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8 January 2020**

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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Wednesday 8 January 2020

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The House met at half-past Eleven o'clock

PRAYERS

[Mr Speaker in the Chair]

Speaker's Statement

Mr Speaker: I remind Members that voting in the election for the Deputy Speakers is taking place today in Committee Room 8 until 1.30 pm. May I also remind Members that the private Members' Bill ballot book is open in the No Lobby until the rise of the House? The book will be available for Members to sign in the No Lobby until 6 pm, 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 draw will be held at 9 am tomorrow in the Wilson Room.

Oral Answers to Questions

SCOTLAND

The Secretary of State was asked—

Fiscal Framework Agreement

1. **Greg Hands** (Chelsea and Fulham) (Con): What recent assessment he has made of the effectiveness of the 2016 fiscal framework agreement between the Government and the Scottish Government. [900085]

The Secretary of State for Scotland (Mr Alister Jack): I welcome you to your new role, Mr Speaker, and give you my very best wishes for 2020.

The UK Government continue to work closely with the Scottish Government to implement the fiscal framework agreed in February 2016. I pay tribute to my right hon. Friend the Member for Chelsea and Fulham (Greg Hands), who played his part in that agreement. A review of the arrangements is due in 2021.

Greg Hands: I also welcome you to your position, Mr Speaker, and the new Secretary of State to his. One of the interesting features of the negotiations was that the venue alternated between London and Edinburgh, which might be an idea for other negotiations that are about to start. The fiscal framework, combined with the Scotland Act 2016, helped create possibly the most powerful devolved Parliament anywhere in the world. Could the Secretary of State tell us, however, what the consequences of fiscal devolution have been for Scottish taxpayers?

Mr Jack: My right hon. Friend is absolutely right: the Scottish Parliament is the most powerful devolved Parliament in the world, and with those tax powers it is much more accountable than was previously the case. However, I regret its decision to make Scotland the most highly taxed part of the United Kingdom.

Tony Lloyd (Rochdale) (Lab): May I also welcome you to the Chair, Mr Speaker, and the Secretary of State and the Minister to their positions?

The 2016 framework was established before we knew what the impact of Brexit would be. The world has changed. Consideration will now have to be given to what powers pass from Brussels not just to Whitehall and Westminster but to Holyrood. This gives the Secretary of State an opportunity to reach out, cross-party, and to establish a proper future framework on what powers should rightly be with the Scottish Parliament and Government. He also has to take responsibility for ensuring that a financial package goes with those new powers.

Mr Jack: In the spending round, there is an extra £1.2 billion for Scotland. That is quite clear. Discussions on frameworks are ongoing and are proving to be successful. Not a single power is being taken away from the Scottish Parliament as we come out of the European Union. If anyone can think of one, they should write and tell me because, on the contrary, the Scottish Parliament will have more powers after we leave the European Union.

Fishing

2. **Gillian Keegan** (Chichester) (Con): What steps he is taking to support the Scottish fishing industry. [900086]

The Parliamentary Under-Secretary of State for Scotland (Douglas Ross): This is my first opportunity to say what a privilege it is to have been re-elected as the Member of Parliament for Moray, representing my home area, and to now work in the Scotland Office. May I also wish you a very happy new year, Mr Speaker? As we say in Scotland, lang may yer lum reek.

Leaving the European Union will afford the fishing industry in Scotland, and across the United Kingdom, many opportunities. We will no longer be shackled to the common fisheries policy, and we will control who catches what, where and when in our waters. This Government will work tirelessly to that aim with our fishermen and coastal communities across Scotland.

Gillian Keegan: I thank my hon. Friend for that answer. It is fantastic to see him in his place and I congratulate him on his new role. Scotland has a proud history of fishing the finest seafood, and the same is true of local fishermen in Selsey in my constituency. There is great concern, however, that the next generation are not entering the industry, and the situation is made more urgent given the growth we expect in UK fishing once we leave the EU. What discussions has my hon. Friend had with colleagues to develop an industry pipeline for future fishermen and women?

Douglas Ross: I accept that for many years, the fishing industry has not offered attractive job opportunities for young people in Scotland or across the UK. I strongly believe that when we leave the European Union, there is a bright future for this industry. I hope that that will encourage more people to look to fishing as an area where they can have a successful career. My hon. Friend has been a great champion for the fishing industry in Selsey, and I know that she will continue to promote her constituency and its strong links with the fishing industry during this Parliament.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): When the Minister was a Back Bencher, he understood full well the need for non-European economic area crews to come into Scottish waters, particularly on the west coast. What will he and his Front-Bench colleagues do to make sure that can happen? Or will they demonstrate their powerlessness, ensuring that nothing happens, as has been the case for years?

Douglas Ross: To prove what will happen, I encourage the hon. Gentleman to wait for question 8 from the hon. Member for Strangford (Jim Shannon), which is about exactly that. I will answer that point then, and I hope that the hon. Member for Na h-Eileanan an Iar (Angus Brendan MacNeil) will be encouraged by the response.

“Scotland’s Right to Choose”

3. **Chris Law** (Dundee West) (SNP): What assessment he has made of the implications for his policies of the Scottish Government’s publication entitled “Scotland’s Right to Choose”. [900087]

6. **Drew Hendry** (Inverness, Nairn, Badenoch and Strathspey) (SNP): What assessment he has made of the implications for his policies of the Scottish Government’s publication entitled “Scotland’s Right to Choose”. [900091]

7. **Amy Callaghan** (East Dunbartonshire) (SNP): What assessment he has made of the implications for his policies of the Scottish Government’s publication entitled “Scotland’s Right to Choose”. [900092]

9. **Neil Gray** (Airdrie and Shotts) (SNP): What assessment he has made of the implications for his policies of the Scottish Government’s publication entitled “Scotland’s Right to Choose”. [900095]

13. **Kirsty Blackman** (Aberdeen North) (SNP): What assessment he has made of the implications for his policies of the Scottish Government’s publication entitled “Scotland’s Right to Choose”. [900099]

The Secretary of State for Scotland (Mr Alister Jack): I will answer these questions together. There is no independence of thought in the questions.

The Prime Minister has received the First Minister’s correspondence, which contains the Scottish Government publication, and he will respond in due course.

Chris Law: The Secretary of State repeatedly said to the people of Scotland during the general election campaign that every vote for the Conservatives is a vote to “say no to indyref2”. That went well for them, didn’t it? It saw them lose over half their seats and left them with barely a rump of MPs. Will the Secretary of State now listen to the people of Scotland, as reflected by the 80% of seats won by the SNP, and support their expressed democratic will to choose their own future?

Mr Jack: Some 45% of Scots voted for the SNP in the 2019 election, and 45% of Scots voted for independence in 2014. The numbers simply have not changed. Further, in 2014 the independence referendum came on the back of something called the Edinburgh agreement, which

was signed by Alex Salmond and Nicola Sturgeon, the then deputy leader. The Edinburgh agreement stated that both parties would respect the outcome of the referendum, and that has not happened.

Drew Hendry: A good new year to you, Mr Speaker. The Scottish Secretary has anticipated that the Scottish Parliament will refuse legislative consent for the European Union (Withdrawal Agreement) Bill. He said:

“that’s something we understand and respect because their position is that they don’t support Brexit.”

When consent is refused today, how will the UK Government demonstrate that respect?

Mr Jack: What we are respecting is the democratic outcome of referendums, which the SNP does not respect. The referendum in 2016 was a United Kingdom referendum, and we voted to leave the European Union. We are respecting that. Under the Sewel convention, we have provision for what is known as “not normal”. This is a constitutional matter. Constitutional matters are reserved, and they are not normally under the remit of the Scottish Parliament. We are delivering what the 2016 referendum requested us to deliver.

Amy Callaghan: This Tory Government are claiming that their 43% of the vote in the last general election provides them with an overwhelming mandate to implement Brexit. Can the Secretary of State therefore explain the absolutely blinding contradiction of his own position when he says that the 45% vote for the SNP, providing 80% of Scottish seats in this very House, does not equate to a mandate for the people of Scotland to choose our own future?

Mr Jack: It was a referendum three years ago. We are speaking for the majority of Scots. The majority of voters voted in 2016 to leave the European Union. We are respecting that decision, whereas the SNP is not respecting it and wants to tear up the United Kingdom.

Neil Gray: The Secretary of State’s performance thus far highlights just how untenable the Government’s position is on this matter. He has completely failed to answer my colleagues’ questions, so I remind him that his party enjoys 43% of the vote to deliver Brexit yet denies the SNP, with its 45% of the vote in Scotland, its right to give the people of Scotland their say. What is his democratic case for denying the people of Scotland their right to choose their own future?

Mr Jack: The First Minister has asked for the right to set and decide the context for future referendums. We are very clear that constitutional matters are reserved. It would be completely wrong for us to hand over those powers to the Scottish Parliament because we would end up with a series of neverendums, which would be bad for the Scottish economy and bad for Scottish jobs. It would reduce tax income and therefore damage already failing public services.

Kirsty Blackman: The UK Government have ignored Scottish people’s voices and votes in every election and referendum since 2016, careering on with both Brexit and austerity. What precise electoral event would convince the Secretary of State that Scotland’s people should have the right to choose their own future?

Mr Jack: First, on austerity, the Scottish Government's own independence figures show that there would be a £12.6 billion hole in the Scottish finances, which would mean real austerity. On when the time will be right, both Nicola Sturgeon and Alex Salmond said at the time of the referendum that it was a once-in-a-generation, once-in-a-lifetime decision. I do not feel that either a generation or a lifetime has passed.

David Mundell (Dumfriesshire, Clydesdale and Tweeddale) (Con): I welcome my right hon. Friend the Secretary of State and my hon. Friend the Minister to the Dispatch Box.

Does my right hon. Friend agree that this document is just another expensive and time-wasting stunt by Nicola Sturgeon and the SNP? The people of Scotland chose decisively in 2014 to remain in the United Kingdom, and it is time that Nicola Sturgeon and the SNP accepted that and moved on.

Mr Jack: May I start by thanking my predecessor for his four years as Secretary of State for Scotland and, prior to that, five years as Under-Secretary and four years as a shadow spokesman? In all, he spent 13 years as a spokesman on Scottish affairs in this House, and I think the last person to do so for that length of time was Willie Ross under Harold Wilson. I thank him for all the hard work and service he has given to the people of Scotland.

It is quite clear that the Scottish Government constantly harp on about independence and separation because they want to deflect from the main issue, which is that they are failing on our school standards and failing our NHS.

John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): I welcome the new ministerial team to the Scotland Office. In Scotland, education standards are falling and the NHS is failing patients with missed waiting-time targets. Does the Secretary of State share my embarrassment that the First Minister of Scotland, rather than sorting out these important issues, is obsessing with independence?

Mr Jack: Yes.

Stephen Crabb (Preseli Pembrokeshire) (Con): Does my right hon. Friend agree that the SNP has every right to continue making the case for independence, and to do so with passion and force, but that what it does not have the right to do is to keep dragging the people of Scotland and Scottish businesses around the same mountain time and time again to try to get the answer it did not get the first time?

Mr Jack: My right hon. Friend makes a good point. What Scotland needs now is a period of peace and tranquillity, not division and rancour. We need to take the opportunities that Brexit will bring us, not least on the common fisheries policy and other great trade deals, and make 2020 a year of optimism and growth.

Rachel Maclean (Redditch) (Con): The NHS is a precious asset that is just as important to people in Scotland as it is to my constituents in Redditch. Does my right hon. Friend agree that the Scottish Government's obsessive attraction to independence detracts from their

focus on the NHS? They should focus first on the people of Scotland who are missing the 12-week treatment target, which the Scottish Government have never met.

Mr Jack: Yes, my hon. Friend makes a good point. Today's *The Herald* highlights the fact that accident and emergency waiting times have deteriorated in Scotland to a record low, with record numbers of patients now waiting more than 12 hours to be treated.

Block Grant

4. **Mel Stride** (Central Devon) (Con): What recent discussions he has had with the Scottish Government on the block grant. [900088]

The Parliamentary Under-Secretary of State for Scotland (Douglas Ross): Ministers and officials have regular discussions with the Scottish Government on many issues, including the block grant. The latest spending round gave the biggest funding settlement for the Scottish Government in a decade, with an extra £1.2 billion to help grow the economy and invest in our vital public services across Scotland.

Mel Stride: Will my hon. Friend reassure the House that, at the upcoming Budget, Scotland will receive its fair share of funding through the Barnett formula and, further, that the commitments made by the previous Government on the eight city and regional deals will be honoured in full?

Douglas Ross: I can reassure my right hon. Friend that Scotland will receive fair funding thanks to the block grant and the Barnett formula, and that will continue. On city and growth deals, we are already investing £1.4 billion across Scotland and we are committed to a deal in every part of the country, including in my own area of Moray, where we agreed to £32.5 million from the UK Government matched by the Scottish Government, making this the highest funded growth deal per head of population anywhere in the country. That is a sign to constituents across Scotland of what Scotland's two Governments can do when they work together.

Mhairi Black (Paisley and Renfrewshire South) (SNP): First, I want to commend the work that my hon. Friend the Member for Edinburgh East (Tommy Sheppard) did in this role before me. He did a sterling job and could not have set a better example. Yesterday, my colleagues asked the Chancellor for an explanation as to why the UK is delaying its Budget until 11 March, despite the fact that the Scottish Government must pass their budget by 1 April and that 11 March is the legal deadline by which Scottish councils must set their budgets and their council tax levels. No explanation was given yesterday and I doubt I will get one now, so instead I want to ask: if and when did the Secretary of State raise this issue with the Cabinet? If he did raise it, what answers was he given?

Douglas Ross: Let me begin by welcoming the hon. Lady to her position as shadow Secretary of State for Scotland, following the reshuffle by the Scottish National party recently, and by paying tribute to the hon. Member for Edinburgh East for the work he did in that role

previously to her. The Chancellor made it clear to the new SNP shadow Chancellor that there is nothing to prevent the Scottish Government from setting their budget ahead of the UK Government setting theirs, and the UK Government have already shared estimates of tax and welfare block grant adjustments, based on the latest Office for Budget Responsibility forecasts in December, to aid the Scottish Government in these preparations.

Mhairi Black: It is ridiculous for the Scottish Parliament to be expected to know what money it is going to be getting, given that the UK Government have not told it yet; I am very quickly realising why many believe that this Department is utterly obsolete. Scotland is needing to wait on this place getting its act together and to wait for permission to be told what we can spend money on. Will the Minister at least concede that none of this would be happening if Scotland instead had the full fiscal powers of an independent and competent nation, in order to let us get on with the job properly?

Douglas Ross: The hon. Lady is asking for “us” to be allowed to get on with the job, but the “us” is the SNP Scottish Government in Holyrood, who are letting down our health service and education service, and overseeing cuts to local government, which are affecting every local authority in Scotland. Perhaps this is not about the amount of money that Scotland gets from this UK Government, which is the highest level in a decade, but about the way it is spent—or, in many cases, misspent—by the Scottish Government in Holyrood.

Tony Lloyd (Rochdale) (Lab): Those answers are simply not good enough. The Scottish Government in Holyrood and the Scottish local authorities are entitled to know what the block grant is so that they can plan their future. Anybody who has tried to set a budget dependent on UK central Government funding knows that delay in this makes it almost impossible to manage. When will the Scottish Government be given certainty about what that block grant is, so that they can begin to plan their future?

Douglas Ross: I hope that some certainty was given by the Chancellor of the Exchequer yesterday, when he gave the commitment and the understanding that there is nothing to prevent the Scottish Parliament from passing a budget before the UK Parliament does. We shared the estimates on tax and the welfare block grant with the Scottish Government in December last year, and we will continue to engage with them going forward.

Tony Lloyd: Again, it is simply not good enough. Not only can the Scottish Government not set a budget, but Scottish councils cannot. That affects non-governmental organisations, businesses and services. What the Minister is doing is a measure of incompetence. When will the Secretary of State say to the Chancellor that he has to do more? There must be certainty; we cannot wait till March.

Douglas Ross: As the Chancellor of the Exchequer takes his seat, I am sure he is listening to these discussions, and he answered the points made by the SNP representative yesterday. Before I first entered this place, I was a local councillor for 10 years on Moray Council, so I know the council's important role in setting its budget. In recent years, that has been made more difficult by the

greater cuts the council has received from the SNP Scottish Government in Holyrood, which are affecting local services in Moray and throughout Scotland.

Growth Deal

5. **Mark Logan (Bolton North East) (Con):** What steps he is taking to ensure that all parts of Scotland benefit from a growth deal. [900089]

The Secretary of State for Scotland (Mr Alister Jack): To date, the UK Government have committed over £1.4 billion in Scotland through the city region and growth deal programme, which will be rolled out to all the other regions of Scotland very shortly.

Mark Logan: I fully support our Government's ambitious plans to make sure that every part of Scotland benefits from a growth deal. Does the Secretary of State agree that the £1.4 billion that the UK Government have already invested in city and growth deals is another fine example of how Scotland benefits from being in a strong United Kingdom?

Mr Jack: I do agree, and that is just one example of how Scotland benefits from being in a strong United Kingdom. Another example is the Union dividend, which is worth more than £2,000 per annum to every man, woman and child in Scotland. I should add that the Prime Minister has announced a further £300 million to complete the growth deals throughout all the regions of Scotland, as well as Wales and Northern Ireland. In October, I was pleased to announce the quantum for Argyll and Bute, and I shall soon announce the quantum for both Falkirk and the islands.

Ian Murray (Edinburgh South) (Lab): I congratulate the Secretary of State on his being reappointed to the Cabinet.

Growth deals are of course important, but have the Government had any conversations with the Scottish Government on how the latter plan to plug their 8% fiscal deficit to meet the European Union's 3% fiscal deficit rule so that they could enter the European Union in the event of there being an independent Scotland?

Mr Jack: The hon Gentleman makes a good point. Were separation to happen, for an independent Scotland to join the European Union, under the Maastricht criteria its fiscal deficit would have to be 3% of GDP or less. That simply is not the case—Scotland's fiscal deficit currently runs at more than 7%—so as things stand the economics are pure fantasy.

John Stevenson (Carlisle) (Con): The borderlands growth initiative has proven to be very popular in the borderlands region, and the initiatives in it will be implemented in the next year or two. [Interruption.] Will the Secretary of State commit to a second growth deal for the borderlands?

Mr Jack: My hon. Friend will not be surprised that I missed the end of his question because our Prime Minister was being cheered by colleagues. I think that my hon. Friend asked me to commit to the delivery of the borderlands growth deal. We have announced the quantum and we will have the heads of terms very soon.

Hannah Bardell (Livingston) (SNP): Will the Secretary of State put to one side his fluffy rhetoric and answer this? When he considers the regional growth deal for Edinburgh and the Lothians, will he look into the mess that his Government have made in respect of the closure of Her Majesty's Revenue and Customs office in Livingston and the move to Edinburgh? Will he do as his predecessor did and come to Livingston and West Lothian, speak to my constituents, the workers, the unions and the elected representatives, and look into what can be done to fill the gap and sort out the mess made by his Government?

Mr Jack: I am happy to speak to the hon. Lady outside the Chamber about her concerns.

Mr Alistair Carmichael (Orkney and Shetland) (LD): On the subject of the quantum for the islands' deal, to which the Secretary of State has already referred, will he confirm that he will pursue with the Treasury a basis that is different from the per capita funding of other deals, because otherwise the deal for the islands will never be a meaningful one?

Mr Jack: The right hon. Gentleman raises a very good point. Previously, these deals have been done on a per capita basis, but we recognise that the islands is a huge geographical area and that per capita would bring a very low outcome. We are in discussions with the Treasury about raising the quantum.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [900070] Andrew Lewer (Northampton South) (Con): If he will list his official engagements for Wednesday 8 January.

The Prime Minister (Boris Johnson): I should begin by saying that, of course, we condemn the attack on Iraqi military bases hosting coalition forces. Iran should not repeat these reckless and dangerous attacks, but must instead pursue urgent de-escalation.

I know that the thoughts of the House are also with our friends in Australia, as they tackle the bushfires, and with the families of those killed in the Ukrainian air crash.

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

Andrew Lewer: Motor neurone disease is a terrible terminal illness, with a third of people dying within a year and more than half within two years of diagnosis. The last thing that terminally ill people and their families should be worrying about are their finances. The Scrap 6 Months campaign by the Motor Neurone Disease Association, which is based in my constituency of Northampton, South, has managed to bring the important issue of payments to those with terminal illnesses to the fore. I welcome the Department for Work and Pensions review of the special rules for terminal illness announced last July, but may I ask the Prime Minister to join me in pressing the DWP to complete its review and to scrap six months?

The Prime Minister: I pay tribute to my hon. Friend for the work that he is doing for those suffering from motor neurone disease, which is indeed a terrible illness. We are doing everything that we can to ensure that the welfare system works for sufferers of that illness. That is why the Department for Work and Pensions is indeed looking at how it can change the way that we help people nearing the end of their life with the most severe conditions, including motor neurone disease. I am sure that my right hon. Friend the Secretary of State for Work and Pensions will be only too happy to meet my hon. Friend at the earliest opportunity.

Jeremy Corbyn (Islington North) (Lab): I wish to start by paying tribute to Andrew Miller, the former Member for Ellesmere Port and Neston, who sadly died on Christmas eve. He is a sad loss to this place. He spent more than 20 years here, was an expert on science and technology, and made an enormous contribution to this House. Our thoughts are with his family and friends. He is deeply mourned by Labour Members because of the great contribution that he made.

I join the Prime Minister in sending sympathy and support to our friends in Australia, where the fires have claimed the lives of more than 20 people. Along with the loss of human life, hundreds of millions of animals have also been destroyed as a result of the fires. This is a warning about global warming and what it does to us all, and we must take the threat of climate change very seriously.

I also join the Prime Minister in sending our thoughts to the friends and families of those who sadly died in the Ukrainian plane that crashed in Tehran last night.

Following last night's attack on the United States bases in Iraq, will the Prime Minister confirm that, in this situation, he opposes any further retaliation or escalation in violence, as the region is at real risk of going into a full-scale war?

The Prime Minister: Of course I can confirm that. Let me point out to the right hon. Gentleman that the United Kingdom has been working solidly since the crisis began to bring together our European allies in particular in their response. The House will have noted the E3 declaration that was issued by France, Germany and the United Kingdom, in which we drew particular attention to the baleful role played in the region for a very long time by Qasem Soleimani. That is a collective European view, but it is a view that does not yet appear to be shared by the right hon. Gentleman. I have been interested that, in all his commentary, he has not yet raised that matter.

Jeremy Corbyn: Following the Government's support for the United States over the assassination of General Soleimani, is the Prime Minister confident that United Kingdom troops and civilians are not at further risk in the region and beyond?

The Prime Minister: That is an important question. I can confirm that, as far as we can tell, no casualties were sustained last night by the US and no British personnel were injured in the attacks. We are of course doing everything we can to protect UK interests in the region, with HMS Defender and HMS Montrose operating in an enhanced state of readiness to protect shipping in

the Gulf. As the House heard yesterday from my right hon. Friend the Secretary of State for Defence, we have relocated non-essential personnel from Baghdad to Taji, and we will do everything we can to prevent an escalation.

Jeremy Corbyn: The Government have said that they are sympathetic to the assassination of General Soleimani. What evidence has the Prime Minister got to suggest that this attack on General Soleimani, and his death, was not an illegal act by the United States?

The Prime Minister: Clearly, the strict issue of legality is not for the UK to determine, since it was not our operation. I think that most reasonable people would accept that the United States has a right to protect its bases and its personnel. I remind the House that the individual concerned—General Qasem Soleimani—was, among other things, responsible over many years for arming the Houthis with missiles with which they attacked innocent civilians; arming Hezbollah with missiles, which again they used to attack innocent civilians; sustaining the Assad regime in Syria, which is one of the most brutal and barbaric regimes in the world; and, of course, supplying improvised explosive devices to terrorists who, I am afraid, killed and maimed British troops. That man had the blood of British troops on his hands.

Jeremy Corbyn: If we stand by international law, as I am sure the Government do and would want to, surely killing somebody in a foreign territory is an illegal act and should be condemned as such. If we believe in international law, it should be the solution to the problems in the world. As a permanent member of the United Nations Security Council, could the Government say what representations have been made to ensure that the Iranian officials who want to attend the Security Council to try to bring about a resolution to the very dangerous situation in the region will be allowed to attend? In the event of the US Administration blocking them, what representations will the Prime Minister personally make to President Trump to ensure that the UN can operate in the way in which it should and must be able to?

The Prime Minister: The right hon. Gentleman is probably well aware that the United States has a duty under international law to allow people to visit the UN, and that is indeed the position that the UK supports.

Jeremy Corbyn: The Iraqi Parliament passed a resolution calling for foreign troops to leave its country. Can the Prime Minister confirm that the British Government will respect any decision made by a sovereign Parliament and Government in Iraq that may make such a request in the future and will respect the sovereignty of Iraq as a nation?

The Prime Minister: As the House can imagine, I have spoken extensively to our friends around the world, including our friends in Baghdad and Prime Minister Abdul-Mahdi, who, like many people in Iraq, has come to rely and depend on the support of coalition forces, not least from the UK. As the right hon. Gentleman will know, there is a very significant NATO mission in Iraq at the moment, helping in the fight against Daesh. It is my wish and the wish of this Government—and it

should be the wish of this House—that we do everything we can to support the security and integrity of Iraq and the Iraqi people.

Jeremy Corbyn: My question was whether the Government would respect the sovereignty of Iraq, its Parliament and its Government, and the Prime Minister did not answer that question.

The actions of the United States have undoubtedly escalated the risk of a dangerous conflict in an already destabilised region, putting civilians, UK troops and nationals at risk and leaving the Iran nuclear deal in danger of being dead in the water. This Government's response is not putting the interests of this country first but instead seems more interested in prioritising the Prime Minister's relationship with President Trump over the security of the region and of this country. Is not the truth that this Prime Minister is unable to stand up to President Trump because he has hitched his wagon to a trade deal with the United States, and that takes priority over everything else that he ought to be considering?

The Prime Minister: I was waiting for the little green men thing to come out at the end about the trade deal. This is absolute fiction.

But what I will say is that the UK will continue to work for de-escalation in the region. I think we are having a great deal of success in bringing together a European response and in bridging the European response with that, of course, of our American friends, and working both with the Iranians and with the Iraqis to dial this thing down. The right hon. Gentleman should be in absolutely no doubt—this is, of course, a Leader of the Opposition who has famously received £10,000 from the Iranian Press TV—that we are determined to guarantee with everything that we can the safety and security of the people of Iraq, whereas he, of course, would disband NATO. It is this Government who will continue to stick up for the people across the middle east who have suffered at the hands of Qasem Soleimani and the Iranian revolutionary guard Quds force that he has led and whose terrorism he has promoted. I am very surprised at the end of these exchanges that the right hon. Gentleman has yet to condemn the activities of Qasem Soleimani and the revolutionary guard.

