection protection system, which is the last line of defence when the system is out of balance. This resulted in over 1 million customers being disconnected from the network.

Given the events on 9 August, the E3C report recommends a review of how much back-up generation the electricity system operator should be required to hold. As this is funded through consumer bills, the review will include a cost benefit analysis of increasing the amount of reserves.

Although the demand disconnection protection system worked broadly as intended, the review identified some discrepancies in its operation; therefore, the report recommends further analysis of the schemes performance in order to develop options for short and long-term improvements. This includes considering whether distribution network operators should afford particular types of customers any form of protection, especially during the early stages of an incident.

In addition to the direct impacts of customers being disconnected from the electricity network, wider disruptions on the day were caused by the automatic safety systems owned and operated by individual service providers reacting unexpectedly to the frequency and voltage fluctuations on the electricity network; or problems with their own back-up power supplies.

The E3C will consider what more can be done to support essential services owners and operators with advice and guidance to put in place more robust business continuity plans.

Effective communication is a vital part of any emergency response. Unfortunately, industry communications on the day fell below the standard expected, with infrequent and disjointed updates to the general public.

The E3C will develop and roll out new communications processes to ensure the general public receives regular updates during any future disruptions. There will also be a review of operational protocols to make sure they are fit for purpose.

Where appropriate, the E3C and Ofgem reports contain jointly agreed actions and recommendations. The E3C will take the actions set out both reports to drive forward changes across the sector. The committee will provide quarterly updates to my Department and Ofgem.

The UK leads the world by working to eradicate its contribution to climate change by 2050. The actions I have outlined here today will form part of a wider package of work already under way across government and industry to ensure the UK's energy system remains resilient as we transition to clean and affordable energy.

[HCWS19]

HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

Departmental Update

The Secretary of State for Housing, Communities and Local Government (Robert Jenrick):

Troubled Families allocations

On 5 January I announced up to £165 million of new funding for the Troubled Families Programme for 2020-21. This funding will provide intensive support for some of the most vulnerable families and place the programme on a stable footing for the future. It will help more families to get early, practical and co-ordinated support to transform their lives for the better, with key workers working with the whole family to address their needs holistically rather than responding to each problem, or single family member separately.

This funding will also help local authorities and their partners to work together to reduce demand and dependency on costly, reactive key public services. The latest evaluation results show that as a result of the Troubled Families Programme, two years after joining there were a third fewer children going into care, a quarter fewer adults going to prison, 15% fewer juvenile convictions and 11% fewer claiming job seekers allowance.

Pets in privately rented accommodation

As part of the steps the Government are taking to secure a better deal for renters, I have called on landlords to make it easier for responsible tenants to have well behaved pets in their homes while recognising landlords' rights to protect their properties from damage. Pets bring a huge amount of joy and comfort to people's lives, but some families cannot experience this because they rent their homes privately. We will publish a revised model tenancy agreement shortly, which can be used as the basis of lease agreements, to remove restrictions on responsible tenants with wellbehaved pets.

Rogue landlord enforcement

I have awarded more than 100 councils across England a share of over £4 million to crack down on criminal landlords and letting agents through the Private Rented Sector Innovation and Enforcement Grant Fund. This builds on £2.4 million awarded in January 2019 and will continue the Government's ongoing work to make the private rented sector fairer and stamp out criminal practices for good. Most landlords provide decent homes for their tenants, but a small minority persist in breaking the law, making tenants' lives a misery by offering inadequate or unsafe housing. The grants support a range of projects to enable councils to make the best use of their enforcement powers and include trialling innovative ideas, sharing best practice and targeted enforcement where we know landlords shirk their responsibilities. The Government are committed to helping good landlords to thrive, and ensuring that hard-working tenants across the country get the homes they deserve—creating a housing market that works for everyone.

High Streets package

At the heart of this new Government's mission is a commitment to supporting places and communities that have been overlooked and undervalued for far too long. We will make an immediate start on levelling up across the regions and I am reorganising my Department to relentlessly focus on these places so that we can

deliver real change for communities through our £3.6 billion Towns Fund, announced by the Prime Minister in July 2019. It will support an initial 100 town deals across England and includes £1 billion for the Future High Streets Fund.

The Future High Streets Fund aims to renew and reshape town centres in a way that improves experience, drives growth and ensures future sustainability. Last week we released over £1 million of additional funding, on top of £13.5 million already invested in local authorities, to further support places developing detailed business cases of their original proposals.

In addition to this funding I also announced that the High Streets Task Force, established to provide hands-on support to local areas, will be piloting interventions, products and services in 20 places in early 2020 before rolling out expert, training and data offer across the country later in the year. The places benefiting from being part of this pilot will be a mixture of local authorities, business improvement districts and community groups. The taskforce is also holding an open recruitment for a board chair to provide expert leadership to this programme.

My Department has also launched a survey to consult on the proposed register of empty commercial properties, to improve transparency of ownership on the high street and make it easier for businesses or community groups to make use of vacant commercial properties and identify landlords. The consultation exercise will remain open until 9 February 2020, after which we will consider responses and decide how to proceed.

Cold Weather Fund

This Government are committed to tackling homelessness and rough sleeping within the term of this Parliament. To this end, on 23 December I announced the allocation of £263 million in funding to local authorities designed to support the delivery of services to tackle homelessness. This is an increase in overall funding for local authority homelessness services of £23 million on the previous financial year.

My Department is also funding many additional rough sleeping services across the country this winter through our £10 million cold weather fund. In recognition of the level of interest in the fund we have announced a further £3 million available to all local authorities in England. This will enable us to build on the successes of the fund so far by increasing outreach work further and extending winter shelter provision to support rough sleepers off the streets this winter. These announcements underline our commitment to tackling homelessness and rough sleeping and will ensure local authorities are given the resource they need to make this a reality in local areas.

Housing First

My Department announced recently that 200 people have so far been housed through the Housing First pilot, underway since 2018 in Greater Manchester combined authority, Liverpool city region and west midlands combined authority areas. The Housing First approach offers permanent affordable housing to rough sleepers with multiple complex needs as well as wraparound support to ensure that they are able to maintain their tenancies and provide the support that they need to recover from mental health issues, substance misuse and the physical effects of living on the streets.

Community pubs

On 22 December I announced a £1.15 million fund that will assist an estimated 100 communities to either own their local pub or benefit from new, pub-based community services and facilities. This funding will also create valuable new jobs and volunteering opportunities. Pubs run by the community and for the community help bring people closer together. Importantly, they are a space for older, vulnerable and more isolated residents to access important local services and feel part of their communities.

The £1.15 million fund will support pubs through two key programmes. £650,000 will be allocated to the second “More than a Pub” programme. More than a pub provides small grants and specialist advice for

community groups at the start of their journey to community ownership. It also supports groups later in the process who require specialist professional advice with larger grants and loans to help with business planning, conveyancing, architectural help or financial advice.

Five hundred thousand pounds will be allocated to “Pub is the Hub” to enable a range of projects providing new, pub-based community services from post offices and shops to libraries and allotments. This will increase the services available in rural and remote communities and help sustain pubs as community assets and businesses.

[HCWS22]

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