Q2. [900071] Penny Mordaunt (Portsmouth North) (Con): In the past 10 years, there have been volumes of reports, independent reviews and recommendations calling for an end to inappropriate in-patient care for people with learning difficulties or challenging behaviour. In the wake of the Winterbourne View scandal alone, there were seven such reports. As we start a new decade, would my right hon. Friend state how many people are still trapped in inappropriate care settings and instruct the Department of Health to act on those recommendations and the asks of families of campaigners so that these very vulnerable people can get the care they need and deserve?

The Prime Minister: I thank my right hon. Friend for the passionate campaign that she wages. I can tell her that the current number is 2,190, which is patently unacceptable, but it is moving down. My right hon. Friend the Health Secretary tells me that the number is coming down rapidly. We have a pledge to reduce it by 50%, and I am sure that he will meet her very shortly.

Ian Blackford (Ross, Skye and Lochaber) (SNP): May I welcome you to your place, Mr Speaker, and wish you, all Members and staff a good new year?

I associate myself with the remarks of the Prime Minister for our friends in Australia and on the tragedy of the Ukrainian airline crash. We want to see a resumption of democracy in Iraq. We want to see a return to peace, and of course we support all measures to make sure that diplomatic efforts can get us to a better place.

Prime Minister, who should determine the future of Scotland—the Prime Minister or the people who live in Scotland?

The Prime Minister: I think the answer is very clear—it is the people of Scotland who voted decisively only four or five years ago to stay members of the most successful political partnership in history by a decisive majority in a once-in-a-generation choice.

Ian Blackford: This is about democracy. In 2016, the people of Scotland voted to remain in the European Union, yet they are being dragged out of Europe against their will by this Prime Minister. In 2019, the people of Scotland elected a majority of SNP MPs to Westminster. The Scottish National party won the election on the premise of Scotland's right to choose its own future, rejecting the Prime Minister who lost more than half his seats in Scotland. Today, the Scottish Parliament will decline legislative consent to the EU withdrawal Bill that we are deliberating later today. Why are this Conservative Government dismissing the will of the people of Scotland, ignoring their voice and disregarding our Parliament?

The Prime Minister: I think the real question is, why do the SNP keep going on about breaking up the most successful union in history? It is to distract from their abundant failures in government. In spite of getting £9 billion a year from the UK Exchequer, which of course they would lose if they were so foolish as to break away, they are mismanaging their healthcare. It is not the fault of Scottish pupils, but we are seeing Scottish schools falling behind in educational standards. Concentrate on what you are doing and stop going on about breaking up the Union.

Q9. [900078] Fiona Bruce (Congleton) (Con): Does the Prime Minister agree that at the heart of our one nation Government is our manifesto commitment that

“A strong society needs strong families”?

After last week's £165 million boost to extend the troubled families programme, will he outline how the Government will additionally fulfil our manifesto pledge to champion family hubs, to

“serve vulnerable families with the intensive, integrated support they need to care for children”?

The Prime Minister: I pay tribute to my hon. Friend for all that she has done to campaign for families. It was thanks to her, I think, that we put family hubs in the manifesto, so she should be in no doubt that we are working with local authorities to champion and deliver family hubs.

Q3. [900072] Yvonne Fovargue (Makerfield) (Lab): Finally, it appears that some action is being taken against Northern Rail. Will the Prime Minister commit to stripping it of

its franchise and to devolving the power and money to the regions, so that local people have the power over their local transport and never have to suffer the appalling catalogue of delays, overcrowding, cancellations and disruptions that have gone on far too long?

The Prime Minister: I have to say to the hon. Lady that I share her outrage, and I understand what she says. We are developing contingency plans for a replacement for Northern Rail. We are also looking at the whole way that the franchising system operates, and she will have seen Keith Williams's very valuable report on that.

Q10. [900079] Paul Holmes (Eastleigh) (Con): My right hon. Friend has always been a vocal advocate of localism, so what advice can he give to my constituents who are concerned about the local Lib Dem council's unwanted housing plan in Eastleigh, which would lead to even more overdevelopment without securing the vital infrastructure that Eastleigh needs?

The Prime Minister: I am not surprised by what my hon. Friend says about the cavalier behaviour of the Lib Dem council in Eastleigh. We will ensure that, in so far as we need to build many more homes, which we do, we will supply the infrastructure necessary and do it on brownfield sites.

Q4. [900073] Hywel Williams (Arfon) (PC): The Prime Minister is a man of vision, apparently. What is his vision for the constitutional relationship between Wales and England in the event of Irish reunification and Scottish independence?

The Prime Minister: Our relationship, like the relationship of the whole United Kingdom, will go from strength to strength.

Q13. [900082] Caroline Nokes (Romsey and Southampton North) (Con): American company Wheelabrator has a track record of breaching environmental legislation in the USA and now seeks to build a massive incinerator in the beautiful Test Valley. Local residents are looking to this Government because of their concerns about emissions levels and are seeking reassurance from my right hon. Friend that regulations on emissions from incineration will be further enhanced and greener alternatives encouraged.

The Prime Minister: I see my right hon. Friend's point with great concern. As we move to a net zero economy by 2050 under this groundbreaking Conservative Government, it is vital that we tackle those kinds of emissions. That is why we are establishing the Office for Environmental Protection, and I will chair a new Cabinet Committee to drive forward action on climate change across the whole of Government.

Q5. [900074] Ian Murray (Edinburgh South) (Lab): Happy new year to you and all your staff, Mr Speaker, and everyone in the House. The Prime Minister knows that his “Get Brexit done” slogan was vacuous. He also knows that it is not even the end of the beginning, with no deal firmly back on the table. Will he now acknowledge that any job lost and any impact on British industry as a result of his Brexit policy is firmly at his door?

The Prime Minister: Contrary to the predictions of the gloomsters, unemployment is at a record low—we have put on about 800,000 jobs since the referendum—and we will indeed get Brexit done by 31 January.

Q15. [900084] **Michael Tomlinson** (Mid Dorset and North Poole) (Con): For social justice, for life chances, for opportunities for the next generation, education is the key, and that is why the Prime Minister's pledge for additional funding is so welcome, especially for historically underfunded areas such as Dorset and Poole; but equally important are discipline and standards. Will the Prime Minister ensure that there is a continued focus on the most disadvantaged, especially when it comes to vital literacy and numeracy skills?

The Prime Minister: Yes, indeed I will. I pay tribute, by the way, to my right hon. Friend the Member for Bognor Regis and Littlehampton (Nick Gibb)—where is he?—who campaigned for so long for synthetic phonics, which has done such a huge amount to help kids to read in this country. This is the only country in the G7 where the reading performance of disadvantaged pupils has actually improved since 2009. We need to do more, and as my hon. Friend says, that is why we are investing more now—record sums—in education.

Q6. [900075] **Brendan O'Hara** (Argyll and Bute) (SNP): Margaret Thatcher—

Hon. Members: Hurrah!

Mr Speaker: Order.

Brendan O'Hara: Thank you, Mr Speaker. Margaret Thatcher, John Major and the right hon. Gentleman's immediate predecessor all accepted that the Union of the United Kingdom can only be maintained by consent. Yet despite winning three elections seeking to test that consent, the Prime Minister insists that the SNP Government do not have a mandate to hold another independence referendum, so could he tell me exactly what mechanism is available to the Scottish people to give their consent or otherwise for maintaining this Union, and how they should go about exercising that?

The Prime Minister: I can only repeat my point, which is that the Scottish people do have a mechanism. They used it in 2014: it is a referendum. It took place, and as I think SNP Members all confirmed, it was a once-in-a-generation event.

David Morris (Morecambe and Lunesdale) (Con): Mr Speaker, you, being a northern MP like myself, would welcome the news that more money is going to be spent in the north of England. I want to reiterate that Morecambe needs the Eden Project. Would my right hon. Friend the Prime Minister like to come to Morecambe to see me and the Eden team about getting the Eden Project back in Morecambe again, to make Morecambe the best place on the face of this earth?

The Prime Minister: Indeed, the Eden of Britain—*[Interruption.]* I have just heard from my right hon. Friend the Chancellor that he does indeed: the House should know that the Eden Project is now, thanks to the Chancellor, very likely to come to Morecambe.

Q7. [900076] **Neil Gray** (Airdrie and Shotts) (SNP): For more than two years, I have been campaigning on behalf of my constituents in Harthill and 4,000 other low-income Roadchef workers across the UK who have waited more than 20 years to receive share ownership money that is rightfully theirs. In 2018 there was a breakthrough, when Her Majesty's Revenue and Customs agreed to repay millions of pounds in wrongfully paid tax. However, I understand that it is trying now to recoup tax on every penny possible from those low-income workers. Given that the trust was set up as a non-tax employee ownership scheme, does the Prime Minister think it is fair that HMRC would seek to run roughshod over that, and will he now meet me to discuss this projected saga?

The Prime Minister: Yes, of course. I make a general point that we have done a huge amount to lift the burden of taxation on the low-paid, and we are lifting the living wage by the biggest ever increase, but I know that my right hon. Friend the Chancellor will welcome the opportunity to discuss the particular matter that the hon. Gentleman raises in person.

Mr Shailesh Vara (North West Cambridgeshire) (Con): In the period 2018 to 2019, overseas companies investing in Northern Ireland created nearly 1,500 new jobs. Does my right hon. Friend agree that if Stormont were to be up and running again, then this year that number would be considerably higher, and that it is important that no stone is left unturned in efforts by the Northern Ireland parties to seek agreement so that the Northern Ireland Assembly can be properly functioning again?

The Prime Minister: I am proud to say that the UK is now the third highest recipient of foreign investment in the world, but Northern Ireland could get even more than it currently does if, as my hon. Friend rightly says, people took their responsibilities and got Stormont up and running again.

Q8. [900077] **Tommy Sheppard** (Edinburgh East) (SNP): In the twilight of the last Parliament both the Scottish Affairs and Health Select Committees produced reports on the drugs crisis. Both reports drew on international evidence and recommended a change in the law to allow vulnerable addicts to be able to consume substances in secure facilities under medical supervision. I know this is a complex and controversial area and I am not expecting the Prime Minister to make policy on the hoof, but I want to ask him whether he will consider, on a pilot basis, the establishment of overdose prevention centres in order to gather evidence as to whether that could help prevent deaths in this country, as it has in other countries.

The Prime Minister: I am grateful to the hon. Gentleman for raising a very important issue and a difficult problem. The question is how do we, as it were, introduce consumption rooms without encouraging consumption; that is the challenge we face. As he knows, we are having a drugs summit this year; it will be held in Scotland, and we will be announcing a date shortly.

Dehenna Davison (Bishop Auckland) (Con): My local NHS trust is currently consulting on closing the stroke rehabilitation service at Bishop Auckland hospital. Staff

on the ward are rightly very concerned about the proposed closure and the impact it will have on local residents, particularly those in my rural communities, so may I ask the Prime Minister whether he is willing to work with me and the Health Secretary, take this matter seriously and prove to the residents of Bishop Auckland that we are on their side?

The Prime Minister: I congratulate my hon. Friend on getting elected, and welcome her, and indeed all new colleagues, to their first edition of Prime Minister's Question Time. I thank my hon. Friend for raising her concerns with me; I have heard just now from the Health Secretary, passing the ball straight down the line, that he is indeed going to address the matter that she raises as fast as possible. As she knows, we are putting record sums into the NHS and it is our intention to help Bishop Auckland.

Q11. [900080] **Colleen Fletcher** (Coventry North East) (Lab): As in much of the rest of the country, hospital A&E waiting times in Coventry have been under constant pressure, with the latest figures showing that almost a quarter of attendances are waiting four hours or more to be seen. I am aware that the Government have made commitments to invest in the NHS, so will the Prime Minister agree to meet a delegation from Coventry to discuss the prospect of opening a second walk-in centre in the city to alleviate some of the pressure on our overstretched A&E department?

The Prime Minister: I thank the hon. Lady for raising that issue with me, and if I cannot do it I am sure the Health Secretary can.

Sir David Evennett (Bexleyheath and Crayford) (Con): Does my right hon. Friend share my concerns about the lack of educational achievement and aspiration among so many of our working-class boys across the country? Will he make it a top priority for his Government to ensure that all schoolchildren throughout the country are given the opportunities to maximise their talents?

The Prime Minister: Yes I can; and not only are we investing record sums in primary and secondary education, but we are also setting up a national skills fund to help those who do not necessarily think that they are candidates for university but have a huge amount to offer the economy and need all the help they can get—they have massive, massive potential.

Q12. [900081] **Matt Western** (Warwick and Leamington) (Lab): May I wish a happy new year to you, Mr Speaker, and everyone else in the Chamber? Can the Prime Minister detail what steps he has taken, working in concert with Germany and France, in helping to restore the Iran nuclear deal since he was appointed Prime Minister in July?

The Prime Minister: The hon. Gentleman raises a very important point. As he knows, it is our view that the Joint Comprehensive Plan of Action remains the best way of preventing nuclear proliferation in Iran—it is the best way of encouraging the Iranians not to develop a nuclear weapon—and we think that after this crisis has abated, which of course we sincerely hope it

will, that way forward will remain. It is a shell that has currently been voided, but it remains a shell into which we can put substance again.

Harriett Baldwin (West Worcestershire) (Con): In recent months, the performance of West Midlands Trains for my constituents and for constituents across the region has been absolutely woeful. Does the Prime Minister agree with Andy Street, Mayor of the West Midlands, that if it does not shape up by the end of January, it too should have an inspection by the Secretary of State for Transport and potentially have its franchise taken away?

The Prime Minister: The House will have heard what I had to say to the hon. Member for Makerfield (Yvonne Fovargue) about the performance of various franchise holders across our rail network. We are looking at the whole issue and the bell is tolling for West Midlands rail, if I hear my hon. Friend correctly.

Q14. [900083] **Douglas Chapman** (Dunfermline and West Fife) (SNP): During the festive season, I was thinking about the Prime Minister basking in his hammock in Mustique, maybe contemplating his mandate. But that mandate is absolutely nothing compared to the mandate won in Scotland by my colleagues on the SNP Benches. Winning 45% of the popular vote and 80% of the seats, our mandate is unassailable. The Prime Minister's holidays are over and it is now time to deliver on that mandate. The Scottish Government have an oven-ready Edinburgh agreement 2.0. When will discussions begin?

The Prime Minister: I think I have given this answer a couple of times already. The people of Scotland had the chance to decide, and they decided emphatically in favour of remaining in the UK. That decision should be respected.

Steve Double (St Austell and Newquay) (Con): I warmly welcome the Prime Minister's continued commitment to invest and level up across our country. This will be particularly welcome in Cornwall, which continues to be one of the poorest parts of the UK. Will the Prime Minister confirm to the people of Cornwall that we will continue to be at the heart of his Government's plans to invest in the regions of the country?

The Prime Minister: Absolutely. I can confirm that. My hon. Friend and I have discussed this issue many times. Not only will Cornwall continue to receive all the cash it gets through the shared prosperity fund, but we will do extraordinary things with infrastructure—the A303, you name it—to improve road and rail transport to Cornwall and the NHS. Truro and Penzance and virtually every hospital in Cornwall—and St Austell—will be there.

Karl Turner (Kingston upon Hull East) (Lab): In 2005, my constituent Steven Gallant did a bad thing for which he is serving a life sentence in prison. However, on 29 November he was the third man on London Bridge. He wrestled the knife-wielding murderous terrorist to the ground so that police marksmen could shoot him dead. Steven is rightly serving life in prison, but will the Prime Minister congratulate and pay tribute to Steven for his bravery that day, which no doubt saved lives?

The Prime Minister: I thank the hon. Gentleman for his question and for making a very good point, on which I think the whole House would agree. I am lost in admiration for the bravery of Steven Gallant, and indeed of others who went to the assistance of members of the

public on that day and fought a very determined terrorist. Obviously, it is not for the Government to decide these things, but it is my hope that that gallantry will in due course be recognised in the proper way.

Points of Order

12.33 pm

Hannah Bardell (Livingston) (SNP): On a point of order, Mr Speaker. I seek your advice. Yesterday, on re-entering the building for the first time after Christmas, I witnessed one of the worst cases of abuse of security staff that I have seen in my time here. One of the Members of the other place, who I will name so as not to incriminate anybody else—Lord Ken Maginnis—had forgotten his pass, something we have all been guilty of. However, instead of taking the advice of the security staff, who as we all know are here for our security and safety, he proceeded to verbally abuse and shout at the member of staff, calling them “crooked” and saying did they not know who he was, that he had been here for 46 years. He refused to take the advice and assistance of myself, the security staff and the police who then attended.

I have reported this incident to the authorities, but I seek your advice. The Member is not elected, so I am interested to know to whom he is accountable, and what can be done to make sure that no member of staff on the estate is ever treated in that way, or abused in the manner that I and others witnessed yesterday.

Mr Speaker: No member of staff of either House should have to put up with abuse. We have a policy that runs through all of this Estate, and I always encourage Members to respect the people who are carrying out their duties to make sure that we are safe. Normally, we would not name a Member of either House in this way, but I take it very seriously that staff carrying out their duties should not have to put up with abuse. We are aware of the situation, and I expect those in another place to look into that. I want to reassure those staff that it will not be tolerated and we will ensure that that message goes to all Members of both Houses.

Michael Fabricant (Lichfield) (Con): On a point of order, Mr Speaker. I do not think that it will have escaped anybody’s attention—nevertheless, it is worth making the point—that we went through all the names on the Order Paper for Prime Minister’s questions and a number of other colleagues on both sides got in, and we finished at about 12.31 pm and no one had to suffer abuse from the Chair. With that, may I wish you a very happy new year and many more?

Mr Speaker: I do not want to use up the time on that basis, including on a point about me.

Gareth Thomas (Harrow West) (Lab/Co-op): On a point of order, Mr Speaker. Liridon Saliuka, who was originally from Kosovo but had a British passport, and who, before he was arrested and imprisoned at Belmarsh, was resident in the London Borough of Harrow, was recently found dead in his cell. While the prisons and

probation ombudsman appears to be investigating, there appear to have been delays in getting a post mortem to take place, according to his family. I wonder what avenues are available to me as a Member of Parliament from the London Borough of Harrow to encourage that autopsy to take place as a matter of urgency.

Mr Speaker: The issue has been raised, and the Home Secretary is here in the Chamber. This is not an issue for me personally now, but I am sure that it will be picked up and dealt with.

BILLS PRESENTED

WINDRUSH COMPENSATION SCHEME (EXPENDITURE) BILL

Presentation and First Reading (Standing Orders Nos. 50 and 57)

Secretary Priti Patel, supported by the Prime Minister, Michael Gove, the Chancellor of the Exchequer, Secretary Alister Jack, Secretary Simon Hart and Kevin Foster, presented a Bill to provide for the payment out of money provided by Parliament of expenditure incurred by the Secretary of State or a Government Department under, or in connection with, the Windrush Compensation Scheme.

Bill read the first time; to be read a Second time tomorrow, and to be printed (Bill 4) with explanatory notes (Bill 4-EN).

PRISONERS (DISCLOSURE OF INFORMATION ABOUT VICTIMS) BILL

Presentation and First Reading (Standing Order No. 57)

Secretary Robert Buckland, supported by the Prime Minister, Secretary Priti Patel, Secretary Robert Jenrick, the Attorney General, Lucy Frazer, Chris Philp, Wendy Morton, Victoria Atkins and Matt Warman, presented a Bill to require the Parole Board to take into account any failure by a prisoner serving a sentence for unlawful killing or for taking or making an indecent image of a child to disclose information about the victim.

Bill read the first time; to be read a Second time tomorrow, and to be printed (Bill 3) with explanatory notes (Bill 3-EN).

TELECOMMUNICATIONS INFRASTRUCTURE (LEASEHOLD PROPERTY) BILL

Presentation and First Reading (Standing Order No. 57)

Matt Warman, supported by the Chancellor of the Exchequer, Secretary Robert Jenrick, Secretary Andrea Leadsom, Jesse Norman and Nigel Adams, presented a Bill to amend the electronic communications code set out in Schedule 3A to the Communications Act 2003; and for connected purposes.

Bill read the first time; to be read a Second time tomorrow, and to be printed (Bill 2) with explanatory notes (Bill 2-EN).

European Union (Withdrawal Agreement) Bill

[2ND ALLOTTED DAY]

*Further considered in Committee (Progress reported,
7 January)*

[SIR ROGER GALE *in the Chair*]

The Chairman of Ways and Means (Sir Roger Gale): Good afternoon, ladies and gentlemen. We now embark on the second day of scrutiny of the withdrawal agreement Bill by a Committee of the whole House. I again gently remind hon. Members that Mr Speaker has determined that this is not a suitable vehicle for maiden speeches. Any colleagues wishing to make a maiden speech should consult the Table Office, which they will find most helpful.

Clause 18

MAIN POWER IN CONNECTION WITH OTHER SEPARATION
ISSUES

12.39 pm

Joanna Cherry (Edinburgh South West) (SNP): I beg to move amendment 38, page 20, line 10, leave out “appropriate” and insert “necessary”.

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

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

Amendment 39, page 20, line 18, leave out “appropriate” and insert “necessary”.

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Amendment 47, page 20, leave out lines 25 and 26.

Removing this subsection prevents Ministers from using secondary legislation to amend primary legislation in order to implement the withdrawal agreement.

Clause 18 stand part.

Amendment 40, in clause 19, page 21, line 15, leave out “appropriate” and insert “necessary”.

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Amendment 41, page 21, line 25, leave out “appropriate” and insert “necessary”.

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Amendment 42, page 21, line 34, leave out “appropriate” and insert “necessary”.

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Amendment 43, page 21, line 44, leave out “appropriate” and insert “necessary”.

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Clause 19 stand part.

Amendment 24, in clause 20, page 24, line 2, at end insert—

“(1A) The payment from the Consolidated Fund or the National Loans Fund to the EU or an EU entity of each sum under section (1) which results from the imposition of any penalty shall be subject to approval by resolution of the House of Commons.”

This amendment is intended to require parliamentary approval for the payment of any fines or penalty under the withdrawal agreement.

Clause 20 stand part.

Amendment 44, in clause 21, page 24, line 37, leave out “appropriate” and insert “necessary”.

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Amendment 1, page 25, leave out lines 1 and 2 and insert—

“(2) A Minister of the Crown must, on or before 30 June 2020, publish a comprehensive economic impact assessment of the effect of the Ireland/Northern Ireland Protocol and regulations made under subsection (1) on—

- (a) the UK’s Internal Market and the access of Northern Ireland goods to Great Britain and Great British goods to Northern Ireland;
- (b) the Northern Ireland economy, including levels of imports and exports;
- (c) fiscal and regulatory compliance of goods travelling from NI to GB and from GB to NI; and
- (d) barriers to entry for third-country goods entering NI and GB from Ireland, the rest of the EU and third countries.

(2A) The Secretary of State must make arrangements for—

- (a) a copy of each report published under subsection (2) to be laid before each House of Parliament, and conveyed to the Presiding Officer of each devolved legislature, by the end of the day on which it is published;
- (b) a motion in neutral terms, to the effect that the House of Commons has considered the report, to be moved in the House of Commons by a Minister of the Crown; and
- (c) a motion for the House of Lords to take note of the report to be tabled in the House of Lords and moved by a Minister of the Crown.

(2B) The motions required under subsections (2A)(b) and (c) must be moved in the relevant House by a Minister of the Crown within the period of five calendar days beginning with the end of the day on which the report is laid before Parliament.

(2C) The Secretary of State shall make a further report under subsection (2) on or before 31 October 2020 and at least every 12 months thereafter.”

This amendment would require the Government to deliver full transparency on the implications of the Ireland/Northern Ireland Protocol including barriers to trade between Great Britain and Northern Ireland.

Amendment 48, page 25, line 2, leave out “(including modifying this Act).”

This amendment would prevent Ministers making regulations under this section to modify the European Union (Withdrawal) Act 2018.

Amendment 33, page 25, line 2, at end insert “except repealing section 7A.”

This amendment would remove the uncertainty as to whether Ministers could amend or repeal the proposed new section 7A of the European Union (Withdrawal) Act 2018.

Amendment 50, page 25, line 3, leave out “may” and insert “must”.

In conjunction with Amendment 12, this would require the Government to ensure unfettered access for Northern Ireland goods to the GB market when it makes regulations implementing the Protocol.

Amendment 12, page 25, line 4, after first “the” insert “unfettered”.

This amendment would require regulations to facilitate unfettered access of qualifying Northern Ireland goods to the market within Great Britain.

Amendment 13, page 25, line 16, at end insert—

“(6A) Regulations under subsection (1) must include provision to prevent any direct or indirect commercial discrimination that may arise to the detriment of businesses (including farms) in Northern Ireland as a result of the Ireland/Northern Ireland Protocol.”

This amendment is intended to prevent direct or indirect commercial discrimination against Northern Ireland products.

Amendment 14, page 25, line 16, at end insert—

“(6B) Regulations under subsection (1) must include provision to prevent non-tariff barriers being imposed in Great Britain to exclude Northern Ireland products except to the extent strictly required by the Ireland/Northern Ireland Protocol as long as it remains in force.”

This amendment is intended to prevent a ‘not available in / do not ship to NI’ approach where no sound competitive reasoning is supplied, in order to protect Northern Ireland consumers and businesses.

Amendment 15, page 25, line 16, at end insert—

“(6C) Regulations under subsection (1) must include provision to prevent the exclusion of Northern Ireland produce or products from British marketing campaigns or assurance, trade and labelling schemes.”

This amendment is intended to prevent Northern Ireland products being excluded from ‘Red Tractor’ or ‘Buy British’ marketing schemes.

Amendment 10, page 25, line 27, at end insert—

“(8) But regulations under this section may not—

- (a) impose or increase taxation or fees,
- (b) make retrospective provision,
- (c) create a relevant criminal offence,
- (d) establish a public authority,
- (e) amend, repeal or revoke the Human Rights Act 1998 or any subordinate legislation made under it, or
- (f) amend or repeal the Scotland Act 1998, the Government of Wales Act 2006 or the Northern Ireland Act 1998.”

This amendment would apply the usual restrictions on Ministers’ delegated power to make regulations under the Government’s proposed new section 8C of the European Union (Withdrawal) Act 2018.

Clause 21 stand part.

Amendment 45, in clause 22, page 25, line 37, leave out “appropriate” and insert “necessary”.

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Amendment 46, page 26, line 3, leave out “appropriate” and insert “necessary”.

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Amendment 51, page 26, line 13, leave out “may” and insert “must”.

In conjunction with Amendment 16, this would require devolved authorities to ensure unfettered access for Northern Ireland goods to the GB market when making regulations implementing the Protocol.

Amendment 16, page 26, line 14, after first “the” insert “unfettered”.

This amendment would require regulations to facilitate unfettered access of qualifying Northern Ireland goods to the market within Great Britain.

Amendment 17, page 26, line 25, at end insert—

“(6A) Regulations under sub-paragraph (1) must include provision to prevent any direct or indirect commercial discrimination that may arise to the detriment of businesses (including farms) in Northern Ireland as a result of the Ireland/Northern Ireland Protocol.”

This amendment is intended to prevent direct or indirect commercial discrimination against Northern Ireland products.

Amendment 18, page 26, line 25, at end insert—

“(6B) Regulations under sub-paragraph (1) must include provision to prevent non-tariff barriers being imposed in Great Britain to exclude Northern Ireland products except to the extent strictly required by the Ireland/Northern Ireland Protocol as long as it remains in force.”

This amendment is intended to prevent a ‘not available in / do not ship to NI’ approach where no sound competitive reasoning is supplied, in order to protect Northern Ireland consumers and businesses.

Amendment 19, page 26, line 25, at end insert—

“(6C) Regulations under sub-paragraph (1) must include provision to prevent the exclusion of Northern Ireland produce or products from British marketing campaigns or assurance, trade and labelling schemes.”

This amendment is intended to prevent Northern Ireland products being excluded from ‘Red Tractor’ or ‘Buy British’ marketing schemes.

Clause 22 stand part.

Amendment 34, in clause 23, page 28, line 3, at end insert—

“(2) For the avoidance of doubt and without prejudice to the generality of Schedule 3, the reference in Section 7A of the European Union (Withdrawal) Act 2018 (other directly applicable or directly effective aspects of the withdrawal agreement) to rights, powers, liabilities, obligations, restrictions that as in accordance with the withdrawal agreement are without further enactment to be given legal effect or used in the United Kingdom, includes Article 2(1) of the Protocol on Ireland/Northern Ireland of the withdrawal agreement.”

This amendment would ensure that any person may rely directly on Article 2(1) of the Protocol on Ireland/Northern Ireland before any courts in the United Kingdom against all public bodies, including UK Ministers, and private bodies, such as employers.

Clause 23 stand part.

Amendment 32, in schedule 3, page 61, line 17, at end insert—

“4A After section 69D insert—

‘69E Notice to be given to Commission

(1) A court or tribunal shall order notice of any issue which affects law or practice relating to the protection of human rights in any proceedings before it to be given to the Northern Ireland Human Rights Commission (unless the Commission is a party to the proceedings).

(2) Where notice is given to the Commission under subsection (1), the court or tribunal shall—

(a) annex a copy of the writ, originating summons or other process by which the proceedings were begun; and

(b) on request from the Commission, provide it with a copy of the pleadings and any decision of the court.

(3) For the purposes of this section, “decision” shall include reasons for a decision; an award of compensation or a determination that one party is required to pay a sum to another; the amount of any relevant compensation or payment; or any order for costs, allowances, preparation time or wasted costs.”

This amendment would ensure the Northern Ireland Human Rights Commission is notified of cases relevant to the exercise of its functions under section 69 of the Northern Ireland Act 1998, similar to devolution notices provided to the Attorney General; and to ensure coherence with exercise of functions under the new dedicated mechanism provisions.

Amendment 30, page 63, line 39, at end insert—

“(3) A court or tribunal shall order notice of any issue which arises under Article 2(1) of the Protocol on Ireland/ Northern Ireland in the EU withdrawal agreement in any proceedings

before it to be given to the Northern Ireland Human Rights Commission (unless the Commission is a party to the proceedings).

(4) Where notice is given to the Commission under subsection (3), the court or tribunal shall—

- (a) annex a copy of the writ, originating summons or other process by which the proceedings were begun; and
- (b) on request from the Commission, provide it with a copy of the pleadings and any decision of the court.

(5) For the purposes of this section, ‘decision’ shall include reasons for a decision; an award of compensation or a determination that one party is required to pay a sum to another; the amount of any relevant compensation or payment; or any order for costs, allowances, preparation time or wasted costs.”

This amendment would create a requirement for a court or tribunal to notify the Northern Ireland Human Rights Commission of cases relevant to the dedicated mechanism, similar to devolution issue notification already provided to the Attorney General. The proposal would result in an amendment to new section 78C of the Northern Ireland Act 1998.

Amendment 31, page 63, line 39, at end insert—

“(3) A court or tribunal shall order notice of any issue which arises under Article 2(1) of the Protocol on Ireland/ Northern Ireland in the EU withdrawal agreement in any proceedings before it to be given to the Equality Commission of Northern Ireland (unless the Commission is a party to the proceedings).

(4) Where notice is given to the Commission under subsection (3), the court or tribunal shall—

- (a) annex a copy of the writ, originating summons or other process by which the proceedings were begun; and
- (b) on request from the Commission, provide it with a copy of the pleadings and any decision of the court.

(5) For the purposes of this section, ‘decision’ shall include reasons for a decision; an award of compensation or a determination that one party is required to pay a sum to another; the amount of any relevant compensation or payment; or any order for costs, allowances, preparation time or wasted costs.”

This amendment would create a requirement for a court or tribunal to notify the Equality Commission of Northern Ireland of cases relevant to the dedicated mechanism, similar to devolution issue notification already provided to the Attorney General. The proposal would result in an amendment to new section 78C of the Northern Ireland Act 1998.

That schedule 3 be the Third schedule to the Bill.

Amendment 36, in clause 24, page 28, leave out line 15.

This amendment removes the bar on the Joint Committee recommending an alteration in the functions of an existing implementation body under the Belfast (Good Friday) Agreement.

Clauses 24 and 25 stand part.

Amendment 49, in clause 26, page 30, leave out lines 9 to 49 on page 30 and lines 1 to 15 on page 31.

This amendment would remove the power of Ministers to specify the circumstances in which lower courts within the domestic legal systems of the UK could depart from the rulings of the Court of Justice of the European Union after the transition or implementation period.

Clauses 26 to 36 stand part.

Amendment 29, in clause 37, page 37, line 2, leave out from “Europe),” to the end of line 19 and insert

“after subsection (1) insert—

“(1A) In seeking to negotiate an agreement under subsection (1), it shall be an over-riding objective of the Minister of the Crown to secure outcomes which match as closely as possible those which applied before exit day under Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the

Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) in so far as they relate to an application for the UK to take charge of or take back an applicant who is an unaccompanied.”

This amendment seeks to maintain the status quo for applications for international protection lodged by unaccompanied children who are third-country nationals or stateless persons.

Amendment 26, page 37, line 3, leave out from “Europe)” to the end of line 19 and insert

“the following amendments are made—

‘(a) After subsection (1) insert—

(1A) The Secretary of State must, before IP completion day, make provision to ensure that, after the United Kingdom’s withdrawal from the EU, an unaccompanied child who has made an application for international protection to a member State may, if it is in the child’s best interests, come to the United Kingdom to join a relative who—

- (a) is a lawful resident of the United Kingdom, or
- (b) has made a protection claim which has not been decided.”
- (b) In subsection (2) after “(1)(a)(i)” insert “and (1A)(a)”.
- (c) In subsection (3) after “(1)(a)(ii)” insert “and (1A)(b)”.”

This amendment would require the UK Government to guarantee continued family reunion rights for unaccompanied child refugees, while retaining the requirement on the Government to negotiate an agreement with the EU that protects those rights.

Amendment 4, page 37, line 3, leave out from “Europe)” to the end of the Clause and insert

“after subsection (3) insert—

‘(3A) If, three months after this Act comes into force, no agreement achieving the objective contained in subsection (1) has been concluded with the European Union, a Minister of the Crown must make a statement to the House of Commons setting out—

- (a) the steps taken by Her Majesty’s government, and the progress made in negotiations with the European Union, for the purpose of achieving the objective in subsection (1); and
- (b) whether in the Minister’s opinion an agreement with the European Union achieving the objective of subsection (1) is likely to be achieved by IP completion day and, if not, setting out the reasons for this.

(3B) Following the making of the first Statement referred to in subsection (2), and until such time as an agreement satisfying the objective contained in subsection (1) is reached with the European Union, the Minister shall, at least as frequently as every 28 days thereafter, make further statements in accordance with sections (3A)(a) and (b).”

This amendment would protect the right for unaccompanied child refugees to be reunited with their family after Brexit.

Amendment 28, page 37, leave out lines 5 to 19 and insert—

“(1) A Minister of the Crown must, within 3 months of this Act coming into force, make provision for take charge requests from unaccompanied minors.

(1A) Regulations made under subsection (1) must operate in such a way that the provisions of Regulation (EU) No 604/2013 as they relate to unaccompanied minors are effective in UK domestic law.

(1B) The Immigration, Nationality and Asylum (EU Exit) Regulations 2019 are amended by omitting subparagraph 3(h) in Part 2 of Schedule 1 to those Regulations.

(1C) In this section, “take charge requests” and “unaccompanied minor” have the same meaning as under Regulation (EU) No 604/2013.”

This amendment will ensure that the UK continues to accept take charge requests from unaccompanied minors.

Clause 37 stand part.

New clause 1—*Parliamentary sovereignty over negotiations for the future relationship*—

‘After section 13B of the European Union (Withdrawal) Act 2018 (certain dispute procedures under withdrawal agreement) (for which see section 30 above) insert—

“13C Negotiations for future relationship

(1) A Minister of the Crown must, before the end of the period of 30 Commons sitting days beginning with the day on which exit day falls, make a statement on objectives for the future relationship with the EU.

(2) A Minister of the Crown may, at any time after the initial statement is made, make a revised statement on objectives for the future relationship with the EU.

(3) A Minister of the Crown may not engage in negotiations on the future relationship with the EU unless—

(a) a statement on objectives for the future relationship with the EU has been approved by the House of Commons on a motion moved by a Minister of the Crown that can be amended by the House of Commons so as to change the objectives for the future relationship, and

(b) a motion for the House of Lords to take note of that statement has been moved in that House.

(4) Prior to the House of Commons’s consideration of a motion under subsection (3)(a), a Minister of the Crown must have consulted with each devolved administration on the negotiating mandate.

(5) In conducting negotiations on the future relationship with the EU, a Minister of the Crown must seek to achieve the objectives set out in the most recent statement on objectives for the future relationship with the EU to have been—

(a) approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown, and

(b) the subject of a motion of the kind mentioned in subsection (3)(b).

(6) The Secretary of State must publish the negotiating text of a proposed future relationship agreement on the same day that they are shared with EU negotiators.

(7) After the end of each reporting period, a Minister of the Crown must—

(a) lay before each House of Parliament a report on the progress made, by the end of the period, in negotiations on the future relationship with the EU, including—

(i) the Minister’s assessment of the extent to which the outcome of those negotiations is likely to reflect the most recent statement on objectives for the future relationship with the EU to have been approved by the House of Commons, and the subject of a motion in the House of Lords, as mentioned in subsection (3), and

(ii) if the Minister’s assessment is that the future relationship with the EU is, in any respect, not likely to reflect that statement, an explanation of why that is so, and

(b) provide a copy of the report to the Presiding Officer of each of the devolved legislatures and to—

(i) the Scottish Ministers,

(ii) the Welsh Ministers, and

(iii) the First Minister and deputy First Minister in Northern Ireland or the Executive Office in Northern Ireland.

(8) Subsections (9) and (10) apply if, in the opinion of a Minister of the Crown, an agreement in principle has been reached with the EU on a treaty the principal purpose of which is to deal with all or part of the future relationship with the EU.

(9) A Minister of the Crown must, within one week of an agreement outlined in subsection (8), lay before each House of Parliament—

(a) a statement that political agreement has been reached, and

(b) a copy of the negotiated future relationship treaty.

(10) Prior to the laying of the text of the proposed treaty, the Secretary of State must have consulted with each devolved administration on the text of the proposed agreement and taken their views into account, with special consideration given to matters relating to devolved competences.

(11) A treaty in the same form, or to substantially the same effect, as the negotiated future relationship treaty may be ratified only if the negotiated future relationship treaty has been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown and—

(a) the House of Lords has not resolved, within the period of 14 Lords sitting days beginning with the day on which the negotiated future relationship treaty is laid before that House, that any treaty resulting from it should not be ratified, or

(b) if the House of Lords has so resolved within that period, a Minister of the Crown has laid before each House of Parliament a statement indicating that the Minister is of the opinion that the treaty should nevertheless be ratified and explaining why.

(12) Section 20 of the Constitutional Reform and Governance Act 2010 (treaties to be laid before Parliament before ratification) does not apply in relation to a treaty if subsection (11) applies in relation to the ratification of that treaty.

(13) In this section—

“devolved legislature” means—

(a) the Scottish Parliament,

(b) the National Assembly for Wales, or

(c) the Northern Ireland Assembly;

“future relationship with the EU” means the main arrangements which are designed to govern the security and economic aspects of the long-term relationship between the United Kingdom and the EU after IP completion day and to replace or modify the arrangements which apply during the implementation period, but does not include the withdrawal agreement;

“negotiated future relationship treaty” means a draft of a treaty identified in a statement that political agreement has been reached;

“negotiations” means negotiations the opening of which, on behalf of the EU, has been authorised under Article 218 of the Treaty on the Functioning of the European Union;

“reporting period” means—

(a) the period of three months beginning with the first day on which a statement on objectives for the future relationship with the EU is approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown, and

(b) each subsequent period of one month;

“statement on objectives for the future relationship with the EU” means a statement—

(a) made in writing by a Minister of the Crown setting out proposed objectives of Her Majesty’s Government in negotiations on the future relationship with the EU, and

(b) published in such manner as the Minister making it considers appropriate;

“statement that political agreement has been reached” means a statement made in writing by a Minister of the Crown which—

(a) states that, in the Minister’s opinion, an agreement in principle has been reached with the EU on a treaty the principal purpose of which is to deal with all or part of the future relationship with the EU, and

- (b) identifies a draft of that treaty which, in the Minister's opinion, reflects the agreement in principle;

"treaty" has the same meaning as in Part 2 of the Constitutional Reform and Governance Act 2010 (see section 25(1) and (2) of that Act)."

This new clause restores the role for Parliament in providing scrutiny and oversight in the negotiations over the UK's future relationship with the EU.

New clause 6—Parliamentary approval of the future relationship—

"(1) The Secretary of State may not engage in negotiations on the future relationship between the UK and the EU until a Minister of the Crown has laid a draft negotiating mandate before each House of Parliament and—

- (a) moved an amendable motion in the House of Commons containing the text of the draft negotiating mandate;
- (b) the draft negotiating mandate (as amended) has been approved by a resolution of the House of Commons, and
- (c) a motion for the House of Lords to take note of the draft negotiating mandate has been moved in that House by a Minister of the Crown.

(2) The draft negotiating mandate must set out in detail—

- (a) the UK's negotiation objectives,
- (b) all fields and sectors to be included in the proposed negotiations,
- (c) the principles to underpin the proposed negotiation,
- (d) any limits on the proposed negotiations, and
- (e) the desired outcomes from the proposed negotiations.

(3) Prior to laying the draft negotiating mandate, a Minister of the Crown must have consulted each devolved administration on the negotiating mandate.

(4) Prior to the House's consideration of a motion under subsection (1)(b), a Minister of the Crown must lay before both Houses of Parliament a sustainability impact assessment conducted by a credible body independent of government following consultation with—

- (a) each devolved administration,
- (b) public bodies, businesses, trade unions and non-governmental organisations which, in the opinion of the independent body, have a relevant interest, and
- (c) the public.

(5) The assessment shall include both qualitative and quantitative assessments of the potential impacts of the proposed trade agreement, including—

- (a) social,
- (b) economic,
- (c) environmental,
- (d) gender,
- (e) equalities,
- (f) climate change,
- (g) human rights,
- (h) labour,
- (i) development, and
- (j) regional

impacts.

(6) In conducting negotiations on the future relationship with the EU, a Minister of the Crown must seek to achieve the objectives set out in the negotiating mandate approved under subsection (1)(b).

(7) After the end of each reporting period, a Minister of the Crown must—

- (a) lay before each House of Parliament a report on the progress made, by the end of the period, in negotiations on the future relationship with the EU, including—

- (i) the Minister's assessment of the extent to which the outcome of those negotiations is likely to reflect the negotiating mandate approved under subsection (1)(b), and

- (ii) if the Minister's assessment is that the future relationship with the EU is, in any respect, not likely to reflect that mandate, an explanation of why that is so, and

- (b) lay before each House of Parliament the latest rounds of negotiating texts, by the end of each reporting period, and

- (c) provide a copy of the report to the Presiding Officer of each of the devolved legislatures and to—

- (i) the Scottish Ministers,
- (ii) the Welsh Ministers, and
- (iii) the First Minister and deputy First Minister in Northern Ireland or the Executive Office in Northern Ireland.

(8) Subsections (9) to (13) apply if, in the opinion of a Minister of the Crown, an agreement in principle has been reached with the EU on a treaty the principal purpose of which is to deal with all or part of the future relationship with the EU.

(9) A Minister of the Crown must lay before each House of Parliament—

- (a) a statement that political agreement has been reached, and
- (b) a copy of the negotiated future relationship treaty.

(10) Prior to the laying of the text of the proposed treaty, the Secretary of State must have consulted with each devolved administration on the text of the proposed agreement and taken their views into account, with special consideration given to matters relating to devolved competences.

(11) Prior to considering a motion approving the text of the negotiated future relationship treaty, the Government must lay before each House of Parliament a response to any report by a relevant Parliamentary committee (such as the Exiting the EU select committee) containing a recommendation in relation to the ratification of the agreement.

(12) A treaty in the same form, or to substantially the same effect, as the negotiated future relationship treaty may be ratified only if the negotiated future relationship treaty has been approved by a resolution of the House of Commons on an amendable motion moved by a Minister of the Crown and—

- (a) the House of Lords has not resolved, within the period of 14 Lords sitting days beginning with the day on which the negotiated future relationship treaty is laid before that House, that any treaty resulting from it should not be ratified, or
- (b) if the House of Lords has so resolved within that period, a Minister of the Crown has laid before each House of Parliament a statement indicating that the Minister is of the opinion that the treaty should nevertheless be ratified and explaining why.

(13) Section 20 of the Constitutional Reform and Governance Act 2010 (treaties to be laid before Parliament before ratification) does not apply in relation to a treaty if subsection (11) applies in relation to the ratification of that treaty."

This new clause ensures that MPs get a guaranteed vote with an amendable motion on the EU-UK Future Relationship and negotiating objectives, and sets out scrutiny of the negotiating mandate. It requires a sustainability impact assessment of the future relationship; the regular release of negotiation texts; and engagement with devolved administrations.

Amendment (a) to new clause 6, in line 39, after "(j) regional" insert "(k) health"

New clause 11—Consent and the Ireland/Northern Ireland Protocol—

"(1) Nothing in this Act affects section 4(5) and 42 of the Northern Ireland Act 1998.

(2) Accordingly, if 30 of its members petition the Northern Ireland Assembly expressing their concern about a matter which is to be voted on by the Assembly, the vote on that matter shall require cross-community support.

(3) ‘Cross-community support’ in relation to a vote in the Northern Ireland Assembly on any matter, means—

- (a) the support of a majority of the members voting, a majority of the designated Nationalists voting and a majority of the designated Unionists voting; or
- (b) the support of 60 per cent of the members voting, 40 per cent of the designated Nationalists voting and 40 per cent of the designated Unionists voting.

(4) “Designated Nationalist” means a member designated as a Nationalist in accordance with standing orders of the Northern Ireland Assembly and ‘designated Unionist’ is construed accordingly.”

This new Clause re-states the existing law on the operation of cross-community support in votes of the Northern Ireland Assembly.

New clause 12—Consent and the Ireland/Northern Ireland Protocol (No. 2)—

“(1) Notifying the European Union of the outcome of the democratic consent processes under Article 18 of the Ireland/Northern Ireland Protocol is a matter for the Government of the United Kingdom under paragraph 3 of Schedule 2 to the Northern Ireland Act 1998.

(2) The Government of the United Kingdom must seek to apply any democratic consent process under or in connection with the Withdrawal Agreement in conformity with existing practice on votes requiring cross-community support in the Northern Ireland Assembly.

(3) The Government of the United Kingdom must accordingly seek to withdraw and replace any parts of the Declaration of 17 October 2019 by Her Majesty’s Government of the United Kingdom of Great Britain and Northern Ireland concerning the operation of the Democratic consent in Northern Ireland provision of the Protocol on Ireland/Northern Ireland which conflict with the existing practice on votes of the Northern Ireland Assembly requiring cross-community support.”

Paragraph 3(a) of the Declaration of 17 October 2019 by Her Majesty’s Government concerning the operation of the Democratic consent in Northern Ireland provision of the Ireland/Northern Ireland Protocol requires a threshold of a majority of members of the Northern Ireland Assembly present and voting. This new Clause seeks to replace that threshold with the normal cross-community support process.

New clause 13—UK internal market—

“(1) The Government of the United Kingdom must maintain and strengthen the integrity and smooth operation of the internal market of the United Kingdom of Great Britain and Northern Ireland.

(2) Accordingly it is a priority for the Government of the United Kingdom in negotiations on the future relationship with the EU to reach agreement to supersede any provisions of the Ireland/Northern Ireland Protocol which impede or conflict with the duty in subsection (1).”

This new Clause seeks to replace any provisions of the Ireland/Northern Ireland Protocol which fail to maintain and strengthen the integrity and smooth operation of the internal market of the United Kingdom of Great Britain and Northern Ireland.

New clause 14—Sovereignty and Northern Ireland—

“(1) Nothing in this Act contradicts Article 6 of the Union with Ireland Act 1800.

(2) Accordingly, Her Majesty’s subjects of Great Britain and Northern Ireland are entitled to the same privileges, and to be on the same footing as to encouragements and bounties on the like articles, being the growth, produce, or manufacture of either country respectively, and generally in respect of trade and navigation in all ports and places in the United Kingdom and its

dependencies; and that in all treaties made by Her Majesty, her heirs, and successors, with any foreign power, Her Majesty’s subjects of Northern Ireland shall have same the privileges, and be on the same footing as Her Majesty’s subjects of Great Britain.”

This new Clause re-states the fundamental constitutional principle of unfettered trade between Northern Ireland and Great Britain.

New clause 15—Sovereignty and Northern Ireland (No.2)—

“(1) Nothing in this Act affects the status of Northern Ireland set out in section 1 of the Northern Ireland Act 1998.

(2) Accordingly, Northern Ireland in its entirety remains part of the United Kingdom and shall not cease to be so without the consent of a majority of the people of Northern Ireland voting in a poll held for the purposes of this section in accordance with Schedule 1 to the Northern Ireland Act 1998.”

This new Clause re-states the fundamental constitutional principle of Northern Ireland remaining part of the United Kingdom, unless a majority of the people of Northern Ireland vote to decide otherwise.

New clause 17—Objectives during negotiations—

“(1) A Minister of the Crown may not engage in negotiations on the future relationship with the EU unless—

- (a) a statement on objectives for the future relationship with the EU has been approved by the House of Commons on a motion moved by a Minister of the Crown,
- (b) a motion for the House of Lords to take note of that statement has been moved in that House by a Minister of the Crown,
- (c) a motion relating to that statement has been approved by a resolution of the National Assembly for Wales,
- (d) a motion relating to that statement has been approved by a resolution of the Scottish Parliament,
- (e) a motion relating to that statement has been approved by a resolution of the Northern Ireland Assembly.

(2) Notwithstanding subsection 1(e), a Minister of the Crown may engage in negotiations on the future relationship with the EU if the Northern Ireland Assembly has not approved the appointment of a First Minister and deputy First Minister within six weeks of the day on which this Act is passed.”

This new clause would require the Government to seek the consent of all the parliaments of the UK for its objectives during negotiations on the future relationship with the EU.

New clause 21—International trade—

“(1) The Government shall, during the implementation period, use its flexibilities under Article 129(4) of the Withdrawal Agreement to negotiate trade agreements with other parties.

(2) The Government shall, from 1 February 2020, and subject to the procedures for participation in the World Trade Organisation (WTO), exercise full rights as an individual member of the WTO and shall seek to—

- (a) join any relevant committees and sub-committees that serve the UK’s national interest, and
- (b) speak in the WTO on all matters that serve the UK’s national interest, notwithstanding the Duty of Sincere Co-operation under Article 4(3) of the Treaty on European Union and the Common Commercial Policy which are applicable during the implementation period.”

This new clause would mandate the Government to participate actively in the World Trade Organisation to serve the UK’s national interest.

New clause 22—Joint Committee representation from Northern Ireland—

“After section 15B of the European Union (Withdrawal) Act 2018 (Ministerial co-chairs of the Joint Committee) (for which see section 34 above) insert—

‘15BA Joint Committee representation from Northern Ireland

The United Kingdom delegation to the Joint Committee must always include representation from Northern Ireland, namely either—

- (a) a representative agreed jointly by the First Minister and deputy First Minister, or
- (b) in period when there is no Northern Ireland Executive, a representative nominated by the Head of the Northern Ireland Civil Service.”

This new clause would require Northern Ireland to be represented on the Joint Committee.

New clause 23—Joint Committee and the Belfast Agreement—

“After section 15B of the European Union (Withdrawal) Act 2018 (Ministerial co-chairs of the Joint Committee) (for which see section 34 above) insert—

‘15BB Joint Committee and the Belfast Agreement

The United Kingdom representatives on the Joint Committee must have due regard for all aspects of the Belfast Agreement within their work.”

This new clause would require UK representatives on the Joint Committee to have due regard for all aspects of the 1998 Belfast (Good Friday) Agreement within their work.

New clause 24—Joint Committee and Article 50 phase 1 report—

“After section 15B of the European Union (Withdrawal) Act 2018 (Ministerial co-chairs of the Joint Committee) (for which see section 34 above) insert—

‘15BC Joint Committee and Article 50 phase 1 report

The United Kingdom representatives on the Joint Committee must have due regard within their work to the UK government commitments in the joint report from the negotiators of the EU and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 of the Treaty on European Union.”

This new clause would require UK representatives on the Joint Committee to have due regard within their work to the UK government commitments in the joint report of 8 December 2017 from the negotiators of the EU and the UK on phase 1 of the Article 50 negotiations, including its references to unfettered access for Northern Ireland businesses to the whole of the United Kingdom internal market.

New clause 25—Specialised Committee on the Ireland/Northern Ireland Protocol Group representation from Northern Ireland—

“After section 15B of the European Union (Withdrawal) Act 2018 (Ministerial co-chairs of the Joint Committee) (for which see section 34 above) insert—

‘15BD Specialised Committee on the Ireland/Northern Ireland Protocol Group representation from Northern Ireland

The United Kingdom delegation on the Specialised Committee on the Ireland/Northern Ireland Protocol Group must always include representation from Northern Ireland, either—

- (a) agreed jointly by the First Minister and deputy First Minister, or
- (b) in period when there is no Northern Executive, nominated by the Head of the Northern Ireland Civil Service.”

This new clause would require Northern Ireland to be represented on the Specialised Committee on the Ireland/Northern Ireland Protocol Group established under Article 14 of the Ireland/Northern Ireland Protocol.

New clause 26—Joint Consultative Working Group representation from Northern Ireland—

“After section 15B of the European Union (Withdrawal) Act 2018 (Ministerial co-chairs of the Joint Committee) (for which see section 34 above) insert—

‘15BE Joint Consultative Working Group representation from Northern Ireland

The United Kingdom representatives on the Joint Consultative Working Group must always include representation from Northern Ireland, either—

- (a) agreed jointly by the First Minister and deputy First Minister, or
- (b) in period when there is no Northern Executive, nominated by the Head of the Northern Ireland Civil Service.”

This new clause would require Northern Ireland to be represented on the Joint Consultative Working Group established under Article 15 of the Ireland/Northern Ireland Protocol.

New clause 39—Fisheries—

“(1) Ministers of the Crown have as an objective in negotiations with the EU on the future relationship preserving, protecting and promoting the future of the fisheries industry based in Northern Ireland.

(2) In order to promote unfettered access of Northern Ireland fishermen to the UK internal market, Ministers must seek an agreement with the EU that fish caught in compliance with UK fisheries policy by trawlers based in Northern Ireland and landed in UK harbours for the UK internal market will not require after the end of the implementation period any more documentation than was required before exit day.”

This new clause aims to address a specific example of unfettered access in order to avoid an increase in paperwork being required for the Northern Ireland fishing industry after the UK leaves the EU.

New clause 40—State aid—

“(1) The UK Government must exercise its responsibilities for implementing and applying the provisions of Union law under Article 12 of the Protocol on Ireland/Northern Ireland in accordance with this section.

(2) The UK Government must, when exercising its responsibilities with respect to Article 10 of the Protocol (State aid) in relation to a Northern Ireland product, take no account of whether any products originating from Great Britain that are contained in that Northern Ireland product may have received state aid.”

This new clause would provide that any state aid provided to GB products that are included in Northern Ireland products cannot be taken into account when the UK Government assesses the state aid status of those NI products.

New clause 41—Regulatory divergence—

“(1) The Competition and Markets Authority must at intervals of not more than 12 months publish an assessment as to whether the effect of any regulatory divergence between the UK and the EU has been to place Northern Ireland businesses at a competitive disadvantage within the UK internal market that would constitute grounds for the UK to take safeguard measures under paragraph 1 of Article 16 of the Protocol on Ireland/Northern Ireland.

(2) The first assessment under subsection (1) shall be published no later than 12 months after the last day of the implementation period.

(3) If the Competition and Markets Authority makes an assessment under subsection (1) that the effect of any regulatory divergence is that there are grounds for the UK to take safeguard measures, the UK Government must within three months of receiving that assessment take safeguard measures under Article 16 of the Protocol that are in its opinion sufficient to remedy the competitive disadvantage.

(4) The Competition and Markets Authority shall report its opinion as to the adequacy and effectiveness of any safeguard measures under subsection (3) when making its next assessment under subsection (1).”

This new clause would require regular assessments by the CMA as to whether regulatory divergence between the UK and the EH has put Northern Ireland businesses at a serious competitive disadvantage, and in the event of such a finding would require the Government to remedy that disadvantage.

New clause 42—*Specialised Committees*—

“(1) Representatives of the United Kingdom attending specialised committees convened under Article 165 of the Withdrawal Agreement have a duty to represent the interests of Northern Ireland as an integral part of the United Kingdom.

(2) The United Kingdom Government must make arrangements for the Northern Ireland Executive to nominate at least one representative to the specialised committee on issues related to the implementation of the Ireland/Northern Ireland Protocol (see Article 165 (v) of the withdrawal agreement and Article 14 of the Protocol) and to each of the other specialised committees.

(3) In the absence of a Northern Executive, the Secretary of State must nominate representatives under subsection (2) after consulting the political parties comprising Members elected to the Northern Ireland Assembly.”

This new clause would ensure Northern Ireland representation on the specialised committees established under the Withdrawal Agreement.

New clause 43—*Asylum claims after exit day*—

“A Minister of the Crown must seek to negotiate, on behalf of the United Kingdom, an agreement with the EU which, after the United Kingdom’s withdrawal from the EU, secures outcomes matching as closely as possible those which applied before exit day under Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).”

This new clause seeks to maintain the status quo for applications for international protection lodged by a third-country national or a stateless person under the Dublin III process.

New clause 44—*Preventing discrimination*—

“(1) A power of a Minister of the Crown under the law of England and Wales or of Scotland to make, confirm or approve subordinate legislation may not be exercised, on or after IP completion day, in a way that would result in law that treats qualifying NI goods differently from GB good, unless the difference in treatment is justified as mentioned in subsection (2).

(2) A difference in treatment is justified only if it is shown to be necessary and can deliver material benefits for the purposes of—

- (a) protecting health of life of humans, animals or plants, or the environment,
- (b) protecting national security, or
- (c) ensuring that those involved in the production, supply or use of qualifying NI goods are put in a position that is no less favourable overall than those involved in the production, supply or use of GB goods.

(3) Subsection (1) applies to a power whether conferred before, on or after IP completion date.

(4) A Minister of the Crown must by regulations define ‘GB goods’ for the purposes of this section.”

This new clause would prevent a Minister of the Crown under the law of England and Wales or of Scotland using the power to make, confirm or approve subordinate legislation, on or after IP completion day, in a way that would result in law that treats qualifying NI goods differently from GB goods, unless the difference in treatment is justified as mentioned in subsection (2).

New clause 47—*Accountability of the Joint Committee*—

“After section 18 of the European Union (Withdrawal) Act 2018 insert—

“18A Accountability of the Joint Committee

(1) A motion appointing the United Kingdom’s co-chair of the Joint Committee shall be laid before and approved by both Houses of Parliament.

(2) The United Kingdom’s co-chair of the Joint Committee shall always request that, unless for reasons of national security, all meetings of the Joint Committee are conducted in public.

(3) As far as is permitted by Rule 10 of Annex VIII to the withdrawal agreement, a Minister of the Crown must publish all decisions and recommendations adopted by the Joint Committee.

(4) Before attending each session of the Joint Committee a Minister of the Crown shall make an oral statement to the House of Commons setting out—

- (a) the purpose and agenda of that Joint Committee meeting;
- (b) the intended policy to be pursued by the Minister attending that Joint Committee meeting; and
- (c) as far as possible the economic, social and environmental impact of any proposition to be determined at the Joint Committee.”

This new clause requires the UK’s co-chair of the Joint Committee to be approved by Parliament, to ask the EU for Joint Committee meetings to be held in public where possible, for decisions of the Joint Committee to be published, and for a Minister to make a statement to the House of Commons ahead of each Joint Committee meeting.

New clause 52—*Meaning of ‘unfettered access’*—

“(1) In sections 21 and 22, ‘unfettered access’ for qualifying Northern Ireland goods means that businesses in Northern Ireland must continue to be able to sell their qualifying goods to Great Britain without tariffs, origin requirements, regulatory import controls, dual authorisations or discrimination in the market.

(2) Northern Ireland businesses shall enjoy the rights under subsection (1) regardless of whether they trade directly with Great Britain or trade via Dublin port.”

This new clause defines what ‘unfettered access’ means for the purposes of Amendments 12 and 16.

New clause 53—*Duty of consultation when making regulations in connection with the Ireland/Northern Ireland Protocol*—

“Before making regulations under sections 21 and 22, the Government and the devolved authorities must consult, and take account of the views of, the Northern Ireland Executive.”

This new clause would require the UK Government and the devolved authorities to consult and take account of the views of the Northern Ireland Executive before making regulations which could affect Northern Ireland’s place within the UK internal market.

New clause 54—*Consent for any new trade frictions*—

“(1) Regulations that would introduce new requirements on goods traded from Northern Ireland to Great Britain (including, but not restricted to, import customs declarations or origin checks) may not come into force without the consent of the Northern Ireland Assembly.

(2) No additional official or administrative costs consequent on any such regulations may be recouped from the private sector.”

This new clause would require the consent of the Northern Ireland Assembly before further trade frictions are imposed from Northern Ireland to Great Britain and would protect Northern Ireland businesses from paying for the administrative costs.

New clause 55—*Northern Ireland’s place in the UK internal market*—

“(1) As part of its obligation under Article 6.2 of the Protocol on Ireland/Northern Ireland to use its best endeavours to facilitate trade between Northern Ireland and other parts of the UK, the UK Government must—

- (a) publish an assessment at least every 12 months of any negative impacts on businesses and consumers arising from the Protocol on trade between Great Britain and Northern Ireland and vice versa; and
- (b) develop mitigations to safeguard the place of Northern Ireland businesses and consumers in the UK internal market.

(2) The assessment published under paragraph (1)(a) must include assessment of the impact of any actual or proposed regulatory or trade policy divergence on Northern Ireland’s place in the UK Internal Market.

(3) Any official or administrative costs arising from the duties under subsections (1) and (2) may not be recouped from the private sector.”

New clause 57—*Consultation with the British Irish Council*—

“The British Irish Council must be consulted prior to any proposed changes in standards relating to food, the environment or employment in the process of negotiations for new trading relations between the United Kingdom and the European Union.”

New clause 58—*Consultation with the British Irish Council (No. 2)*—

“The British Irish Council must be consulted prior to any proposed changes in the United Kingdom’s devolution settlement as a direct result of the United Kingdom leaving the European Union, or any changes to the devolution settlement resulting from future trade agreements.”

New clause 60—*Establishment of a mitigation package*—

“(1) The United Kingdom Government must guarantee and fund the establishment of a mitigation package for businesses and communities in Northern Ireland.

(2) The impact and success of this fund shall be reviewed by an independent economic body every six months.

(3) The fund must be established in consultation with the devolved administration in Northern Ireland.”

New clause 61—*Provision for EU Referendum in Northern Ireland*—

“(1) Provision must be made to allow for Northern Ireland with the consent of a majority of people in Northern Ireland voting in a poll held for the purpose, to remain or (as the case may be) to join the European Union.

(2) If the expressed wish by a majority in such a poll is for Northern Ireland to remain or join the European Union, the Secretary of State shall lay before Parliament such proposals to give effect to that wish as are agreed between Her Majesty’s Government in the United Kingdom and the Government of Ireland.

(3) This section comes into effect only after a Legislative Consent Motion has been approved by the Northern Ireland Assembly.”

New clause 63—*Border Impact Assessment*—

“(1) The United Kingdom Government must work jointly with and commission, alongside the Government of Ireland and the Northern Ireland administration, an economic impact assessment on the border regions between the Republic of Ireland and Northern Ireland.

(2) This impact assessment must include recommendations on economic support and investment required to aid these regions after the United Kingdom leaves the European Union.”

New clause 64—*Role of Devolved Administrations in trade negotiations*—

“The Northern Ireland administration, alongside other devolved governments and administrations, must have a formal role in all new trade negotiations conducted by the United Kingdom Government.”

New clause 65—*Trade Agreement*—

“The Northern Ireland Assembly must give legislative consent for any new trade agreement reached by the United Kingdom Government before new trading rules and standards are enacted.”

New clause 66—*Maintaining EU Alignment*—

“The United Kingdom Government must provide an annual analysis to the devolved administrations and governments as to what measures they can enact to ensure maximum regulatory alignment with the European Union standards as the EU’s laws are updated and enhanced.”

Joanna Cherry: It is a pleasure to serve under your chairmanship, Sir Roger.

I rise to speak to amendments 38 to 49, which stand in my name and those of some of my colleagues; to amendment 10, which stands in the name of my hon. Friend the Member for Central Ayrshire (Dr Whitford) and some of my other colleagues; and to amendments 28 and 29 and new clause 43, which stand in the name of my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald).

We heard a lot yesterday from those on the Government Benches about the desire of the British people to get on with Brexit, so I would like to begin today by reminding them that the UK at present consists of four constituent parts, and that two out of four of them—Scotland and Northern Ireland—have voted to remain in the EU on every occasion they have been given, including the EU referendum in 2016 and thereafter.

I acknowledge and respect the fact that the Prime Minister and his party won a majority of the seats in England, but I ask those on the Government Benches to pause and consider that the Prime Minister did not win a majority of the seats in Wales, did not win any seats in Northern Ireland—indeed, remain parties won the majority of seats there—and that in Scotland, standing on a manifesto commitment to deliver Brexit and prevent a second independence referendum, the Conservative and Unionist party was reduced to a rump of six MPs, with the Scottish National party winning the election emphatically.

I ask then that this afternoon not be another session of “Scotland get back in your box” but that there is some respectful recognition of the democratic desire of my constituents and the majority of constituents in Scotland to remain in the EU. Rather than lectures about delivering the will of the British people, let us seriously consider that it is the role of the Opposition to scrutinise Bills. I realise that, inevitably, Brexit will now happen—I hope and believe that Scotland will find a way around that for Scotland—but that does not mean there are not legitimate concerns about the way in which the Government are seeking to deliver Brexit.

Geraint Davies (Swansea West) (Lab/Co-op): Does the hon. and learned Lady further accept that 16.5 million people voted for parties either supporting remain or a public vote on the deal versus 14.5 million who voted for the oven-ready Brexit? There is still a democratic mandate, therefore, for putting the deal to the people?

Joanna Cherry: I have to say that I think the ship has sailed on that, because of the outcome of the election in England, but the ship has not sailed on Scotland’s constitutional future, because, like it or not, the Conservative party was reduced to a rump of representation in Scotland at the general election and my party won 47 of the 59 seats. It is surely a matter of concern in a democracy that is not a unitary state but consists of several nations that no matter how many amendments I and my colleagues table to the Bill, and probably every other Bill in this Session, we are unlikely to achieve a single amendment.

Rather than the braying and jeering that occurred when the leader of my group, my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford), got up to ask his questions this afternoon, I suggest to those on the Government Benches that if they really

believe in preserving the Union of the United Kingdom they might want to show a little more respect, not necessarily to me or my right hon. Friend, but to those who sent us here to advocate what the majority of people in Scotland want—and, whether those on the Government Benches like it or not, the majority of people in Scotland do not want to leave the European Union but want a second opportunity to look at Scotland's constitutional future in the light of England's decision to leave the European Union. I defy any democrat to say that that is not a reasonable position. I gently suggest to those on the Government Benches that jeering at the representatives of voters in Scotland, shouting us down and rubbishing our legitimate concerns is not a sustainable position for the next five years.

Sir Jeffrey M. Donaldson (Lagan Valley) (DUP): I am a Unionist, but I share the hon. and learned Lady's view that the voices from the various and diverse parts of the United Kingdom need to be heard. She is right to say that the Government are unlikely to accept any of the amendments that represent legitimate concerns, not least among those of us who represent Northern Ireland. Indeed, all the main parties have come together in an unprecedented way to back many of these amendments. I hope that, post the withdrawal agreement, there will be more consultation and discussion that will include the representatives of the various parts of the United Kingdom.

12.45 pm

Joanna Cherry: There is not much on which the right hon. Gentleman and I will agree, but we can agree on this point. There needs to be a recognition, along with the triumphalism of members of the Conservative and Unionist party about their win in England—which I understand, because we feel pretty triumphal about our win in Scotland—that, if theirs really is a Unionist party, they must engage properly with the representatives of the other parts of the United Kingdom.

Before I deal with the amendments in this group, let me raise again with Ministers the points that I made yesterday about the sweeping powers that the Government are taking to themselves in clauses 3, 12, 13, 14, 18, 21 and 27 to table delegated legislation making provision for areas of devolved policy. The Secretary of State tried to rubbish my interventions yesterday, but if he had time to read the independent report of the Scottish Parliament Information Centre overnight he will know that this is not some SNP party political diatribe, and that careful analysis of the Bill makes clear that it is a matter of fact that the Government are taking to themselves the right of British Ministers, acting alone, to produce delegated legislation in relation to devolved areas. That shows that the paragraph about which the SNP has complained on a number of occasions will actually be included.

The Secretary of State tried to deflect me yesterday, first by saying that the power related to reserved matters. That was simply not correct, as it clearly relates to devolved matters. He then suggested that the power that the Government were taking was merely technical. He will, of course, know that the Sewel convention does not apply to delegated legislation, although it probably would not matter if it did, because the Government are now prepared to drive a coach and horses through it. Interestingly, the Government's delegated powers

memorandum to the Bill states that UK Ministers “will not normally” make regulations in relation to devolved areas

“without the agreement of the relevant devolved administration.”

That is what the Sewel convention says, but we know that it has lately been more honoured in the breach than the observance.

Let me ask the Secretary of State again to revisit the remarks that he made yesterday. Will he acknowledge, for the record—and these are matters on which there may be litigation in the future, so the record might be quite important—that the clauses to which I have referred give UK Ministers the power to make delegated legislation in relation to devolved matters? Will he acknowledge, for the record, that that constitutes an incursion into devolved policy that rightly causes concern not just to the Scottish National party but to all who believe in the devolved settlement?

I know that it is history, but 22 years ago 75% of the people of Scotland voted for that devolved settlement. It is worth remembering that the background against which they did so was years and years of Scotland voting Labour but getting a Conservative Government. Now they are seeing years and years of Scotland voting SNP but getting a Conservative Government. I think it reasonable to draw a lesson from that history: there probably will be another constitutional referendum in Scotland soon, because the tension that now exists is similar to the tension that existed in the 1990s. I look forward to hearing from the Secretary of State later today an acknowledgement of the power that is being taken by the British Government.

Overall, I would say that this Bill is about the Executive taking as much power to themselves as possible, not just from the Scottish Parliament and the Welsh Assembly but from this Parliament, with their swingeing use of delegated legislation and, in relation to clause 26, which I will come to in a moment, from the judiciary.

The Conservative and Unionist party's manifesto revealed that the Government's aim was to change the balance between Government, Parliament and the courts and, as my hon. Friend the Member for Central Ayrshire (Dr Whitford) said yesterday, we see in this Bill the beginning of the changing of that balance. We also see a continued attack on rights, not just the undermining of EU citizens' rights, as we heard yesterday, and not just the undermining of workers' rights, which we will come to later today, but the rights of child refugees.

It is fair to say that it is the proposal in the part of the Bill that we are discussing that has excited the most public comment. I have certainly received many communications from constituents who are worried about this, and in that connection I wish to speak to the amendments tabled in the name of my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East—new clause 43, amendment 28 and amendment 29—and at least to address them at this stage, whether or not they are made, which is perhaps a matter for later.

Across Europe, thousands of unaccompanied children are living in the most desperate circumstances, many of whom are separated from their families. Legal family reunion is a lifeline to those children, who would otherwise risk their lives in dinghies or in the back of lorries to reach a place of safety with their families. We have seen some pretty awful evidence recently of what can happen when refugees resort to dinghies or the backs of lorries.

[Joanna Cherry]

In 2018, in recognition of that fact, a cross-party coalition in this House, including prominent Members of all parties, including the Conservative and Unionist party, recognised the humanitarian need for family reunion to continue and secured a legal commitment from the then Government to negotiate a replacement for the current rules when we leave the European Union. For the Government now to seek to remove those protections risks causing panic among refugee families currently separated in Europe, with potentially tragic consequences. It is also deeply unacceptable to the constituents of many MPs in this House.

The Government say that they are going to continue with refugee family reunion, so it is not clear to me why they are going to the trouble of taking that commitment out of this Bill, unless they want to hedge their bets a bit. Based on experience, that is what I suspect they are up to. Without this obligation in the Bill, there will be no obligation on the Government to ensure that family reunion continues beyond the very restrictive rules in United Kingdom law.

Tim Loughton (East Worthing and Shoreham) (Con): I was one of the supporters of the original family reunification amendments. I trust the Government and that this commitment will be stuck to in the appropriate place—an immigration Bill. Does the hon. and learned Lady acknowledge, however, that post-Dublin III there is a potential problem with the full extent of those family members who qualify for family reunification, and that that needs to be sorted out? There is also a problem with the rate at which potential applicants are processed in places such as Greece and Italy, which is not working well, and with the cost of applications. The whole scheme needs to be properly overhauled, and just bunging it into this Bill is not necessarily the best way of getting the best result that we all want.

Joanna Cherry: The answer to that is that the whole scheme is not being bunged into this Bill. The obligation to maintain certain minimum-level requirements is being taken out by the Bill, although it was agreed by cross-party Members, including the hon. Member for East Worthing and Shoreham (Tim Loughton), in the last Parliament.

The UK's immigration rules as they stand—apart from some very limited circumstances—allow children to reunite only with parents, not with other relatives, in the UK. Under the EU Dublin III regulation, children have a legal route to reunite with other family members such as siblings, grandparents, aunts and uncles, and 95% of children that the charity Safe Passage supports to reunite with family safely and legally would be ineligible under the current UK rules. The consequence of this is that they would be forced to remain alone, separated from their families. There is a legitimate concern that taking out this previous commitment, through the Bill, is the beginning of a move towards an absolutely minimalist approach by the Government to their rights and duties.

Jim Shannon (Strangford) (DUP): I want to put on record in *Hansard* that lots of people have contacted me by email about the issue that the hon. and learned Lady is referring to. There are many churches and many individuals in my constituency that want to see what she

has asked for enshrined in legislation. I had thought that the Government were committed to doing that, and it is disappointing if they are not. If the Government want to reflect public opinion out in the street and mostly reflect public opinion in the constituency of Strangford and elsewhere, they should listen to the voices of the churches, the community groups and the individuals who want to see this happening. With that in mind, I will support the hon. and learned Lady.

Joanna Cherry: I am grateful to the hon. Gentleman for his comments, with which I entirely agree.

Among the amendments that have been crafted by the SNP, new clause 43 is designed to oblige the Government to negotiate an agreement so that Dublin III as a whole continues as closely as possible to the current arrangements. So far as we can make out, it is different from other Opposition amendments, which focus only on children with family here. Our purpose is to challenge the Government to explain why the broader Dublin III system is not worth saving.

Amendment 28 relates specifically to children. Again, so far as we can see, it is the only Opposition amendment that goes beyond seeking an agreement and requires Ministers to put in place a scheme so that we keep accepting take-charge requests from unaccompanied minors. We in the SNP ask why that should be negotiated away. If we believe that children seeking international protection are best placed with their families, let us allow that to happen in the United Kingdom. If we get an agreement that the arrangement is mutual with the EU, that would be great, but why wait? Are we seriously saying that, in the unlikely event that the European Union decides to play bad cop, global Britain will not take these children?

Kate Green (Stretford and Urmston) (Lab): I am following carefully the argument that the hon. and learned Lady is making. Does she not agree that the obligation the Government already have, under the Borders, Citizenship and Immigration Act 2009, to protect the best interests of children would be an essential factor in considering exactly the amendments that she is discussing, and that if they are refusing to accept those amendments, they are undermining that legislation and the intention behind it?

Joanna Cherry: I entirely agree with that point.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): Does the hon. and learned Lady also find it troubling that the Government have chosen to remove the obligations in the European Union (Withdrawal) Act 2018 that everyone had accepted? They had been supported by Government Ministers and by this House as a sensible objective to negotiate an agreement to ensure that some of those vulnerable children could be reunited with their families. It was the most innocuous element of that Act, and it is therefore inexplicable that Government Ministers should suddenly decide that they want to take it away.

Joanna Cherry: I agree. It is inexplicable, unless Government Ministers want to take the advantage of the majority they have secured from the English electorate to renege on an important humanitarian commitment, which, as the hon. Member for Strangford (Jim Shannon) has said, represents the best about what people across

these islands hold dear in their Christian faith, their other faiths or their humanitarianism. It is incumbent on the Government to tell us what they are really up to.

Geraint Davies: Will the hon. and learned Lady give way?

Joanna Cherry: I want to make a bit of progress now.

I want to deal briefly with amendment 29, which is similar to ones advanced by other Opposition parties. It simply puts back in the Bill the obligation to negotiate an agreement for unaccompanied children. We see that very much as a fall-back, and we would like the House to go further than that.

I want to move quickly on to deal with my amendment 38 and those that follow it, which relate to the extent to which the Bill resorts to delegated powers in order for the Government to change the law in ways they feel are appropriate—not necessary, but appropriate—in relation to our withdrawal from the European Union. The Bill enables the Government to make potentially huge changes to the law through secondary legislation that cannot possibly enjoy the same level of scrutiny by this Parliament that one might expect in a properly functioning constitutional democracy that is contemplating such significant change as this Parliament seems determined to embark upon.

1 pm

In the previous Parliament, I pressed Ministers to explain why the determining factor for the use of extensive delegated powers was whether they felt them to be appropriate, rather than necessary. “Appropriate” sets a very low and subjective threshold, enabling Ministers to implement a wide range of legislative measures without adequate parliamentary scrutiny. Many independent bodies, such as the Law Society of England and Wales and the Lords Delegated Powers and Regulatory Reform Committee, have suggested, as my amendments do, that the test should be narrowed to an objective test of necessity. If the role of Parliament in scrutinising delegated legislation will be reduced, the only other mechanism to scrutinise it will be through judicial review, and that puts quite a heavy burden on the individual.

Alison Thewliss (Glasgow Central) (SNP): My hon. and learned Friend is making an important point. I sat on many Delegated Legislation Committees in the previous Parliament, and their ability to amend anything is nil. Does she agree that that is a woefully inadequate process, because while there is some degree of scrutiny, there is certainly no ability to change anything?

Joanna Cherry: My hon. Friend is absolutely right. The reality is that if this discretion will be scrutinised only in the courts after individuals have raised concerns about the impact of delegated legislation on their rights, then the breadth of discretion that the judiciary has to determine whether something is appropriate rather than necessary could be quite problematic. Indeed, that was reflected in the previous Parliament by judicial concerns about the breadth of discretion afforded by the word “appropriate.” I tried on numerous occasions in the previous Parliament to get Ministers to explain why they must have “appropriate” rather than “necessary,” but I am not a quitter, so I will try again today, and I will be interested to hear what the Minister has to say.

Moving on to amendment 10, in the name of my hon. Friend the Member for Central Ayrshire, I believe that she will speak about it later or may wish to intervene on me, but I will just deal with it fairly briefly, because it is important. Others will obviously speak about Northern Ireland at length this afternoon, but amendment 10 deals with powers in relation to implementing the Northern Ireland protocol. As my hon. Friend said yesterday, the arrangements in relation to the protocol are pretty sketchy, with almost everything left to the Joint Committee to work out and then to be enacted, again, through delegated powers.

However, a significant difference exists between the restrictions on the powers afforded under proposed new section 8C and those under previous similar sections, such as section 8B(5) of the European Union (Withdrawal) Act 2018, because there is no restriction on the powers, for example, in relation to their ability to impinge on the devolved settlements of Scotland and Wales. Of course, concerns exist about the extent to which business organisations, the food and drink industry and, particularly, inshore fishing, as we heard yesterday, could be impacted upon in Scotland by the Northern Ireland protocol.

Dr Philippa Whitford (Central Ayrshire) (SNP): This obviously also relates to the Northern Ireland Act 1998 and is of concern, perhaps in this Chamber, in relation to the Human Rights Act 1998. Looking at what proposed new section 8C would replace, the 2018 Act contains limitations that had become relatively standard, so I find it suspicious that they are missing. There is no sunset clause, no restriction on taxes or new offences and, in particular, no protection for the devolved Administrations or the Human Rights Act. That is really worrying, because we are being asked to sign up to something when we have no idea of the long-term ramifications.

Joanna Cherry: As, I think, a Committee of the House of Lords pointed out, it is unusual for restrictions in relation to the Human Rights Act, the Scotland Act 1998, the Government of Wales Act 2006 and the Northern Ireland Act 1998 not to appear in relation to delegated powers, so I am interested in hearing why those restrictions do not appear and in learning how the Government think the implementation of the Northern Irish protocol will impact upon the Scotland Act. Indeed, I am interested in the impact on the Government of Wales Act and the Human Rights Act, and why the Government want to take delegated powers to interfere with the Human Rights Act and the devolved settlement in Scotland.

Turning quickly to clause 26 and my amendment 49, they relate to the concern expressed by many that the Government are amending section 6 of the European Union (Withdrawal) Act 2018—the original provision being that the Supreme Court for the whole of the UK or, in relation to criminal matters, the High Court of Justiciary were not bound by retained EU case law and could depart from that case law in the same way that those Supreme Courts would depart from their own case law. However, in an almost—I think I am correct in saying—unprecedented use of delegated legislation, in clause 26 the Government intend to take the power to pass regulations specifying additional courts or tribunals that could depart from EU law. That is a most unusual approach, and I am wondering what has prompted it.

[Joanna Cherry]

I am interested in the justification for clause 26. Is it an act of revenge on the Supreme Court of the United Kingdom and the Supreme Court of Scotland for daring to defy the previous Conservative Government by ruling their unlawful Prorogation out of order, or is there some other rationale? I would be interested to hear what it is, because their lordships were taking a close interest in this clause. Even if I am not able to move the SNP amendment to the clause today, which would revert to the status quo in the previous Act, I am sure it will be moved in the House of Lords, because there is a real concern that the aim here is to impact upon the independence of the judiciary, and that different regulations applying to different courts about the extent to which EU law was overruled or could be applied will interfere with the important principle of legal certainty. In some ways, this is a probing amendment, but it is an amendment which, if not moved in this House, will be moved elsewhere, so it would be interesting to hear from the Government exactly why they consider it necessary to diverge so radically from the previous a course of action upon which they were determined.

Before I conclude, I want to say a few brief things about a number of important amendments tabled by the other parties. The SNP would be inclined to support the official Opposition's amendment 4 on child refugees if they move it, although we would like to go a bit further than that, as I indicated earlier. We are also keen to support amendments from the official Opposition relating to transparency on the arrangements for Northern Ireland and on general scrutiny and oversight. We also give our wholehearted support to the amendment tabled by the hon. Member for Brighton, Pavilion (Caroline Lucas) and to new clause 17 from our friends in Plaid Cymru.

It is, of course, a great pleasure, particularly for myself and my colleagues in the SNP, to have the company of Irish nationalists once more in this Chamber. While I totally respect and understand Sinn Féin's historical reasons for abstentionism, it is good that we will again hear the voice of Irish nationalism on the Floor of this House and the voice of a significant part of the community in Northern Ireland. It is good to be reminded that Northern Ireland, like Scotland, voted to remain in the European Union. We will be keen to lend our support to the amendments tabled by the Social Democratic and Labour party.

In conclusion, I am certain that not one single amendment sponsored by the Scottish National party will pass in relation to this Bill, just as not a single amendment sponsored by the Scottish National party passed in relation to the Scotland Bill back in 2015, despite the fact that we had 56 out of the 59 MPs in Scotland and now have 48 out of 59.

It is worth remembering that the devolution settlement, which this Bill will undermine, was predicated on the idea expressed in the claim of right for Scotland, which asserts that it is the sovereign right of the Scottish people to determine the form of government best suited to their needs. Of course, on 4 July 2018 the previous Parliament unanimously endorsed that principle in the claim of right. The previous British Parliament accepted that it is the sovereign right of the Scottish people to determine the form of government best suited to their needs. That means that this House has itself recognised, explicitly and unanimously, the principle of self-determination

for Scotland. I look forward to seeing whether the Government have any proposals to reverse that in this Parliament.

To return to what I said at the opening of my remarks, I say to the Government that the day is coming when the people of Scotland will once again vote on whether Scotland should regain its former status as an independent nation state. The hubris, insouciance and lack of respect for democracy embodied in this Bill will hasten that date and ensure victory for the independence movement.

Several hon. Members *rose*—

The Chairman of Ways and Means (Sir Roger Gale): Order. For clarification, and as the hon. and learned Lady indicated, although a considerable number of amendments and new clauses have been grouped for debate under this group, only the lead amendment at this stage is moved, so the Question is that amendment 38 be made. It gives me pleasure to call, for what will be his maiden speech in his capacity as a knight of the realm, Sir Robert Neill.

Sir Robert Neill (Bromley and Chislehurst) (Con): Thank you very much indeed, Sir Roger. It is a pleasure to see you in the Chair and to follow the hon. and learned Member for Edinburgh South West (Joanna Cherry). I do not share her political analysis, but I do have sympathy with some of the legal points she raises, which I will address.

I will start with the interpretation of retained EU law, which raises an important issue. As the hon. and learned Lady has said, concerns have been raised by many lawyers, regardless of their political views. I speak as someone who supported the Bill's Second Reading, who will support it on Report and on Third Reading, and who stood on a manifesto commitment to implement the Bill. The lawyer in me, however, says that it is particularly important that we get this detail right. That is why I hope I can press Ministers for a little more detail and explanation as to why they have chosen a particular course to achieve their objectives.

I accept that there will be circumstances in which it will be necessary for courts to depart from EU law once we have left the European Union. I have no problem at all with that. I am concerned, however, that the Government's chosen formulation for clause 26 has the potential to upset the well-established hierarchy and system of binding precedent that has characterised English common law and, to a greater or lesser degree, that of the other jurisdictions of the United Kingdom. The system of binding precedent is important because we have always regarded it as a benchmark of English law that gives certainty, in that lower courts cannot depart from the decisions of higher courts. That has served us well for centuries and is not something from which we should lightly depart.

It is going to be important for the future, too. If we are to advance Britain's position as an international legal centre and an international financial and business centre—as I hope and am confident we will—certainty of law is important. I am a little concerned, however, that, without more explanation, the Government might risk getting to a stage where—inadvertently, I have no doubt, and perhaps for the sake of speed—they may undermine that valuable asset. That would have perhaps two consequences, which I will touch on.

Judgments made over the years by the European Court of Justice have been embedded in domestic judgments of our courts, including those of the Supreme Court. It seems odd that power should be given to a lower court to, on the face of it, depart from a Supreme Court judgment interpreting the European law as it then was. On the face of it, and without more explanation, that seems to me to upset the doctrine of binding precedent and risks driving a coach and horses through a fundamental part of our system. That is not something we should undertake lightly. Will the Minister explain the rationale behind it and precisely how the Government will go about it? Why is it necessary?

1.15 pm

People who will seek to litigate or enter into contracts during the EU withdrawal period, or immediately after—many commercial contracts will run over that period—will want to do so in the knowledge that they will have certainty as to what the law is likely to be. If the law is likely to be disapplied, that will be done either by an Act of Parliament, which is fair enough, or by a judgment of the High Court or, if appropriate, the Supreme Court, working through the usual hierarchy of precedence. It would be bizarre to allow an employment tribunal or even a High Court judge sitting at first instance to, on the face of it, have the power to disapply EU law in a way that might not be consistent with the ruling of the higher court in previous cases. I am sure that that is not the intention, but the wording as it stands, without more being said, seems to open up the risk that that could happen. I hope the Minister will help us and explain how that will be avoided, because I am sure it cannot be what the Government want.

There is a second risk, though also unintended, I am sure. As well as being embodied in judgments, previous ECJ decisions in EU law have been embedded in policy decisions, which have been made sometimes in this House by primary or secondary legislation, and sometimes through the executive actions of Ministers and other executive bodies and agencies. If one is inviting a lower court to depart from EU law on those matters—and, perhaps, to overturn some of those decisions—we run the risk, as the Law Society fairly points out, of, ironically, dragging our courts into areas of potential political controversy. I cannot believe that the Government wish to do that. Moreover, given that in recent months people in some circles have been critical of the UK's higher courts for their judicial activism—personally speaking, I think that is unfair—it would be a little ironic and odd if we were to encourage judicial activism by the lower courts. I cannot possibly think that that is what the Government want to do. Without an explanation or refinement of the wording of the clause—I do not expect the Minister to do that now, because he will have time to do so—it seems to open up another risk. I hope he will explain the thinking behind it and how we might avoid that unintended and, I am sure we would all agree, undesirable consequence.

The European Union withdrawal agreement dealt with that subject by saying that only the Supreme Court could depart from EU case law. That makes absolute sense, in accordance with acceptance of our binding hierarchy of courts and the precedent of judgments delivered by the courts. Can the Minister be more specific as to precisely why it is that the Government have chosen to depart from that principle in this case?

If the issue is one of time, that should be reflected in the urgency with which we address the negotiations and in the resources given, including to the courts, to deal properly with such matters. I am not saying that I do not want appropriate decisions in relation to EU law to be made, but I do not think we should imperil a much broader system for the sake of expediency in relation to a narrow point. I am sure the Minister knows that I approach the issue from a constructive point of view. I hope he will give us more detail and reflect on the matter.

Sir Desmond Swayne (New Forest West) (Con): I am alive to my hon. Friend's concerns—indeed, I share them—but does not clause 26 provide protection by giving the Minister the power to make regulations that will have to go through this House? That is a statutory intervention, albeit not an Act of Parliament. It is by the will of this House that those intrusions would be made.

Sir Robert Neill: I say to my right hon. Friend: yes, up to a point, Lord Copper. Although it may be by the will of the House, I urge the Committee to be cautious in going down such a route, which profoundly changes the centuries-old approach to English common law. Secondly—this is a point that I will make in a moment—there is an issue with the way in which we scrutinise regulations that the Committee may be asked to make. That relates to clause 18, to which I will return briefly. It is about getting those two bits right.

I am conscious that elsewhere in the legislation, there is an obligation upon Ministers to consult the senior judiciary when making some of those regulations. I welcome that important safeguard—it must be a very full consideration. With every respect to my right hon. Friend the Member for New Forest West (Sir Desmond Swayne), I do not think that we have a complete answer as yet. In particular, we need an explanation about the departure from the position as it was in the European Union (Withdrawal) Bill. As the hon. and learned Member for Edinburgh South West alluded to, there is a concern that we run the risk of an increase in judicial review were there a deficiency or uncertainty in the way in which we deal with those matters.

I hope the Minister will confirm that, as well as the commitment to consult the judiciary, there will be very wide and early consultation under the provisions of clause 26. That should obviously include the senior judiciary throughout the UK, but I hope it will also take on board the broader concerns of legal practitioners to find the right formula. For example, it could include experts like those who serve on the Law Society's Brexit law committee—that is fundamental to the workings of our financial services—and who work for other such organisations. By pressing the Minister in this way, I seek to make sure that we get that right.

That brings me to my second and final point, which relates to clause 18 and the way in which we consider delegated legislation. I note that the hon. and learned Member for Edinburgh South West hinted that amendment 39 is a probing amendment, and I am glad of that. I have some sympathy with it, but I accept that the Minister might want to reconsider, between now and the passage of the Bill through the other place, how best to deal with the issue. On the face of it, it is surprising to substitute an objective test with a subjective one when dealing with matters of such importance.

Sir William Cash (Stone) (Con): When dealing with issues of interpretation of European law in the context of our own previous methods of judicial interpretation, those of us who are familiar with Maxwell as compared to Craies know what the differences are. Does my hon. Friend believe that we should be moving towards the *stare decisis* system—in other words, a system based on precedent—rather than to purposive interpretation, which is the basis on which European law currently operates? Professor Richard Ekins of Oxford University and others are very conscious of that. He has written a very interesting paper.

Sir Robert Neill: It is indeed a very interesting paper. Having been brought up as a common lawyer myself, my preference is inevitably to move towards a *stare decisis* approach. I think that that is something that we all wish to move back to as we reconstruct our statute book and legal texts thereafter. My hon. Friend and I will be entirely in accord on that.

The question is really about the route that we choose to get there and ensuring that we have proper scrutiny of that route, because any deficiencies in regulations would likely result in a judicial review. That is another irony: I am sure that the Government would not want greater risk of judicial review of their actions than is absolutely necessary. It would be a funny Government who made work for lawyers in relation to judicial review. That might be interesting for some of us, but I am sure that it is not something that the Government wish to do. However, without more explanation as to why we are going down that route, that is the risk.

First, I suggest to the Minister that he should seriously consider whether we move to a “necessary” as opposed to “appropriate” test—an objective test—which is much more likely to withstand challenge in the courts, because it is more likely to be readily evidenced and, I would have thought therefore, to the Government’s advantage. If the Government get their ducks in a row early when making regulations and have evidence to back the objective test, they are much more likely to withstand legal challenge.

Secondly, the Government would be much less likely to face challenges and we would get better scrutiny if we moved—certainly for the majority of policy considerations—to using the affirmative rather than the negative procedure. That would perhaps be a fair balance in the House. We will not necessarily be able to do primary legislation for all of our withdrawal, because there is too much of it. Sensible use of secondary legislation, to remove references to the European Union or something of that kind, can of course be done by the negative procedure. When policy considerations are involved, however, the use of the affirmative procedure would be consistent with the Government’s objective of bringing back control to the House, and with the movement towards our traditional UK approach to legal matters. I hope that the Minister will say something about that when he responds.

Thangam Debbonaire (Bristol West) (Lab): It is a pleasure to see you in the Chair, Sir Roger, and I look forward to serving under your guidance. It is also a pleasure to follow the hon. Member for Bromley and Chislehurst (Sir Robert Neill), who has given the Treasury Bench much to think about on the difference between subjective and objective tests, which I will bear in mind in my remarks.

I rise to speak to the official Oppositions’s amendments in this group. Amendment 1 relates to full transparency on the implications of the Northern Ireland-Ireland protocol. Amendment 4 would restore the clauses from the previous version of the Bill that related to negotiating arrangements for the protection of unaccompanied child refugees. New clause 1 would restore to the Bill the process of parliamentary scrutiny—it has been removed since the previous version of the Bill—over the process and outcome of negotiating the future relationship with the EU after we leave. I am sure that you will tell me if I stray from the topic of debate, Sir Roger.

The Opposition have tabled amendment 1 because the Government appear to be incapable of clarity about the implications of the Ireland-Northern Ireland protocol on the people of Northern Ireland and Great Britain, their jobs, their businesses and their way of life. That is too important to leave to chance. The people of Northern Ireland, and the people of the whole United Kingdom, need and deserve the transparency and accountability that the amendment proposes.

This part of the withdrawal agreement and the Bill have to be considered in the light of the historical context. The Good Friday/Belfast agreement was an extraordinary moment in the history of these islands and an awe-inspiring achievement of the incoming Labour Government of 1997 and of the latter period of the Major Government. Nobody my age could have thought that we would see peace in Northern Ireland in our lifetimes. The change to our way of life and the benefits to the people of Northern Ireland were unimaginable before the agreement. The Good Friday/Belfast agreement brought in a new era of peace and reconciliation.

The people of Northern Ireland, as well as its politicians across political and other divides, deserve our respect and admiration for how they have built the peace, worked to build united communities and created a way of life that seemed impossible a quarter of a century ago. Surely, no politician of any affiliation would want to destabilise that achievement—I am sure that that includes the Minister, the hon. Member for Worcester (Mr Walker), who is nodding. I am sure he needs no reminding—I will remind him anyway—that the Government have a legal obligation to adhere to the terms of the Good Friday/Belfast agreement. That means no opt-outs, no wiggling and nothing other than solid, uncompromising adherence to and support for the spirit and the letter of the agreement, no matter how hard that may be. Too many people have sacrificed too much for peace for the Government to do otherwise.

These are no small matters, so it is troubling in the extreme that the Government do not seem to know their own mind or the implications of their own protocol. The consequences of a return to a hard border or divisions between Great Britain and Northern Ireland, the fears emerging for people in Northern Ireland and the problems for businesses across the UK are all serious matters—hence our amendment. Businesses in Northern Ireland have spoken with one voice and are rightly concerned about the potential impact of border checks on goods between Northern Ireland and Great Britain. So, too, are businesses across other parts of Great Britain. Any business that currently sends goods to Northern Ireland should not have to expect border checks within the UK.

1.30 pm

Businesses in Bristol West have already told me of their anxieties about checks between the UK and the rest of the EU27, but at least those checks were anticipated after the 2016 referendum. Those businesses should not have to expect border checks within the UK, between Great Britain and Northern Ireland.

Not only that but the Prime Minister has, at times, appeared at odds with his own Secretary of State on what the practical implications and, therefore, the trading and economic implications will be for the movement of goods between Great Britain and Northern Ireland. Northern Ireland's place in the United Kingdom is enshrined in the Good Friday/Belfast agreement. We must honour that agreement, and the Government should not be afraid to be open about how they are honouring it. That is why we ask them to consider supporting amendment 1.

James Brokenshire (Old Bexley and Sidcup) (Con): I do not think any Conservative Member would, in any way, demur from the need to uphold the Belfast/Good Friday agreement, which has provided the bedrock of political stability, but does the hon. Lady acknowledge that the withdrawal agreement itself specifically underlines the point about unfettered access and, equally, that the protocol is intended to be replaced by the enduring agreement that we wish to strike with the European Union?

Thangam Debbonaire: I thank the right hon. Gentleman for his intervention but, of course, it is far from clear that that will be the case. What we are actually seeing, even from the Secretary of State, is that there will be customs checks. There will have to be border checks because of the nature of the protocol.

I ask the Minister to provide clarity. If the right hon. Member for Old Bexley and Sidcup (James Brokenshire) is correct, all well and good, but that is not the impression we have been given.

Gavin Robinson (Belfast East) (DUP): The hon. Lady's points are appropriate and balanced. The right hon. Member for Old Bexley and Sidcup (James Brokenshire), a former Secretary of State for Northern Ireland, suggests, as has been suggested throughout this debate, that there is automatic secession from the Northern Ireland protocol—there is not. Article 13(8) is very clear that the only way we secede from the Northern Ireland protocol is, first, if the European Union agrees and, secondly, if the confines of the protocol are no longer required. Those two things are not in our gift, so there is no certainty of our automatic secession, as the hon. Member for Bristol West (Thangam Debbonaire) was invited to believe.

Thangam Debbonaire: The hon. Gentleman is quite right. It is because of that uncertainty that many people in Northern Ireland have understandable fears about the future.

Karin Smyth (Bristol South) (Lab): My hon. Friend is making an excellent point. We heard it again yesterday that the Government's intention is for Britain to diverge from the European Union. If that is the case, as we are being led to believe, it is inevitable that there will be border checks somewhere. With respect to the right hon. Member for Old Bexley and Sidcup (James

Brokenshire), there is absolutely no guarantee and no certainty. It is the Government's wish to diverge that is causing this problem.

Thangam Debbonaire: My hon. Friend is absolutely right. I, too, sat through yesterday's debate, and that seemed to be what was being said. The Brexit Secretary himself said that there will have to be some sort of checks, which is inevitable. If we are to diverge from the current rules and Northern Ireland is to remain within them, there will have to be checks. It is no wonder that the people of Northern Ireland are concerned about the potential impact on their place within this United Kingdom.

Businesses in Bristol West have already told me of their anxieties, as I said, but they had a right not to expect there to be border checks within the UK. Northern Ireland's place is enshrined in the Good Friday/Belfast agreement, but this is not just about trade—that is why I mentioned the agreement. This is about people. It is about values. It is about hopes and fears for the future, and it is about the feeling of belonging. It is about relationships between and within communities.

There is a perception among some in Northern Ireland, as hon. Members have mentioned, that a border nobody voted for will be created within the United Kingdom down the Irish sea. A border in the Irish sea does not bring people together, as the Good Friday/Belfast agreement does; it divides people and pulls them apart.

Amendment 1 seeks to give the Government a way of renewing their commitment to the Good Friday/Belfast agreement by showing that they still believe in the Union—the full Union of the United Kingdom of Great Britain and Northern Ireland. The amendment would require them to report openly and transparently on the implications of the protocol for the movement of goods between Northern Ireland and Great Britain and vice versa, for the Northern Ireland economy, for the fiscal and regulatory compliance of goods travelling between Northern Ireland and Great Britain, and for barriers to trade for third-country goods entering Northern Ireland and Great Britain from the rest of the EU and third countries.

Amendment 1 would require the Secretary of State to publish a report and lay it before both Houses of Parliament and each devolved legislature, and to provide for debate and proper scrutiny in both Houses. The first report should appear before 31 October. I can see no problem with that. If there is no problem, as the right hon. Member for Old Bexley and Sidcup says, what is the problem with transparency? It would not take the Government very long to do that reporting, and our constituents and the people of Northern Ireland have a right to expect such transparency.

If the Government do not support amendment 1, I can only ask them to respond. Do they feel they owe it to the people of Northern Ireland to report sufficiently on the commitment they made earlier in this process to avoid a hard border? What is it about transparency and accountability to the people of the whole United Kingdom to which they object?

Sir Jeffrey M. Donaldson: On transparency and reporting, it is important that Northern Ireland is represented on the proposed Joint Committee on the Northern Ireland protocol so that we have a direct input into how the arrangements are enacted.

Thangam Debbonaire: That sounds like an eminently sensible idea.

The Opposition support the cross-party amendment, new clause 55, and I will come on to the other clauses. The Labour party has consistently proposed a solution to the possibility of Brexit causing a border either on the island of Ireland or in the Irish sea, and our customs union proposal would prevent both. There will be a chance to discuss that proposal later today, and the Government will have a chance to consider it. In the meantime, I ask them to consider amendment 1.

Clause 37 is an astonishing breach of faith with some of the most vulnerable children in the world. Our amendment 4, which we will push to a vote, seeks to restore that faith. My right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) and the noble Lord Dubs, our dear friend and colleague, have today written jointly to all Conservative Members to urge them to support amendment 4 and thereby scrap clause 37.

Bambos Charalambous (Enfield, Southgate) (Lab): The UK has already reneged on its commitment to the 480 child refugees who were due to come to the UK from France under the Dubs scheme. This withdrawal agreement is a further regression of the UK's moral duty to help vulnerable refugee children, so does my hon. Friend agree that amendment 4 would require the UK to show that it is serious about its humanitarian obligations?

Thangam Debbonaire: I absolutely agree with my hon. Friend. This is about who we want to be as a country—who I believe the British people already are—and how we want to be seen. As Conservative Members will know, there is no mandate for this change. The change was not in their general election manifesto or in any statement of support for the withdrawal agreement of which I am aware, although they are welcome to contradict me. It is deeply wrong for the Government to seek to remove this provision on protecting vulnerable children just because they can.

I am sure that many Conservative Members are troubled by this, and I hope some are having words with their Whips right now. I know their constituents will be shocked by the breach of trust between the people of this country who, no matter who they voted for in December, believe that protecting vulnerable children is part of who we are as a country. Brexit or no Brexit, that is who we are.

I believe the Minister is an honourable man, and perhaps he will seek to remedy this breach of faith by not objecting to amendment 4, and thereby not put his MPs in an awkward position. We shall see.

Clause 37 removes the commitment to negotiate an agreement with the EU27 on protecting child refugees. If the Government will not back our amendment to change that, I hope they will explain it. The hon. and learned Member for Edinburgh South West (Joanna Cherry) has already outlined much of the case, and I am grateful to her for supporting our amendment and for laying out the legal detail, as I am not as capable as her of doing so.

This commitment belongs within the Bill. The Government have said otherwise, but we believe it belongs here because, as well as keeping faith with the noble

Lord Dubs and others both inside and outside Parliament, the existing provisions for the protection of children would then be the basis for negotiating an agreement. We must consider the fact that the clock is ticking; we leave the EU at the end of this month and we will then have only a few months more to agree the future relationship. The regulations that currently provide the legal basis for child refugees to be reunited with adult relatives will end if we do not put any other negotiated agreement in place in that time.

Surely, there can be no right hon. or hon. Member in this place who does not respect and admire the work of our colleague and friend Lord Dubs, who, with warmth and determination, eternal optimism and good faith, has campaigned, and inspired others to campaign, for us to do more, not less, for vulnerable child refugees travelling alone and trying to get to safety. Who among us can fail to recognise his extraordinary example and his achievements? I hope that I am wrong, but it would seem that, unfortunately, the Government do not recognise them. That is certainly Lord Dubs's view and it is mine, too, because in clause 37 they have reneged on that commitment. More importantly, they have reneged on a commitment to child refugees themselves, to secure arrangements at the earliest opportunity on how to protect children elsewhere in the EU who have an adult relative legally in the UK, either with status or in the asylum process.

Family reunion is one of those things that should not need explaining, but apparently it does: families belong together. Families who are traumatised by war, persecution and conflict are often forced to make decisions that none of us would ever want to have to make. Sometimes, in their journeys to safety, they are separated, and we should be doing everything we can to help reunite them, wherever they are, because that is part of who we are as a country. The British Red Cross and other refugee organisations have recommended that clause 37 be removed and that the provision be restored, and the Government could do just that. They have said that there is no change of policy and that it is just not appropriate for this provision to be in this Bill—the Minister is nodding. Why should it not be in this Bill? It was in the October version. The provisions end this year and I have heard no whisper of any negotiations so far with the EU about this provision, although I am happy to be corrected if the Minister knows otherwise.

In numerous reports, such as the House of Lords European Union Committee report “Brexit: refugee protection and asylum policy” and the House of Commons Foreign Affairs Committee report “Responding to irregular migration: A diplomatic route”, the importance of providing safe and legal routes to protection has been noted. They point out, for example, that policies that focus

“exclusively on closing borders will drive migrants to take more dangerous routes, and push them into the hands of criminal groups.”

They have warned:

“In the absence of robust and accessible legal routes for seeking asylum in the UK, those with a claim are left with little choice but to make dangerous journeys by land and sea.”

The Government have rightly shown concern about people setting out on those dangerous journeys, but making it harder to come by legal routes is what prompts them. The Government recognise the need—I have heard them do this—to do more to prevent desperate

and vulnerable people setting out in leaky boats and taking other dangerous routes, but this recognition is hollow words if it is not followed up with the action needed to increase safe and legal routes. The Minister will know, as I have pressed on this on many occasions, in different contexts and different debates, that refugee resettlement and refugee family reunion saves lives and prevents those dangerous journeys.

Clause 37 is worse than I have set out, as not only does it fail to increase our response, but it goes backwards. It risks going backwards because we have no commitment on what will happen and it is totally unnecessary. Let me set out some things the Government could choose to do and commit to right now. They could commit that family reunion rights will be protected, with priority afforded to unaccompanied children. They could tell us they will replace the family reunion elements of Dublin III by prioritising negotiation with the EU and with key member states so that there is an agreement that allows individuals who have claimed asylum to be reunited with their family members. The Government could commit to allowing children to join extended family members in the UK who have the legal right to be here because they are in a process or they already have status.

We hope that the Government and their Back Benchers will recognise the rightness of this cause and the moral justification for it. We hope that they understand that the people of the United Kingdom will want them to do this. We hope they will also join us in paying tribute to the many community organisations, volunteers, councillors and individuals who have shown our national values, and demonstrate them daily, by protecting, and offering to protect, still more vulnerable people. We hope the Government will acknowledge that and accept our amendment.

Finally, I come to the issue of parliamentary scrutiny. An extraordinary turn of affairs has occurred between versions 1 and 2 of this Bill: the Government have totally removed the process of parliamentary scrutiny over the negotiations for the future relationship with the EU. Our new clause 1 therefore seeks to restore this scrutiny. Do we want to leave the European Union just for the Government to be able to ride roughshod over the views of the democratically elected Members of this House of Commons, on our side and on the other? Do our constituents really want us to have less say, not more, over the relationship with our nearest neighbours? Did the people we represent really go to the polls on a dark, cold, rainy and windy day in December to elect us, on this side of the House and on that, so that we can simply agree to hand over power to the Executive on this, the single most important issue of our times? Is this really what “Get Brexit done” means?

1.45 pm

Sir Desmond Swayne: Throughout the proceedings yesterday the Labour Back Benches were empty. For half the time there was only one Member there—Labour’s only surviving Eurosceptic—but for most of the time there was nobody there at all and we ended up finishing early, such was Labour’s determination to provide scrutiny.

Thangam Debbonaire: The right hon. Gentleman is well aware that the Labour party had leadership hustings last night and that the Front-Bench team were here and fully engaged. I am talking now about the future

relationship. Labour Members know, reluctantly or not—for many of us, this will be a sad moment—that on 31 January we will leave the EU. We accept that, but I am now talking about scrutiny of the future relationship. The shamefully misleading impression given by the Government that electing them in December would mean that Brexit would be “done” by the end of January and that we could move on to other matters is a terrible way to treat the people of the United Kingdom, whoever they voted for.

I am sure the Prime Minister and his entire Front-Bench team are fully aware that Brexit does not just get “done” when we leave, as we are going to and as the Opposition have acknowledged, on 31 January. I am certain that newly elected, as well as returning, Conservative Members know perfectly well that all that will happen on 31 January is that we will leave the European Union. They know that none of the agreement on the future relationship, or of the arrangements for sharing information about criminals or trading, or for co-operating on research or on moving life-saving medicines between the UK and the rest of the EU, will be “done”. That will all be still to do. The Government have set a wildly unrealistic expectation, not only that Brexit will just get “done”, but that the many aspects of the future relationship will be “done” by the end of June this year, for the transition to be over by the end of December. In doing that, the Government treat the economy, jobs, lives and welfare of the people of the UK recklessly.

Clause 33 means that the implementation period comes to an end on 31 December, in all circumstances, as Ministers said yesterday. Even if we have not worked out how people who currently work across borders in the EU can continue to do so, Ministers are prohibited by law—they will be by the end of tomorrow—from asking for an extension period. If the agreements on how we share information about terrorists and criminals, or on other important aspects of data sharing, are only days away, we will still not be allowed to ask for an extension, even one that is just for days. Even if the arrangements for the movement of medicines are not complete, there will be no extension. *[Interruption.]* This is related to this amendment, because we are asking for scrutiny of the process. If the Government are going to insist on this transition period coming to an end no matter what, surely we should have a right to scrutinise the process.

Joanna Cherry: The hon. Lady is making a powerful speech. She should ignore the jeers and concentrate on the forcefulness of the points she is making. Does she agree that the situation she has just described, whereby favourable agreements just a few days away from being negotiated would be given up in favour of this shibboleth of a certain date, is the classic definition of cutting off your nose to spite your face?

Thangam Debbonaire: I do agree with the hon. and learned Lady on that. I say again that that shows why we need this amendment, because it is about the scrutiny of the process. If we are to accept this ridiculous idea that there must be no extension to the transition period, even if it is for just days, at least we should have the right to scrutinise that process, on behalf of the people we were sent here to represent. This is not about whether there is good or bad faith on the part of the EU member states. I am sure that they will, as we all hope, negotiate in good faith, but there are practical implications

[Thangam Debbonaire]

here about the sheer volume of work to be done to reach agreements on all these vital aspects of our future relationship and secure the parliamentary approval of 27 other countries by the end of this year.

I am saddened, but no longer shocked, that the Government rejected our sensible proposal yesterday, but I hope that today they will consider our sensible proposal on scrutiny. It is not too much to ask that we, the elected representatives of the United Kingdom—of all parties, including the Government party—have the right to hear from our Ministers on the aims and objectives of the negotiations, the progress made and the outcome. It is not too much to ask that we be guaranteed that right, with the opportunity to debate and discuss, rather than having to wait for possible a ministerial statement or being forced to beg for information via an urgent question.

Surely, Government Members can see the wisdom in our proposal. They, too, were elected to represent their constituents, not just to be lobby fodder for their Prime Minister. If they have a business in their constituency on which jobs depend, and the ability to trade relies on the continuation of an agreement between the UK and the EU, do they not want to be able to ask their Government about whether that is included in the negotiating objectives and to be able to find out how that is going? If they have a constituent whose life depends on the movement of a medical device from one EU country to the UK, do they not want to be able to find out whether that is part of the negotiations and how that is going? Surely, they will want to be able to represent their constituents.

Members may not realise that the Law Society has recommended reinstating the scrutiny role. They may have forgotten that the Supreme Court judgment in the 2017 Gina Miller case made it clear that the Government cannot make or withdraw from a treaty that amounts to a major change to UK constitutional arrangements without parliamentary oversight. Or maybe this does not count. I ask all Government Members to consider pushing their Government, and I ask the Minister—I say again that I know him to be an honourable man—to consider restoring the full process of parliamentary scrutiny. I ask them to commit today to doing that. They could choose to adopt the Opposition amendment, or they could achieve it in some other way. I do not mind; I just believe that, as elected representatives, we should be able to represent the people who sent us here on the most important change to our way of life, our jobs, our businesses and our security in our lifetimes.

The Parliamentary Under-Secretary of State for Northern Ireland (Mr Robin Walker): Before I address the provisions we are debating, I wish to acknowledge the enormous hard work and professionalism of officials in the Department for Exiting the European Union, in which I had the privilege to serve for more than two years, and in the territorial offices in which I have served since, in bringing this Bill and the withdrawal agreement to the position they are in today. I pay tribute to all those in the devolved Administrations and the Northern Ireland civil service who have contributed to our work on EU exit and to ensuring that the whole UK is able to leave the European Union in an orderly way. The Bill may have been a long time in coming, but it is delivering on a

mandate for the whole United Kingdom. It has been a privilege to work with colleagues from every part of the United Kingdom in preparing and delivering it.

I agree with the hon. Member for Bristol West (Thangam Debbonaire) about the importance of the Good Friday Belfast agreement. It is absolutely right that it has been a central focus of the exit process from the start. We do not need amendment 1 to state our firm commitment to both the Good Friday agreement and the principle of consent, or, indeed, my party's absolute commitment to the United Kingdom.

I shall talk briefly to the purpose of clauses 18 to 37 and schedules 3 and 5 before I go into the detail of the amendments. As a Northern Ireland Minister, I make no excuses if most of my focus in respect of the amendments is on Northern Ireland. I am sorry not to have heard from more Northern Ireland colleagues so far; I shall try to make time to ensure that I can.

First, the clauses set out how EU law will be wound down at the end of the implementation period. Secondly, they enable the UK to fulfil its international obligations under the financial settlement. Thirdly, and crucially, they implement the regulatory, customs and other arrangements contained in the Northern Ireland protocol; protect rights and arrangements contained in the Belfast Good Friday agreement; and avoid a hard border. Fourthly, they update the European Union (Withdrawal) Act 2018 so that it operates as intended in the light of the withdrawal agreement. Fifthly, they allow UK courts to interpret UK laws and not to be inadvertently bound by historic European court cases. Sixthly, they provide a mechanism for Parliament to consider EU legislation that raises a matter of vital national interests, thereby increasing parliamentary scrutiny. Seventhly, they ensure that the Government are properly accountable for their work in the withdrawal agreement Joint Committee, and that Parliament should be informed on formal dispute proceedings that arise from the withdrawal agreement. Eighthly, they guarantee that we can ratify the withdrawal agreement on 31 January by ensuring that once the Bill receives Royal Assent there are no further parliamentary hurdles to ratification. Ninthly, they repeal unnecessary or spent enactments relating to EU exit.

I shall now address the amendments—

Stephen Timms (East Ham) (Lab) rose—

Mr Walker: I am happy to take interventions as I address the amendments; perhaps the right hon. Gentleman will let me move on to that first.

I agree with what the right hon. Member for Lagan Valley (Sir Jeffrey M. Donaldson) said in an intervention about the importance of every part of the UK being heard. I recognise that many of the amendments are focused on securing Northern Ireland's interests in the next phase of the Brexit process, and we absolutely recognise the support they have received from across the Northern Ireland business and political community. If and when the Executive are restored, the UK Government will be ready to consider commitments concerning the Executive's role in future discussions with the European Union and to engage with them as we safeguard Northern Ireland's integral place in the UK. The Government cannot accept any of the amendments to the clauses that implement the protocol on Ireland and Northern Ireland, for a number of reasons.

First, let me address new clauses 14, 15, 39 and 40, all tabled by the right hon. Member for Lagan Valley, as well as new clauses 63 and 13. At the outset, I should confirm that the protocol does not affect the constitutional status of Northern Ireland, which remains part of our political and economic union.

Stephen Timms: The Government's impact assessment for the Bill states:

"Goods moving from Great Britain to Northern Ireland will be required to complete both import declarations and Entry Summary (ENS) Declarations".

Is that statement correct?

Mr Walker: It is clear that there are reporting requirements in the functioning of the protocol, but, as is clearly set out in article 6 of the protocol, we want to ensure that we use the Joint Committee to reduce them and make sure that we have the absolute minimum burden. The protocol itself clearly gives the Government the ability to provide unfettered access. I shall address that in more detail as I go on.

Northern Ireland remains in the UK customs territory and can benefit from future trade deals that we strike with the rest of the world. The Prime Minister has repeatedly made it clear that the deal is good for businesses and individuals in Northern Ireland.

Simon Hoare (North Dorset) (Con): Does the Minister agree that it would be enormously helpful if the Government's stance ensured that whatever regulatory regime is required, it is not only of the lightest touch but is as cost-neutral as possible? Therefore, there needs to be detailed discussion with Treasury colleagues to see what mechanisms may exist for reclaiming, either through the VAT process or offsetting against personal or corporation tax, in order to make it cost-neutral, with the understanding that we need to be able to do something.

Mr Walker: My hon. Friend raises an interesting and important point. As he will appreciate, I cannot necessarily make commitments on behalf of Treasury colleagues at this stage, but I have no doubt that he will assiduously press for Northern Ireland's interests with the Treasury.

Gavin Robinson *rose*—

Mr Walker: I will give way to the hon. Gentleman, but I will need to make some progress so that he and his colleagues can speak.

Gavin Robinson: The Minister is humble enough to recognise that he cannot make commitments on behalf of the Treasury, but he should go a step further and say that he cannot make commitments on behalf of the European Union, either. That is our fundamental problem with the withdrawal agreement and its implications for Northern Ireland. There is no point asserting sovereignty and indicating that Northern Ireland is fully in compliance with the customs territory of United Kingdom, only to hand that power to a Joint Committee with the European Union.

Mr Walker: As he always does, the hon. Gentleman makes his point powerfully. It is clear from the protocol that Northern Ireland is part of the United Kingdom customs territory, and that we want to make sure that

we maintain unfettered access between Northern Ireland and the rest of the United Kingdom. There are powers in the protocol for the Government to do that.

Let me make a little progress. The Government are committed to ensuring that the Belfast Good Friday agreement is upheld throughout our departure from the European Union. The protocol is clear that it protects rights contained in that agreement, and the Bill gives effect to the UK's commitments in that regard. We are confident that the new functions conferred on the Northern Ireland Human Rights Commission and the Equality Commission for Northern Ireland are sufficient for them to carry out their roles in the dedicated mechanism. It will be of particular interest to some Opposition Front Benchers who have raised concerns with us that the Bill confirms the Northern Ireland Human Rights Commission's "own motion" standing under the Human Rights Act 1998, as well as providing for such standing under the protocol. I direct Members' attention to paragraph 5 of schedule 3. The Northern Ireland Human Rights Commission and the Equality Commission for Northern Ireland will form the bedrock of the dedicated mechanism established under article 2(1) of the protocol. All the powers necessary for these bodies to perform their necessary functions are provided in schedule 3. I therefore urge the hon. Member for North Down (Stephen Farry) to withdraw amendments 32 and 34, which are unnecessary, so that we can allow for the dedicated mechanism.

2 pm

Stephen Farry (North Down) (Alliance): I am happy to withdraw my amendments in the light of the Minister's comments, but I ask him to respond further on the need for both the Human Rights Commission and the Equality Commission to receive the same notification as the Attorney General on human rights or equality issues that come before the courts or tribunals.

Mr Walker: I hear the hon. Gentleman's point, which I am happy to look into, but my understanding is that under the Bill those bodies have the powers they need to acquire the necessary information. I am grateful to him for his gracious withdrawal.

New clauses 11 and 12 were tabled by the right hon. Member for Lagan Valley. I want to make it clear from the outset that the Government's commitment to the Northern Ireland Act 1998 and the Belfast agreement, which it implements, is unfaltering. The consent mechanism contained in the protocol, for which the Government will legislate before the first vote is required in 2024, operates on the basis of a majority of democratically elected representatives in Northern Ireland being able to continue or end alignment with EU law. I am certain that this is the right mechanism. The right position in principle is not to hand a veto to any one party—not to Brussels, not to Dublin and not to any one party or community in Northern Ireland. That is what our consent mechanism does. I therefore urge the right hon. Gentleman to withdraw his amendments and back this arrangement.

Sammy Wilson (East Antrim) (DUP): Does the Minister not recognise the incompatibility of the two statements he has made? He wants to adhere to the letter and the spirit of the Belfast agreement, yet he is prepared to set aside one of its most fundamental parts—that, on

[Sammy Wilson]

controversial issues and issues that one community feels threatens its identity and the things it values, there should be a mechanism whereby there is a difference in the majority vote. He seems not to understand that the protocol and the terms of this Bill set that very vital safeguard aside.

The Chairman of Ways and Means (Sir Roger Gale): Order. Before we proceed, let me provide this clarification. The Minister referred to withdrawing an amendment, as did the hon. Member for North Down (Stephen Farry). At this stage, there is no need to withdraw amendments, because none of them has been moved. It is only the lead amendment that has been moved.

Mr Walker: I apologise, Sir Roger. I stand corrected.

I absolutely recognise the principle in the agreement on contentious domestic matters in Northern Ireland. We are talking about a consent mechanism that is being given to the Assembly uniquely in the case of an international agreement, because we recognise the importance of the issue. We also recognise the benefits of cross-community consent, which is why our approach would mean that a vote recurs more often if a decision is taken without that cross-community consent.

It is the responsibility of the Northern Ireland Executive and the Irish Government to develop consultation, co-operation and action within the island of Ireland—including through implementation on an all-island and cross-border basis—on matters of mutual interest within the competence of the Administrations north and south and not the responsibility of the UK Government. That is why clause 24 ensures that the UK cannot agree to the making of a recommendation by the Joint Committee, which would alter the arrangements for north-south co-operation. As the protocol ensures these aims and the Bill give effect to those commitments, I urge the hon. Members for Belfast South (Claire Hanna), for Foyle (Colum Eastwood) and for North Down to withdraw amendment 36 as it is not necessary to achieve the aims that it seeks.

Karin Smyth *rose*—

Mr Walker: I will take the hon. Lady's intervention, and then I will have to limit interventions.

Karin Smyth: I am grateful for the Minister's comments on clause 24. I am a favoured, seasoned bureaucrat, and I do like a bit of transparency around governance and process. I am struggling to understand how the relationship works between the proposals from the Good Friday/Belfast agreement bodies, particularly the North South Ministerial Council, to this specialised committee, which has no enforcement power but has an ability to recommend to the Joint Committee, which apparently has a supervisory power. We are not sure whether that body can then take action, or whether it just makes recommendations back to the North South Ministerial Council. We are in an ever-moving circle of recommendations, but with no action. The real concern with clause 24 is that it is in aspic in 2020. The ability to move on relationships seems to be lost, and the ability to do that with democratic accountability back to the people across Ireland and the United Kingdom is lost, and that is a serious governance point that the Government need to address.

Mr Walker: I hear the hon. Lady's point and I have great respect for the work she does in this space, but I think she misunderstands. Clause 24 simply means that, as a result of the protocol and the UK Government's role in the Joint Committee, there will not be decisions taken to change north-south co-operation. It does not prohibit or restrict in any way a restored Executive from taking decisions on that within the confines of the North South Ministerial Council. I have to move on now, but, in fairness, I think that that addresses the point.

The Government urge the hon. Member for North Down and the hon. Member for Foyle to withdraw amendment 33 and new clause 61 as they risk creating legal uncertainty for businesses and individuals in Northern Ireland, which is unacceptable to the Government. Our departure from the EU requires the Government to ensure that the statute book is able to function post exit, and these amendments put that at risk.

I wish now to turn to the important amendments 12, 19, 50 and 51 and new clauses 44, 52, 55 and 60. As Members can see from article 6 of the protocol, nothing in the withdrawal agreement prevents the Government from ensuring access for Northern Ireland goods to the market in Great Britain. The Prime Minister has been absolutely clear that, beyond our obligations under international law, there will be no new checks and processes on the movement of such goods. Our manifesto commitment is absolutely clear: the Bill gives us the power to deliver this. We recognise the strong voice with which Northern Ireland's businesses have been speaking on the importance of unfettered access and of protecting Northern Ireland's position within the internal market as a whole and the cross-party, cross-community support for this to be delivered. It can be delivered through clause 21 and through the opportunity to follow up through the Joint Committee, as we discussed earlier. We will, of course, continue to engage with businesses and stakeholders, but I none the less urge the right hon. Member for Lagan Valley and the hon. Member for Foyle to withdraw these amendments.

Dr Whitford *rose*—

Mr Walker: I will take an intervention from the hon. Lady on one of her own amendments.

Mr Owen Paterson (North Shropshire) (Con): I am listening very carefully to my hon. Friend's comments. Does he agree that, as expressed in the DUP's amendments, there is very widespread concern across Northern Ireland and among business groups about the proposal of the protocol? He is trying to explain the details, but it is still going to be complex and it is still going to cause unhappiness and concern. Does he agree that it would be best if, in the course of this year, the Government committed to a comprehensive free trade agreement in which Northern Ireland comes out absolutely on a level pegging status on every issue with the rest of the United Kingdom? All the problems with the detail of the protocol would disappear, because Northern Ireland would be on a level pegging with the rest of the UK as part of a free trade agreement.

Mr Walker: My right hon. Friend speaks with considerable experience and passion on these issues. Of course I agree with him, but what we want is a free trade agreement for the whole of the UK that addresses these issues and allows us the most frictionless access to our neighbours and good trade for all of us. For Northern

Ireland, that would be an excellent result. We have to focus on the fact that this Bill is about the withdrawal agreement, and that includes the protocol. We need to take through the protocol to ratify the withdrawal agreement and move forward into that negotiation.

The Government are committed to maintaining the highest levels of transparency and scrutiny in relation to this Bill and to the implementation of the withdrawal agreement. We have been clear on that, but the exact form of accountability needs to be appropriately framed, so the Government cannot accept new clauses 53, 54 or 65, which would place an undue burden on the Government but not provide the transparency and scrutiny that they purport to achieve. It is no surprise that the Opposition, through amendment 1, seek to place hurdles in the way of our exit, but the result of the general election across the United Kingdom shows that they lack the mandate to do so and that we have a clear mandate to proceed. We should do so without the hurdles that the previous Parliament consistently threw in the way of progress.

Sir William Cash: I wish to ask my hon. Friend to reflect on one point. Under this Bill, the European Scrutiny Committee, both in the Commons and the Lords, will have the power to examine certain matters. I know that he knows about that, but there is also the question of interpretation, which comes up in this set of proposals. I wish to reinforce the exchange that I had with my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), which is that clause 5 has not been addressed, and that reaffirms the supremacy of EU law before exit day. We need to keep an eye on the question of the quashing and disapplication of Acts of Parliament as we proceed.

Mr Walker: I absolutely take on board my hon. Friend's comments. As we are discussing parliamentary scrutiny, I am sure that he will welcome the clauses that set out a role for the European Scrutiny Committee.

Caroline Lucas (Brighton, Pavilion) (Green): Will the Minister give way?

Mr Walker: I will come to the hon. Lady's new clause shortly, so perhaps I can give way to her then.

Sir Robert Neill: Will the Minister give way?

Mr Walker: I will also come back to the issue raised by my hon. Friend.

As is standard in international agreements, the withdrawal agreement sets out procedures for dealing with disputes concerning compliance with the agreement. Amendment 24 would require parliamentary approval for the payment of any fines or penalties under the withdrawal agreement. The withdrawal agreement is a binding agreement that will place the UK under a legal obligation to make those payments. We have to be clear that we will honour our international legal obligations, and we therefore cannot accept any conditionality on payments.

I turn to amendments 38 and 46 in the name of the hon. and learned Member for Edinburgh South West (Joanna Cherry). It is essential that the powers in clauses 18 to 22 can be used to enable all appropriate measures required by the withdrawal agreement to be implemented by the end of 2020. Restricting the power in the manner proposed would limit the Government's ability to implement the withdrawal agreement in the most sensible way.

I remind the hon. and learned Lady that the use of "appropriate" in statute is not at all new. There are myriad examples elsewhere on the statute book of powers that use the term "appropriate" to describe the discretion available to Ministers when legislating. I remember well that we discussed the question of "appropriate" versus "necessary" many times during the passage of the European Union (Withdrawal) Act 2018, and Parliament accepted the use of the word "appropriate". There is no persuasive reason why we should depart from that approach here.

Joanna Cherry: In the Scottish Parliament's legal continuity Bill—which of course was struck down by the Supreme Court after the Conservative party retrospectively changed the law in the House of Lords—the power that Scottish Ministers afforded themselves for making delegated legislation used the word "necessary" rather than "appropriate", so it is not the case that all Governments in these islands afford to themselves the sort of sweeping powers that the Minister is planning on affording himself. There are very legitimate concerns about this issue that are shared not just by politicians but by members of the judiciary. What does he have to say in response to the points raised not just by me, but by the hon. Member for Bromley and Chislehurst (Sir Robert Neill), who was the Chair of the Select Committee on Justice in the previous Parliament?

Mr Walker: I obviously pay heed to those points when they are raised, but I am told that the term "appropriate" actually better allows us to take better steps to ensure that multiple options can be explored when the legal changes are complex and interact with numerous pieces of existing legislation; so there are other elements to take into account.

Sir Robert Neill: I have three points to make. First, perhaps the Minister could set out what those "better steps" are. Secondly, will he address the issue of consideration under the affirmative resolution procedure as opposed to the negative resolution procedure, which might put some of my concerns to rest? Thirdly, before he finishes, will he tell us why we moved from the formulation of the Supreme Court in clause 26 to the lower courts?

Mr Walker: I will absolutely come back to my hon. Friend on the latter point. There are a number of places in the Bill where it is very clear that there will be active consideration by the Commons of the secondary legislation. That is an important part of the parliamentary scrutiny process.

I turn to amendment 10 in the name of the hon. Member for Central Ayrshire (Dr Whitford). It would inhibit our ability to implement part 3 of the withdrawal agreement and the protocol, particularly with regard to the ability to legislate for the consent mechanism and the provision of unfettered access. However, I reassure the Committee—this picks up from the point made by my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill)—that any amendment to primary legislation through clauses 18 to 21 would have to be actively approved by votes of Parliament.

Dr Whitford: But this changes clause 8 in the original European Union (Withdrawal) Act 2018, which included limitations meaning that these sweeping powers without a sunset clause could not be used in relation to the

[Dr Whitford]

Human Rights Act, the Government of Wales Act, the Scotland Act or the Northern Ireland Act. What changes exactly does the Minister feel he would need to make to the Scotland Act to meet the relevant aspects of the Northern Ireland protocol? Why is the legislation being changed? The Minister should justify why those protections and limitations existed in the original Act but he now feels bound to take them out. What is he planning to change in the other devolved settlements, for Scotland and Wales?

2.15 pm

Mr Walker: The hon. Lady is making a comparison between two separate pieces of legislation. We have no dastardly plans to change the devolution settlement. However, we want to ensure that we are able to take the necessary steps to implement the protocol, including providing unfettered access across all parts of the UK, in the limited period available. We will want to engage with the devolved Administrations and legislatures about the most effective way of achieving that.

Dr Whitford: Will the Minister give way?

Mr Walker: I will not, I am afraid.

The Government cannot accept amendment 49, as it would mean that we could be inadvertently bound by European Union rulings for many years. Instead, clause 26 ensures that we and our courts will be able to determine the extent to which courts are bound by historic Court of Justice of the European Union decisions after the implementation period. This will be done sensibly, so I can provide some reassurance to my hon. Friend the Member for Bromley and Chislehurst. The Bill commits us to consult the senior judiciary across the UK before making regulations, and we do not intend this in any way to upset long-standing constitutional principles such as the structure and hierarchy of the court system. This clause simply enables us to take back control of our laws and disentangle ourselves from the EU's legal order, but in a way that will be consulted on carefully with the judiciary, recognising the structures and hierarchies that exist there.

New clauses 1, 6 and 17 and amendment (a) to new clause 6 all seek to introduce various statutory roles for Parliament, and for the devolved Administrations and legislatures, in the future relationship negotiations. These are unnecessary requirements that risk impeding and delaying negotiations. New clause 6 in particular imposes onerous requirements for consultation and impact assessments, but would make it very challenging indeed to conclude negotiations by the end of 2020.

Caroline Lucas: Does the Minister recognise that what he refers to as “onerous requirements” are precisely what our colleagues in the European Parliament enjoy right now? Does he not find that there is a rather ironic point here, which is that we are supposed to be taking back control—although we assumed that meant to elected representatives, not just to No. 10—but we actually have less control than the colleagues we have left behind in Brussels?

Mr Walker: I fundamentally disagree. The purpose of the Bill is to deliver on the withdrawal agreement and take that forward. It is not to set out the future of

negotiations. This legislation is focused on allowing us to move forward into those negotiations. It would be a profound mistake to tie the hands of the Government in achieving the best result for the whole United Kingdom.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): Given that we have flatlining life expectancy and an increasing infant and child mortality rate—the worst in western Europe, which is quite staggering—will the Minister explain why he is not prepared to introduce an assessment of the impact on health of the trade deal, because there will be a significant impact? I really would like an adequate response.

Mr Walker: The hon. Lady talks about assessments of future deals. The place in which to do that is not legislation that is focused on implementing the withdrawal agreement. I am afraid that it is simply not the case, as it was in the last Parliament, that the political arithmetic means that the Opposition can tie the Government up with all sorts of commitments and assessments. We need to ensure that we get the best deal for our economy, our health and our country, and it is right that we move forward by accepting the withdrawal agreement, legislating through the Bill and focusing on the next stage.

Hilary Benn (Leeds Central) (Lab): As the Minister will be well aware, new clause 1 bears a marked resemblance to clause 31 in the previous version of the Bill. The Prime Minister said to the House on 22 October, talking about the now disappeared clause 31, that

“the intention is to allow the House to participate actively and fully in the building of the future partnership”—[*Official Report*, 22 October 2019; Vol. 666, c. 840.]

and the clause set out a whole process for doing that, so why was it a good idea to have that in the version of the Bill produced in October, but now it has apparently become completely unnecessary and terribly onerous for the Government?

Mr Walker: The answer to the right hon. Gentleman's question is perhaps in some of the exchanges we had during that debate, when I was reaching out to him to suggest that he ought to support our orderly withdrawal from the European Union so that we could get on to the next phase of negotiations. Since then, we have had a general election that provides a clear mandate for this Government to take us forward, to deliver the withdrawal agreement, and to get into that next phase of negotiations. I think we need to focus on that.

We have already engaged extensively with the devolved Administrations in our preparations for the negotiations, and we will of course continue to involve all parties, including those in Northern Ireland, as we begin those negotiations. Indeed, this speaks to the absolute necessity and the vital urgency of restoring a functioning Executive in Northern Ireland as soon as possible. The Government will support Parliament in scrutinising the negotiations. We have made a clear commitment in this Bill to Parliament's scrutiny of the withdrawal agreement Joint Committee. To that end, clause 30 provides that when disputes arise, they must be reported to Parliament. Further, clause 34 states that only a Minister will be able to act as the UK's co-chair of the withdrawal agreement Joint Committee, and clause 35 ensures that all decisions must be made by a

Minister in person. That Minister will be accountable to Parliament. We therefore believe that new clause 47 should not be pressed.

The Government fully recognise the important role that devolved Administrations will play in ensuring that our independent trade policy delivers for the whole of the UK. It is the responsibility of the UK Government to negotiate on behalf of the United Kingdom, and it is vital that we retain appropriate flexibility to proceed with negotiations at pace. However, we have been clear that the devolved Administrations will remain closely involved. Therefore, there is no need to make provisions in statute when the Government are already working tirelessly to ensure that the views and perspectives of devolved Administrations are given full consideration in the United Kingdom's trade policy. As such, I would urge hon. Members not to press new clause 64.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): There is something deeply ironic about the fact that if we were to remain in the European Union, trade negotiation objectives would have to be agreed with individual nation states. Indeed, in Belgium, the devolved legislatures for Wallonia, Flanders and the Brussels region would have an individual say. Does the Minister not agree, therefore, that in this situation, given the different nature of the economy of Wales, with its manufacturing, farming and services to people, Wales's devolved legislature, alongside the devolved legislatures of Scotland and Northern Ireland, should have a say in the objectives of the trade agreement negotiations as a very minimum?

Mr Walker: We have always taken the interests of Wales, Scotland and Northern Ireland very seriously in this process. We have always engaged. I have personally been to the Welsh Assembly on a number of occasions to give evidence.

The conduct of international relations is reserved to the UK Government, so representation at the Joint Committee, the specialised committees and the joint consultative working group is a matter for UK Ministers. However, I recognise the particular interests of the Northern Ireland parties given the role of these committees in the protocol, and this is a matter we would like to discuss further with the parties in a restored Executive. However, it would be wrong to pre-empt such discussions in this legislation. As such, I would urge hon. Members not to press new clauses 22, 26 and 42.

New clause 66 would require the Government to report to the devolved Administrations—

David Linden (Glasgow East) (SNP): Will the Minister give way?

Mr Walker: I am afraid I will not at the moment, but I will come back the hon. Gentleman if I can.

David Linden: On this point?

Mr Walker: No.

New clause 66 would require the Government to report to the devolved Administrations on maintaining alignment with EU law, but devolution settlements already lay out the terms under which devolved Administrations can make law, while the common frameworks provide a forum for intergovernmental deliberation on the use of these powers. This new clause is therefore unnecessary.

John Redwood (Wokingham) (Con): Will the Minister make sure, in the discussions with the devolved Governments, that the interests of England are also central to his considerations? We do not have a devolved Administration, but we have a very strong wish to see Brexit through, because we think there are a lot of gains from Brexit.

Mr Walker: My right hon. Friend is of course right that people across the whole of the United Kingdom, including in England, voted for Brexit, but we should not forget the large numbers of people in Scotland, the almost 1 million people in Northern Ireland and those in Wales who also voted for Brexit.

David Linden rose—

Mr Walker: I will give way to the hon. Gentleman and that is the last intervention I can take, I am afraid.

David Linden: I am most grateful. Earlier, the Minister talked about respecting the devolved Administrations and listening to what they were saying, so can he tell me what the Government have actually done with regard to the words in the 2016 document, "Scotland's Place in Europe"?

Mr Walker: I have answered that question many times. I am very happy to talk about many of the aspects of the political declaration that reflect some of the concerns raised in "Scotland's Place in Europe", but that is not a matter for this debate.

On the important question of child refugees, which the hon. Member for Bristol West spoke about at length and with commendable passion, this Government are fully committed both to the principle of family reunion and to supporting the most vulnerable children. Our policy has not changed. Although she said that she had heard no whisper of negotiations, I can confirm that the Home Secretary wrote to the Commission on 22 October to start negotiations with the European Union on future arrangements. We will also continue to reunite children with their families under the Dublin regulation during the implementation period. As my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) made clear, there is very strong support on the Government Benches for the principle of family reunion.

John Howell (Henley) (Con): Perhaps I can help the Minister out. Is he aware that in 2017 the UK signed up to the Council of Europe's action plan on protecting refugees and migrant children, which, among other things, enhances the integration of children into host societies, and that that commitment remains, regardless of what happens to these amendments?

Mr Walker: My hon. Friend makes a very important point. Of course we have to take action on this across a number of areas, but the right place to do that is not in this legislation. We do not need further reporting requirements such as would be required by amendment 4, unilateral measures such as those set out in amendment 26, or legally binding negotiating objectives.

In new clause 21, my right hon. Friend the Member for Haltemprice and Howden (Mr Davis) shows his admirable ambition for the UK's independent trade

[Mr Robin Walker]

policy enabled by leaving the European Union. We absolutely share those ambitions. I can assure my right hon. Friend, who was a privilege to work with, that the Government will be working in the national interest to kickstart the UK's international trade policy in both bilateral and multilateral fora. I know that he has discussed this with the Secretary of State for Exiting the European Union. However, he will know, perhaps better than almost anyone else in this Chamber, how important it is that the Government do not have their hands tied in negotiation, so I would ask him not to press his amendment.

Mr David Davis (Haltemprice and Howden) (Con): I thank my hon. Friend for that undertaking, but will he give me one other undertaking, which is that the United Kingdom will take its place in the World Trade Organisation immediately we leave the European Union, which will be, after all, on 1 February?

Mr Walker: I hesitate to give that from the Dispatch Box because I am not a Trade Minister, but I am pretty sure that if my right hon. Friend asked a Trade Minister that question, the answer he would get is yes.

The Government have been given a mandate following the UK general election to get Brexit done. That is what this Bill aims to achieve. The withdrawal agreement and the protocol deliver a good deal for the United Kingdom and leave the door open to improving their operation in the Joint Committee to minimise disruption to businesses and individuals right across the United Kingdom, including in Northern Ireland. I urge hon. and right hon. Members to withdraw their amendments and progress this Bill so that we can get on with delivering on our commitments to the whole country. This will kick-start a bright new future for the people of all four nations of the United Kingdom.

Sammy Wilson: It is a great pity that the time is restricted in this debate because there are so many amendments and so many people want to take part in it.

The amendments that we have tabled are designed to be positive—to ensure that the promises that the Government have made are honoured, as is the manifesto commitment that they have made in relation to Northern Ireland, which states:

“Guaranteeing the full economic benefits of Brexit: Northern Ireland will enjoy the full economic benefits of Brexit including new free trade agreements with the rest of the world. We will ensure that Northern Ireland's businesses and producers enjoy unfettered access to the rest of the UK and that in the implementation of our Brexit deal, we maintain and strengthen the integrity and smooth operation of our internal market.”

All our amendments are intended to ensure that that promise is delivered on. I am sure the Minister will understand, given the experience of the withdrawal agreement, that we wish to see some of these things secured within the Bill rather than in the promises that are made here.

Tim Farron (Westmorland and Lonsdale) (LD): A lot of the DUP's amendments are about trying to secure the future of access to UK markets for Northern Ireland farmers. That is massively important to farmers in Cumbria as well, vice versa across the Irish sea. Is the

right hon. Gentleman aware that the Government have today announced at the Oxford farming conference that they are refusing to delay the phase-out of the basic payment scheme, which makes up 85% of the income of English livestock farmers, and that their doing so would massively undermine Britain's farming economy and our ability to provide food security and protect our historic landscape?

2.30 pm

Sammy Wilson: All these kinds of things ensure that people want to see these issues nailed down in the Bill, rather than hear the promises that are made.

Our amendments fall into three categories. I want to deal mostly with the first group, on unfettered access to the UK market. The second group aim to ensure proper representation for Northern Ireland on the Joint Committee and specialised committees, which will be very powerful and will be able to make decisions that have a dramatic impact on Northern Ireland. The third group aim to ensure that the Northern Ireland Assembly is consulted in accordance with the Belfast agreement.

The Minister has argued that the Bill guarantees unfettered access to the UK market—the protocol does not stop it, and the Bill facilitates it—and yet, when one reads clause 21, it is quite clear that none of these issues has been hammered down. Ministers “may” make regulations to facilitate access to the GB market. If disagreements arise in the Joint Committee or if the terms of the protocol require there to be checks between Northern Ireland and the rest of the United Kingdom, Ministers may well compromise and decide, “We're not going to make regulations. We have to balance the arguments up. We may make regulations, but according to the Bill, it is not necessary for us to do so.”

The Bill simply refers to regulations

“facilitating the access to the market”.

That access to the market may require businesses in Northern Ireland to undertake a huge number of checks, with costly administration. The term “unfettered access” is not in the Bill, and despite the promises that the Minister has made, no one yet knows what unfettered access means. Our amendments are designed to ensure, first, that the Bill states that Ministers must bring forward regulations; secondly, that those regulations must ensure unfettered access to the GB market, which is the biggest market for the Northern Ireland economy; and thirdly, that that unfettered access is defined in the Bill.

Gavin Robinson: My right hon. Friend is making a powerful point about unfettered access to Great Britain for Northern Ireland, but of course a marketplace is somewhere where we buy and sell, and while he is considering west to east transit, east to west—Great Britain to Northern Ireland—will be a much greater concern, because that is where the EU will have the greatest interest.

Sammy Wilson: That is why there must be guarantees on the face of the Bill that Ministers will ensure that regulations are designed in a way that does not stop trade, whether from east to west or west to east. The Bill singularly fails to do that at the moment, and our amendments are designed to ensure that it happens, for not only manufacturing but fishing.

Jim Shannon: The Democratic Unionist party has tabled new clause 39 in relation to fishing. If one of my boats leaves Portavogie, goes out and catches a fish in the Irish sea and comes back into Portavogie, it owes tariffs, with administrative and bureaucratic costs. But if it goes and lands its catch in Scotland or England, it does not have to pay any charges whatsoever. The Government promised a golden dawn for the fishing sector when we left the EU. Quite clearly, boats in Northern Ireland—boats from Portavogie, Ardglass and Kilkeel—will not get that advantage. Is it not time that the Government considered the future of the fishing sector in particular and ensured that it has the golden dawn that the rest of the United Kingdom seems to have?

Sammy Wilson: My hon. Friend illustrates once again the potential unforeseen consequences.

Our amendments have the support of all the political parties in Northern Ireland, such is the degree of concern about the impact on the Northern Ireland economy. We could support Labour's amendment 1, but it does not go as far as we would like. We already know from the Government's own assessment that there will be impacts on the Northern Ireland economy, and while amendment 1 asks for a picture at a particular time, new clause 55 asks for a moving picture over a period of time, with independent assessments on a year-to-year basis of the impact of the Northern Ireland protocol on the Northern Ireland economy. That is as important as the assessment proposed in amendment 1.

Claire Hanna (Belfast South) (SDLP): I thank the right hon. Gentleman for giving way. I regret that in the two hours allocated to speak about the Northern Ireland protocol, he is the only representative of Northern Ireland who will be allowed to speak on the substantive amendments we have tabled on north-south co-operation, the environmental impact and democratic oversight. That will contribute to the very real feeling that Brexit, and this form of Brexit, is being forced on Northern Ireland, which has never given its consent.

People will appreciate that the right hon. Gentleman and I come from very different perspectives, but all the Northern Irish parties and all the business community have worked together on our common interests, because they are so vital to protect businesses and consumers, who cannot absorb the costs of this Brexit. Does he agree that if the Government mean anything they say about protecting Northern Ireland and the assurances they have given on unfettered access and non-tariff barriers, they should at a minimum accept new clause 55?

Sammy Wilson: Yes. New clause 55 is very reasonable. It asks, first, for a 12-monthly assessment of the impact of the protocol on Northern Ireland; secondly, that if there is divergence in trade policy, the administrative costs of the impact should not be borne by the private sector in Northern Ireland; and thirdly, that it is done independently, to ensure that the true costs are not glossed over. It is a very reasonable new clause, adding to Labour's amendment 1, and I hope that the Government will accept it. They want to give an assurance that they do not want there to be a detrimental impact on Northern Ireland. The only way we will know whether the terms of the protocol are having an impact on Northern Ireland is to make a regular assessment of the protocol, the regulations enforced as a result of it and the costs.

Our first set of amendments would require the Government to define unfettered access on the face of the Bill and would oblige Ministers and devolved Administrations to ensure that unfettered access. The second set is about representation on the Joint Committee. It will be a powerful Committee, and therefore it is important that there is Northern Ireland representation on it. The third set is on consultation with the Northern Ireland Assembly. I have already said to the Minister in an intervention—

2.38 pm

Two hours having elapsed since the commencement of proceedings, the debate was interrupted (Programme Order, 20 December 2019).

The Chair put forthwith the Question already proposed from the Chair (Standing Order No. 83D), That the amendment be made.

Question negatived.

The Chair then put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

Clauses 18 to 20 ordered to stand part of the Bill.

Clause 21

MAIN POWER IN CONNECTION WITH IRELAND/ NORTHERN IRELAND PROTOCOL

Amendment proposed: 10, page 25, line 27, at end insert—

“(8) But regulations under this section may not—

- (a) impose or increase taxation or fees,
- (b) make retrospective provision,
- (c) create a relevant criminal offence,
- (d) establish a public authority,
- (e) amend, repeal or revoke the Human Rights Act 1998 or any subordinate legislation made under it, or
- (f) amend or repeal the Scotland Act 1998, the Government of Wales Act 2006 or the Northern Ireland Act 1998.”—
(*Dr Whitford.*)

This amendment would apply the usual restrictions on Ministers' delegated power to make regulations under the Government's proposed new section 8C of the European Union (Withdrawal) Act 2018.

Question put, That the amendment be made.

The Committee divided: Ayes 262, Noes 340.

Division No. 6]

[2.38 pm

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
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
 Campbell, Mr Gregory
 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
 Corbyn, rh Jeremy
 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
 Donaldson, rh Sir Jeffrey M.
 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
 Eshalomi, Florence
 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
 Girvan, Paul
 Glindon, Mary
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate

Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanna, Claire
 Hanvey, Neale
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Healey, rh John
 Hendrick, Sir Mark
 Hendry, Drew
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hollern, Kate
 Hopkins, Rachel
 Hosie, Stewart
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 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
 Lavery, Ian
 Law, Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Linden, David
 Lloyd, Tony
 Lockhart, Carla
 Long Bailey, Rebecca
 Lucas, Caroline
 Lynch, Holly
 MacAskill, Kenny
 MacNeil, Angus Brendan
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Maskell, Rachael
 Matheson, Christian
 McCabe, Steve
 McCarthy, Kerry
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McKinnell, Catherine
 McLaughlin, Anne
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 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
 Paisley, Ian
 Peacock, Stephanie
 Penrycook, Matthew
 Perkins, Mr Toby
 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
 Robinson, Gavin
 Rodda, Matt
 Russell-Moyle, Lloyd
 Saville Roberts, rh Liz
 Shah, Naz
 Shannon, Jim
 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
 Streeter, Wes
 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
 Wilson, rh Sammy
 Winter, Beth
 Winterton, rh Dame Rosie
 Wishart, Pete
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
 Owen Thompson and
 Marion Fellows

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
 Baldwin, Harriett
 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
 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
 Chalk, Alex
 Chishti, Rehman
 Choape, 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
 Cox, rh Mr Geoffrey
 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
 Dinéage, 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, 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
 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
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane
 Hunt, rh Jeremy
 Hunt, Tom
 Jack, rh Mr Alister
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Jenkyns, Mrs Andrea
 Jenrick, rh Robert
 Johnson, Dr Caroline
 Johnson, Gareth
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jupp, Simon
 Kawczynski, Daniel
 Kearns, Alicia
 Keegan, Gillian
 Knight, rh Sir Greg
 Knight, Julian
 Kruger, Danny
 Kwarteng, rh Kwasi
 Laing, rh Dame Eleanor

Lamont, John
 Langan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Andrea
 Leigh, rh Sir Edward
 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, Cheryl
 Maclean, Rachel
 Mak, Alan
 Malthouse, Kit
 Mangnall, Anthony
 Mann, Scott
 Marson, Julie
 May, rh Mrs Theresa
 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
 Prentis, Victoria
 Pritchard, Mark
 Pursglove, Tom
 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
 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
 Trott, Laura
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vara, Mr Shailesh
 Vickers, Martin
 Vickers, Matt
 Wakeford, Christian
 Walker, Sir Charles
 Walker, Mr Robin
 Wallace, rh Mr Ben
 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
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy

Young, Jacob
Zahawi, Nadhim
Tellers for the Noes:
Maria Caulfield and
Mr Marcus Jones

Question accordingly negatived.

Clauses 21 to 23 ordered to stand part of the Bill.

Schedule 3 agreed to.

Clauses 24 to 36 ordered to stand part of the Bill.

Clause 37

ARRANGEMENTS WITH EU ABOUT UNACCOMPANIED CHILDREN SEEKING ASYLUM

Amendment proposed: 4, page 37, line 3, leave out from “Europe)” to the end of the clause and insert “after subsection (3) insert—

“(3A) If, three months after this Act comes into force, no agreement achieving the objective contained in subsection (1) has been concluded with the European Union, a Minister of the Crown must make a statement to the House of Commons setting out—

- (a) the steps taken by Her Majesty’s government, and the progress made in negotiations with the European Union, for the purpose of achieving the objective in subsection (1); and
- (b) whether in the Minister’s opinion an agreement with the European Union achieving the objective of subsection (1) is likely to be achieved by IP completion day and, if not, setting out the reasons for this.

(3B) Following the making of the first Statement referred to in subsection (2), and until such time as an agreement satisfying the objective contained in subsection (1) is reached with the European Union, the Minister shall, at least as frequently as every 28 days thereafter, make further statements in accordance with sections (3A)(a) and (b).”—(*Thangam Debbonaire.*)

This amendment would protect the right for unaccompanied child refugees to be reunited with their family after Brexit.

The Committee divided: Ayes 252, Noes 348.

Division No. 7]

[2.56 pm

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
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

Corbyn, rh Jeremy
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-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
Eshalomi, Florence
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
Hanvey, Neale
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendrick, Sir Mark
Hendry, Drew
Hill, Mike
Hillier, Meg
Hobhouse, Wera
Hollern, Kate

Hopkins, Rachel
Hosie, Stewart
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
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
Kinnoch, Stephen
Kyle, Peter
Lake, Ben
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
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Maskell, Rachael
Matheson, Christian
McCabe, Steve
McCarthy, Kerry
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McKinnell, Catherine
McLaughlin, Anne
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
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

Perkins, Mr Toby
 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
 Streeting, Wes
 Stringer, Graham
 Sultana, Sarah
 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
 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
 Wishart, Pete
 Zeichner, Daniel

Tellers for the Ayes:
Jeff Smith and
Liz Twist

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
 Baldwin, Harriett
 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

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
 Campbell, Mr Gregory
 Carter, Andy
 Cartledge, James
 Cash, Sir William
 Cates, Miriam
 Chalk, Alex
 Chishti, Rehman
 Chope, 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
 Cox, rh Mr Geoffrey

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
 Donaldson, rh Sir Jeffrey M.
 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
 Girvan, Paul
 Glen, John
 Goodwill, rh Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, James
 Grayling, rh 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
 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
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane
 Hunt, rh Jeremy
 Hunt, Tom
 Jack, rh Mr Alister
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Jenkyns, Mrs Andrea
 Jenrick, rh Robert
 Johnson, Dr Caroline
 Johnson, Gareth
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jupp, Simon
 Kawczynski, Daniel
 Kearns, Alicia
 Keegan, Gillian
 Knight, rh Sir Greg
 Knight, Julian
 Kruger, Danny
 Kwarteng, rh Kwasi
 Laing, rh Dame Eleanor
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline
 Leigh, rh Sir Edward
 Levy, Ian
 Lever, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lockhart, Carla
 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
 May, rh Mrs Theresa
 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
 Paisley, Ian
 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
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richards, Nicola
 Richardson, Angela
 Roberts, Rob
 Robertson, Mr Laurence
 Robinson, Gavin
 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
 Trott, Laura
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vara, Mr Shailesh
 Vickers, Martin
 Vickers, Matt
 Wakeford, Christian
 Walker, Sir Charles
 Walker, Mr Robin
 Wallace, rh Mr Ben
 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:
Maria Caulfield and
Mr Marcus Jones

New Clause 6

PARLIAMENTARY APPROVAL OF THE FUTURE RELATIONSHIP

‘(1) The Secretary of State may not engage in negotiations on the future relationship between the UK and the EU until a Minister of the Crown has laid a draft negotiating mandate before each House of Parliament and—

- (a) moved an amendable motion in the House of Commons containing the text of the draft negotiating mandate;
- (b) the draft negotiating mandate (as amended) has been approved by a resolution of the House of Commons, and
- (c) a motion for the House of Lords to take note of the draft negotiating mandate has been moved in that House by a Minister of the Crown.

(2) The draft negotiating mandate must set out in detail—

- (a) the UK’s negotiation objectives,
- (b) all fields and sectors to be included in the proposed negotiations,
- (c) the principles to underpin the proposed negotiation,
- (d) any limits on the proposed negotiations, and
- (e) the desired outcomes from the proposed negotiations.

(3) Prior to laying the draft negotiating mandate, a Minister of the Crown must have consulted each devolved administration on the negotiating mandate.

(4) Prior to the House’s consideration of a motion under subsection (1)(b), a Minister of the Crown must lay before both Houses of Parliament a sustainability impact assessment conducted by a credible body independent of government following consultation with—

- (a) each devolved administration,
- (b) public bodies, businesses, trade unions and non-governmental organisations which, in the opinion of the independent body, have a relevant interest, and
- (c) the public.

(5) The assessment shall include both qualitative and quantitative assessments of the potential impacts of the proposed trade agreement, including—

- (a) social,
- (b) economic,
- (c) environmental,
- (d) gender,
- (e) equalities,
- (f) climate change,
- (g) human rights,
- (h) labour,
- (i) development, and
- (j) regional

impacts.

(6) In conducting negotiations on the future relationship with the EU, a Minister of the Crown must seek to achieve the objectives set out in the negotiating mandate approved under subsection (1)(b).

(7) After the end of each reporting period, a Minister of the Crown must—

- (a) lay before each House of Parliament a report on the progress made, by the end of the period, in negotiations on the future relationship with the EU, including—
 - (i) the Minister’s assessment of the extent to which the outcome of those negotiations is likely to reflect the negotiating mandate approved under subsection (1)(b), and
 - (ii) if the Minister’s assessment is that the future relationship with the EU is, in any respect, not likely to reflect that mandate, an explanation of why that is so, and

Question accordingly negated.

Clause 37 ordered to stand part of the Bill.

- (b) lay before each House of Parliament the latest rounds of negotiating texts, by the end of each reporting period, and
- (c) provide a copy of the report to the Presiding Officer of each of the devolved legislatures and to—
 - (i) the Scottish Ministers,
 - (ii) the Welsh Ministers, and
 - (iii) the First Minister and deputy First Minister in Northern Ireland or the Executive Office in Northern Ireland.

(8) Subsections (9) to (13) apply if, in the opinion of a Minister of the Crown, an agreement in principle has been reached with the EU on a treaty the principal purpose of which is to deal with all or part of the future relationship with the EU.

(9) A Minister of the Crown must lay before each House of Parliament—

- (a) a statement that political agreement has been reached, and
- (b) a copy of the negotiated future relationship treaty.

(10) Prior to the laying of the text of the proposed treaty, the Secretary of State must have consulted with each devolved administration on the text of the proposed agreement and taken their views into account, with special consideration given to matters relating to devolved competences.

(11) Prior to considering a motion approving the text of the negotiated future relationship treaty, the Government must lay before each House of Parliament a response to any report by a relevant Parliamentary committee (such as the Exiting the EU select committee) containing a recommendation in relation to the ratification of the agreement.

(12) A treaty in the same form, or to substantially the same effect, as the negotiated future relationship treaty may be ratified only if the negotiated future relationship treaty has been approved by a resolution of the House of Commons on an amendable motion moved by a Minister of the Crown and—

- (a) the House of Lords has not resolved, within the period of 14 Lords sitting days beginning with the day on which the negotiated future relationship treaty is laid before that House, that any treaty resulting from it should not be ratified, or
- (b) if the House of Lords has so resolved within that period, a Minister of the Crown has laid before each House of Parliament a statement indicating that the Minister is of the opinion that the treaty should nevertheless be ratified and explaining why.

(13) Section 20 of the Constitutional Reform and Governance Act 2010 (treaties to be laid before Parliament before ratification) does not apply in relation to a treaty if subsection (11) applies in relation to the ratification of that treaty.—(*Caroline Lucas.*)

This new clause ensures that MPs get a guaranteed vote with an amendable motion on the EU-UK Future Relationship and negotiating objectives, and sets out scrutiny of the negotiating mandate. It requires a sustainability impact assessment of the future relationship; the regular release of negotiation texts; and engagement with devolved administrations.

Brought up.

Question put, That the clause be added to the Bill.

The Committee divided: Ayes 251, Noes 347.

Division No. 8]

[3.12 pm]

AYES

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

Blackford, rh Ian	Ferrier, Margaret
Blackman, Kirsty	Fletcher, Colleen
Blake, Olivia	Flynn, Stephen
Blomfield, Paul	Fovargue, Yvonne
Bonnar, Steven	Foxcroft, Vicky
Brabin, Tracy	Foy, Mary Kelly
Bradshaw, rh Mr Ben	Furniss, Gill
Brennan, Kevin	Gibson, Patricia
Brock, Deidre	Gill, Preet Kaur
Brown, Alan	Glindon, Mary
Brown, Ms Lyn	Grady, Patrick
Brown, rh Mr Nicholas	Grant, Peter
Bryant, Chris	Gray, Neil
Buck, Ms Karen	Green, Kate
Burgon, Richard	Greenwood, Lilian
Butler, Dawn	Greenwood, Margaret
Byrne, Ian	Griffith, Nia
Byrne, rh Liam	Gwynne, Andrew
Cadbury, Ruth	Haigh, Louise
Callaghan, Amy	Hamilton, Fabian
Cameron, Dr Lisa	Hanna, Claire
Campbell, rh Sir Alan	Hanvey, Neale
Carden, Dan	Hardy, Emma
Chamberlain, Wendy	Harman, rh Ms Harriet
Champion, Sarah	Harris, Carolyn
Chapman, Douglas	Hayes, Helen
Charalambous, Bambos	Healey, rh John
Cherry, Joanna	Hendry, Drew
Clark, Feryal	Hill, Mike
Cooper, Daisy	Hillier, Meg
Cooper, Rosie	Hobhouse, Wera
Cooper, rh Yvette	Hollern, Kate
Corbyn, rh Jeremy	Hopkins, Rachel
Cowan, Ronnie	Hosie, Stewart
Coyle, Neil	Huq, Dr Rupa
Crawley, Angela	Hussain, Imran
Creasy, Stella (<i>Proxy vote cast by Peter Kyle</i>)	Jardine, Christine
Cruddas, Jon	Johnson, Dame Diana
Cryer, John	Johnson, Kim
Cummins, Judith	Jones, Darren
Cunningham, Alex	Jones, Gerald
Daby, Janet	Jones, rh Mr Kevan
Davey, rh Sir Edward	Jones, Ruth
David, Wayne	Jones, Sarah
Davies, Geraint	Kane, Mike
Davies-Jones, Alex	Keeley, Barbara
Day, Martyn	Kendall, Liz
De Cordova, Marsha	Khan, Afzal
Debbonaire, Thangam	Kinnock, Stephen
Dhesi, Mr Tanmanjeet Singh	Kyle, Peter
Docherty-Hughes, Martin	Lake, Ben
Dodds, Anneliese	Lavery, Ian
Doogan, Dave	Law, Chris
Dorans, Allan	Lewell-Buck, Mrs Emma
Doughty, Stephen	Lewis, Clive
Dowd, Peter	Linden, David
Dromey, Jack	Lloyd, Tony
Duffield, Rosie	Long Bailey, Rebecca
Eagle, Ms Angela	Lucas, Caroline
Eagle, Maria	Lynch, Holly
Eastwood, Colum	MacAskill, Kenny
Edwards, Jonathan	MacNeil, Angus Brendan
Efford, Clive	Mahmood, Mr Khalid
Elliott, Julie	Mahmood, Shabana
Elmore, Chris	Malhotra, Seema
Eshalomi, Florence	Maskell, Rachael
Esterson, Bill	Matheson, Christian
Evans, Chris	McCabe, Steve
Farron, Tim	McCarthy, Kerry
Farry, Stephen	McDonagh, Siobhain
Fellows, Marion	McDonald, Andy
	McDonald, Stewart Malcolm

McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McKinnell, Catherine
McLaughlin, Anne
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
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
Perkins, Mr Toby
Phillips, Jess
Phillipson, Bridget
Pollard, Luke
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
Streeting, Wes
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
Western, Matt
Whitehead, Dr Alan
Whitford, Dr Philippa
Whitley, Mick
Whittome, Nadia
Williams, Hywel
Wilson, Munira
Winter, Beth
Winterton, rh Dame Rosie
Wishart, Pete
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Mr Alistair Carmichael and
Jamie Stone

NOES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Ahmad Khan, Imran
Aiken, Nickie
Aldous, Peter
Allan, Lucy
Amess, Sir David
Anderson, Lee
Anderson, 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
Baldwin, Harriett
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
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
Campbell, Mr Gregory
Carter, Andy
Cartledge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, 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
Cox, rh Mr Geoffrey
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
Donaldson, rh Sir Jeffrey M.
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
Girvan, Paul
Glen, John
Goodwill, rh Mr Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Grayling, rh 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
Heappey, James
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
Howell, Paul
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane
Hunt, rh Jeremy
Hunt, Tom
Jack, rh Mr Alister
Jenkin, Sir Bernard
Jenkinson, Mark
Jenkyins, Mrs Andrea
Jenrick, rh Robert
Johnson, Dr Caroline
Johnson, Gareth
Jones, Andrew
Jones, rh Mr David
Jones, Fay

Jones, Mr Marcus
 Jupp, Simon
 Kawczynski, Daniel
 Kearns, Alicia
 Keegan, Gillian
 Knight, rh Sir Greg
 Knight, Julian
 Kruger, Danny
 Kwarteng, rh Kwasi
 Laing, rh Dame Eleanor
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline
 Leigh, rh Sir Edward
 Levy, Ian
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lockhart, Carla
 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
 May, rh Mrs Theresa
 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
 Paisley, Ian
 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
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richards, Nicola
 Richardson, Angela
 Roberts, Rob
 Robertson, Mr Laurence
 Robinson, Gavin
 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
 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
 Trott, Laura
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vara, Mr Shailesh
 Vickers, Martin
 Vickers, Matt
 Wakeford, Christian
 Walker, Sir Charles

Walker, Mr Robin
 Wallace, rh Mr Ben
 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:
 Stuart Andrew and
 Iain Stewart

Question accordingly negated.

New Clause 55

NORTHERN IRELAND'S PLACE IN THE UK INTERNAL MARKET

“(1) As part of its obligation under Article 6.2 of the Protocol on Ireland/Northern Ireland to use its best endeavours to facilitate trade between Northern Ireland and other parts of the UK, the UK Government must—

- (a) publish an assessment at least every 12 months of any negative impacts on businesses and consumers arising from the Protocol on trade between Great Britain and Northern Ireland and vice versa; and
- (b) develop mitigations to safeguard the place of Northern Ireland businesses and consumers in the UK internal market.

(2) The assessment published under paragraph (1)(a) must include assessment of the impact of any actual or proposed regulatory or trade policy divergence on Northern Ireland's place in the UK Internal Market.

(3) Any official or administrative costs arising from the duties under subsections (1) and (2) may not be recouped from the private sector.”—(*Sir Jeffrey M. Donaldson.*)

Brought up.

Question put, That the clause be added to the Bill..

The Committee divided: Ayes 262, Noes 337.

Division No. 9]

[3.27 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
 Campbell, Mr Gregory
 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
 Corbyn, rh Jeremy
 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
 Donaldson, rh Sir Jeffrey M.
 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
 Eshalomi, Florence
 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
 Glendon, Mary
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanna, Claire
 Hanvey, Neale
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Healey, rh John
 Hendrick, Sir Mark
 Hendry, Drew
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hollern, Kate
 Hopkins, Rachel
 Hosie, Stewart
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 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
 Lavery, Ian
 Law, Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Linden, David
 Lloyd, Tony
 Lockhart, Carla
 Long Bailey, Rebecca
 Lucas, Caroline
 Lynch, Holly
 MacAskill, Kenny
 MacNeil, Angus Brendan
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Maskell, Rachael
 Matheson, Christian
 McCabe, Steve
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McKinnell, Catherine
 McLaughlin, Anne
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 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
 Paisley, Ian
 Peacock, Stephanie
 Pennycook, Matthew
 Perkins, Mr Toby
 Phillips, Jess
 Phillipson, Bridget
 Pollard, Luke
 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
 Robinson, Gavin
 Rodda, Matt
 Russell-Moyle, Lloyd
 Saville Roberts, rh Liz
 Shah, Naz
 Shannon, Jim
 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
 Streeting, Wes
 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
 Wilson, rh Sammy
 Winter, Beth
 Winterton, rh Dame Rosie
 Wishart, Pete
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
Owen Thompson and
Paul Girvan

NOES

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Ahmad Khan, Imran
 Aiken, Nickie
 Aldous, Peter
 Allan, Lucy
 Amess, Sir David
 Anderson, Lee
 Anderson, 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
 Baldwin, Harriett
 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
 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
 Cartledge, James
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, 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
 Cox, rh Mr Geoffrey
 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
 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, 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
 Heappey, James
 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
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane
 Hunt, rh Jeremy
 Hunt, Tom
 Jack, rh Mr Alister
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Jenkyns, Mrs Andrea
 Jenrick, rh Robert
 Johnson, Dr Caroline
 Johnson, Gareth
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jones, Mr Marcus
 Jupp, Simon
 Kawczynski, Daniel
 Kearns, Alicia
 Keegan, Gillian
 Knight, rh Sir Greg
 Knight, Julian
 Kruger, Danny
 Kwarteng, rh Kwasi
 Laing, rh Dame Eleanor
 Lamont, John
 Largan, Robert
 Latham, Mrs Pauline
 Leigh, rh Sir Edward
 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, Cheryllyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, Kit
 Mangnall, Anthony
 Mann, Scott
 Marson, Julie
 May, rh Mrs Theresa
 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
 Pursglove, Tom
 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
 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
 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
 Trott, Laura
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vara, Mr Shailesh
 Vickers, Martin
 Vickers, Matt
 Wakeford, Christian
 Walker, Sir Charles
 Walker, Mr Robin
 Wallace, rh Mr Ben
 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
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Young, Jacob
 Zahawi, Nadhim
Tellers for the Noes:
Stuart Andrew and
Iain Stewart

Question accordingly negated.

Clause 38

PARLIAMENTARY SOVEREIGNTY

Thangam Debbonaire: I beg to move amendment 11, in clause 38, page 37, line 24, at end insert—
“and has been so during the period since the passage of the European Communities Act 1972.”

The Second Deputy Chairman of Ways and Means (Sir Gary Streeter): With this it will be convenient to discuss the following:

Amendment 35, in clause 38, page 37, line 39, at end insert—

“insofar as future primary legislation may expressly repeal all or any provisions of this Act, but only to that extent.”

This amendment would ensure that existing and future primary legislation that impliedly repealed Section 7A, etc of the European Union (Withdrawal) Act 2018 would be invalid, despite the doctrine of parliamentary sovereignty.

Clauses 38 to 40 stand part.

That schedule 4 be the Fourth schedule to the Bill.

Clause 41 stand part.

That schedule 5 be the Fifth schedule to the Bill.

Amendment 9, in clause 42, page 41, line 6, leave out from “force” to end of line 6 and insert—

“only when each House of Parliament has approved a motion tabled by a Minister of the Crown considering a ministerial economic impact assessment of the commencement of this Act.”

This amendment would require the House to endorse an economic impact assessment of measures this bill would implement.

Clause 42 stand part.

New clause 28—*Conditional approval subject to a confirmation referendum*—

“(1) The condition in this subsection is that a further referendum has been held on the UK’s withdrawal from the European Union in which the electorate has been offered two options—

- (a) the option for the UK to leave the European Union in accordance with the withdrawal agreement and a framework for the future relationship; and
- (b) the option for the UK to remain in the European Union on existing membership terms

and that the Chief Returning Officer has certified that a majority of voters has supported the option for the UK to leave the European Union in accordance with the withdrawal agreement and the framework for the future relationship.

(2) If the condition in subsection (1) has been fulfilled, then—

- (a) the approval of the withdrawal agreement by the House of Commons required under section 13(1)(b) of the European Union (Withdrawal) Act 2018 is deemed to have been given;
- (b) the House of Lords is deemed to have debated the motion required under section 13(1) of the European Union (Withdrawal) Act 2018;
- (c) the European Union (Withdrawal Agreement) Act 2019 is, for the purposes of section 13(1)(d) of the European Union (Withdrawal) Act 2018, an Act of Parliament which contains provision for the implementation of the withdrawal agreement;
- (d) the Government must ratify the withdrawal agreement within the period of three days beginning on the day after certification by the Chief Returning Officer under subsection (1); and
- (e) requirements in section 20 of the Constitutional Reform and Governance Act 2010 (Treaties to be laid before Parliament before ratification) do not apply to

the withdrawal agreement (but this does not affect whether that section applies to any modification of the withdrawal agreement).”

This new clause would require the Government to give the public the final say on Brexit through a people’s vote, with the choice between leaving under the terms of the withdrawal agreement and remaining in the EU.

Thangam Debbonaire: I rise to speak about parliamentary sovereignty. Clause 38 is a puzzle, and we have tabled our amendment 11 to tease out more of that puzzle, to try to work out what it is for and to expose some of what we on this side believe has been quite puzzling leadership on the part of those who have been peddling the idea that we are going to take back control of our laws, our money and our borders because they have somehow not been under our control for the last 40 years. I am going to stop using the phrase “take back control” in a moment, but I will first analyse it to make my point about our amendment.

We have been repeatedly told that the EU referendum was about taking back control and restoring parliamentary sovereignty. I am seeing nods from certain esteemed Government Members telling me that that is indeed what it was about. It was not about that, however. I find this most puzzling. Have we ever actually lost our parliamentary sovereignty? The answer is, of course, no. Saying that Brexit is about taking back control of our laws, our money and our borders is quite extraordinary. Let us start with laws. Have all the laws we have passed in the past 40 years been just a dream? Did we imagine all those laws? Just in the four years since I took my seat, we have passed law after law. We have put Bills through a process of scrutiny, debate and amendment.

John Redwood: But does the hon. Lady not understand the message of the referendum and the election? There are very large numbers of directly acting regulations that we can do nothing about, and we have had a lot of legislation going through this House directed by EU directives, which the UK was not happy with.

Thangam Debbonaire: I understand the difference between a law and a directive. I also understand the fact that we were perfectly capable of making our own laws during the past 40 years. Let us take an example that I am very fond of—[Interruption.] The right hon. Member for Wokingham (John Redwood) is shaking his head, but he knows perfectly well that we have passed laws. For instance, let us take one that was passed on the very last day of the last Parliament. My dear friend Stephen Pound, the former MP for Ealing North, was standing right here at the Dispatch Box making his last speech as shadow Northern Ireland Minister. He was closing for the Opposition on the final stages of the Historical Institutional Abuse (Northern Ireland) Bill, which would at last provide compensation for victims of historical child abuse. He marked that occasion with tributes to the victims, some of whom were in the Gallery, with respect for cross-party collaboration and with a heartfelt plea for the law to be implemented fully and speedily and never to be needed again. Anyone who was in the House that day, as I was, cannot fail to have been moved by his speech but also by the impact of the law, whose value to the lives of people who had suffered will continue for many years. Many of us will always remember that debate.

John Redwood: Nobody is disputing that we can pass laws while a member of the EU as long as the EU allows us to. It is quite simple.

Thangam Debbonaire: I am going to continue with my example, because this is incredibly puzzling. I do not recall such a thing at any stage in the passage of this Bill or any other Bill that I have been part of—as a Whip I have served on many a Public Bill Committee in the past four years—because at no point during the passage of the Historical Institutional Abuse (Northern Ireland) Act 2019 did anybody have to ring up the EU and ask for permission.

3.45 pm

Chris Grayling (Epsom and Ewell) (Con): Does the hon. Lady not understand how nonsensical her argument is? Of course there are laws that remain within the remit of this Parliament; but equally, many areas of government and political activity in this country are in the gift of the European Union. There are also European Union regulations that are directly applicable within the United Kingdom over which this Parliament has no control. Does she not understand that?

Thangam Debbonaire: Regulations that would have been discussed either in the European Parliament or the Council of Ministers, and those people are also elected and have been for decades. Members have been elected to the European Parliament since 1979. I know that, as I am sure Conservative Members do, because I have campaigned for those Members in elections.

Sir William Cash: The hon. Lady just referred to the Council of Ministers. Would she deny for a minute, as is well understood by everybody else, that decisions are taken in the Council of Ministers by a majority vote of other countries behind closed doors and without a transcript? They are therefore not democratic. How can she talk about people being elected when the decisions are actually taken in that manner?

Thangam Debbonaire: The last time I looked, most—although admittedly not all—of the Government's Ministers were democratically elected. We participated in the creation of the rules of that Council. I am going to skip ahead in my speech and then come back again, because I wish to remind Conservative Members that it was, for instance, a Tory Government who took us into the single market, with all its rules. They rightly recognised the benefits of the shared rules of a single market. They recognised that they were worth it and that they did not compromise our sovereignty.

Sir Desmond Swayne: Is the hon. Lady in denial, or has she been living in a bubble? We had a referendum, and we have just had a general election that reinforced the referendum result. Whatever she may say from that Dispatch Box, that ship has sailed, as one of her colleagues said.

Thangam Debbonaire: I understand that we are leaving on 31 January. I understand the result of the general election. I am addressing this clause and our amendments to it, which is entirely proper and entirely in keeping with the rules of Parliament and the Standing Orders and is actually what sovereignty is supposed to be about.

Is not parliamentary sovereignty supposed to be about elected right hon. and hon. Members holding the Executive to account?

Patrick Grady (Glasgow North) (SNP): Many folk on the Government side of the House will be terribly disappointed when this all comes to an end and their hobby-horse of the past 40 years disappears. The real loss of sovereignty and the real power grab is the amount of power being handed to mandarins in Whitehall and Cabinet Ministers here to pass Executive decisions without scrutiny in this House of Commons.

Thangam Debbonaire: Indeed. I find it most puzzling that Conservative Members who argued for a so-called return to parliamentary sovereignty in this country are quite happy to nod through a Bill that wipes away parliamentary scrutiny of the process of negotiating the future relationship. It is quite extraordinary.

I remind Conservative Members that it was under a Tory-led coalition Government that section 18 of the European Union Act 2011 clarified that limits on sovereignty are at Parliament's own behest and can, if explicitly provided for, be revoked. The right hon. and hon. Gentlemen who have intervened were presumably here at that time. I was not, but I have read the text and I know what it says. The Government's own 2017 White Paper said

"Parliament has remained sovereign throughout our membership of the EU",

and I watch with interest to see whether a Minister will go back on that.

Chris Grayling: Does the hon. Lady not understand that it has always been in the gift of Parliament to repeal the Act that took us into the European Union and to take us out of all European laws in their entirety? It has never been in the gift of Parliament, as long as we are subject to the rules of membership, to reject an individual agreed EU measure. That is the difference.

Thangam Debbonaire: This is quite extraordinary because, again, the right hon. Gentleman seems to have forgotten that there was a referendum in which the British people chose to be in the European Union, and they have voted for Members of the European Parliament over the course of four decades. I have acknowledged that the result of the 2016 European Union referendum is going to happen on 31 January, but we are arguing here about a clause that is in the Bill, and it is entirely proper for the Opposition to propose an amendment to try to probe what on earth it means.

Did I imagine that we considered the Northern Ireland historical abuse Bill? I checked *Hansard* this morning and it appears that I was not dreaming—I was actually there. I did not dream the passage of the world's first Climate Change Act in 2008. Nobody had to ring Brussels to ask, "Can we pass this law?" or if we could equalise marriage. We have been passing our own laws all this time. We have never needed to ask for permission. It is not true that we have no say on EU rules; we have had democratically elected representation in the EU Parliament since 1979.

Sir Iain Duncan Smith (Chingford and Woodford Green) (Con): The hon. Lady has made two points that I think are incorrect. First, the British people voted to

[Sir Iain Duncan Smith]

join something where we had a full veto over anything that we did not agree could be imposed on the UK. Secondly, on judicial activism and the mission creep of the European Court of Justice, perhaps the hon. Lady would like to comment on the way in which power was grabbed through two court cases—namely, those of *Van Gend en Loos* and of *Costa v. ENEL*.

Thangam Debbonaire: One of the things that interests me about the right hon. Gentleman's argument is what we will do when we are trying to resolve a dispute over a trade agreement at a supranational court—[*Interruption.*] They will not be elected representatives. The World Trade Organisation court of dispute does not consist of elected representatives. Government Members seem quite happy to hand over control to the WTO court of dispute resolution and pretend that that is somehow more democratic. [*Interruption.*] Calling me silly is not worthy of the right hon. Gentleman.

We have been sovereign all this time. On our money, we have always had our sovereignty. We set our own budgets. We are represented at EU budget setting by our democratically elected representatives. As I have said, we have even had opt-outs, negotiated by Tory Governments, from some of those financial agreements. We have negotiated opt-outs, variations, rebates and all sorts of specific conditions for the UK.

The phrase used is “money, laws and borders” and I cannot remember which way around they are, but on borders we chose, rightly or wrongly—and we can decide for ourselves whether it was right or wrong—how we interpreted the requirements on the free movement of people, one of the four freedoms of the single market, which, I remind hon. Members, a Tory Government took us into. Other EU nations have interpreted that freedom differently. We chose, as a sovereign nation, not to participate in the Schengen area. We decide how we police our borders and whether or not there are enough border police.

We have also chosen to benefit from freedom of movement, which I acknowledge will end after 31 January. It is a freedom that I wish we had valued more and whose passing I will truly mourn, but it never undermined our sovereignty. That is implied even in the wording of the clause, because it states that “sovereignty subsists notwithstanding” various provisions. Of course, we agree—and will continue to agree after debate, scrutiny and amendment—to many other rules beyond our borders. International treaties, trade agreements and security co-operation arrangements all carry commitments to shared rules and to abiding by the rules of supranational bodies of dispute resolution, most of which are not elected, but Parliament's sovereignty will remain intact.

I ask the Minister respectfully if he will explain the legal and practical purpose of clause 38. Even the phrase, “It is recognised”, has the feel of a political rather than a legal statement. The purpose of the Opposition's amendment 11 is to discover the Government's intention. We think that stating that Parliament is sovereign

“and has been so during the period since the passage of the European Communities Act 1972”

is entirely consistent with what the Government themselves said in their White Paper only a few months ago. We have been sovereign all that time.

I am sure that Members know this, but our sovereignty was never in doubt and was not diminished. I could spend a long time asking what this non-argument about sovereignty has all been about, but I am pretty sure that a lot of it—perhaps most of it—has been a false argument to distract attention from the desire to deregulate this country and turn us into a bargain basement nation with no attention given to workers' rights, environmental protections, health and safety or any of the other regulations in which we played a part in Europe, which we have implemented and which have helped us help the people we represent. I would like the Government to explain the point of clause 38.

The Parliamentary Under-Secretary of State for Exiting the European Union (James Duddridge): Parliament is sovereign, was sovereign and will be sovereign, and the clause recognises that fundamental principle in our constitutional arrangement, which is of great significance to many hon. Members. Membership of the European Union has felt as though we have ceded control. We cannot pull back sovereignty piece by piece—Conservative Back Benchers mentioned a number of examples. Anybody who has sat on a delegated legislation Committee will have been told by the Minister, “We cannot change this because it has gone through the European processes and we have to rubber stamp it.” The presumption was that we were full members, and that was made worse by qualified majority voting; previously, we had the ability to come back to each individual matter.

Sir William Cash: A very simple example of what my hon. Friend mentions is the EU's port services regulation, which was opposed by every trade union, by the Government and by every one of the 47 port employers but went through this House simply because it had been passed by a majority vote in the Council of Ministers. That regulation was imposed upon us by the abdication of our sovereignty under section 2 of the European Communities Act 1972.

James Duddridge: My hon. Friend is right. We could not do anything about that law or any other specific issue without coming out of the European Union, taking back control and asserting our sovereignty. Clause 38 reaffirms that sovereignty going forward and, crucially, during the implementation period.

Geraint Davies: Does the Minister accept that our sovereignty is diminished, because we currently have a veto on many votes? Some of them are subject to majority voting, as the former Chair of the European Scrutiny Committee said, but we are one of 27 nations. Now, under World Trade Organisation terms, we will be one of 164 countries and unable to change the rules. Those terms will jack up the cost of drugs and stop us nationalising things, which will constrain our sovereignty much more. The idea that we will have more sovereignty rather than less is wrong, and the clause is therefore misleading.

James Duddridge: I disagree with virtually all the hon. Gentleman's points. We will take back control, hold that sovereignty, take our seat as an independent nation state on WTO rules, and engage in international forums to look globally, rather than looking within Europe in European forums.

Clause 39 relates to interpretation. This type of clause is standard practice in primary legislation and contains key definitions. Subsection (1) lists items used in the Bill with accompanying definitions, such as the relevant agreements with the EU, the EEA, EFTA and Switzerland. Given the possibility of a change in EU summer-time arrangements, the clause provides for consequential changes in the exact time of the implementation period on 31 December in the United Kingdom. Let me be very clear: this power cannot be used to change the time and date of the implementation period for any other purpose. The clause is fundamental to ensuring the operation of the Bill.

Clause 40 and schedule 4 make further provision for regulations to make powers under the Bill, which is of interest and importance to Members of Parliament. Schedule 4 provides for the parliamentary scrutiny procedure for secondary legislation under the powers in the Bill. We recognise that our exit from the EU is momentous and Parliament will want to scrutinise any changes that we make to the statute book as part of that process.

John Redwood: I am very much in favour of clause 38, which reasserts our sovereignty. If the European Union wanted to legislate punitively against us during the implementation period, can I take it from the Minister that we would use this clause to prevent such legislation from having effect?

4 pm

James Duddridge: Yes. Clause 38 not only restates the historical position but reasserts our sovereignty during the implementation period. Parliament will be given extra powers, such as the powers being taken by the European Scrutiny Committee, which is important because we will not be participants in the decision-making process.

Sir William Cash: In a nutshell, laws are democratic when they are made in line with a manifesto following a general election. The bottom line, therefore, is that decisions taken by the European Scrutiny Committee on vital national interests will also go through departmental Select Committees, and then there will be a vote on the Floor of the House. That means this House will decide whether it wants to obey a legislative arrangement that has come out of the European Union, which is completely different from anything that happened since 1972.

James Duddridge: I thank the Chair of the European Scrutiny Committee. As he knows, the powers will also extend to the House of Lords, allowing for an additional check.

Geraint Davies: Does the Minister agree that if we must have a certain level of equivalence to sustain a reasonable level of trade, we will be obliged to accept the EU's changes, which will be made without our consent because we will be outside the room, or else take the economic cost? That is not sovereignty; it is just self-harm for the sake of opposing things. If we just agree to the changes, what is the point of it?

James Duddridge: If we were taking the hon. Gentleman's version of Brexit, of staying in dynamic alignment, he would be right, but we are not doing that. We are taking back control, so we will be an independent nation state.

Under schedule 4, the general position will be that the affirmative procedure will apply when the Bill's core powers are exercised so as to modify primary legislation or retained direct principal EU legislation. Although not all the modifications will be substantial, this approach has been adopted given the exceptional context and the uniqueness of the matters dealt with in this Bill. Clause 40 recognises that Parliament wants a greater place in scrutinising legislation.

There is one exception to this rule, and it relates to the exercise of powers to make provision by regulation for citizens to appeal against immigration decisions. That exception is made to ensure such provision can be made in time for 31 January, and the made affirmative procedure is therefore adopted for that exceptional process.

Parliament has a duty to provide the British people with a functioning statute book. Clause 40 and schedule 4 provide essential further provision on the powers in the Bill, and I urge hon. Members to support their standing part of the Bill.

As hon. Members know, consequential provisions are standard, even in legislation of great constitutional importance. Equally, transitional provisions are a standard way to smooth the application of a change in the UK statute book. Schedule 5 already makes many consequential amendments, but there will be more. As is standard practice, we are therefore taking a power to amend those constitutional amendments.

I understand Members' concerns about delegated powers in this Bill, and I would like to allay those fears and concerns today. This power is naturally constrained. It can be used only to make provisions that are consequential to the Bill. Transitional, transitory and saving provisions are equally standard in smoothing the introduction of a change to the statute book. As we implement the withdrawal agreement, it is in everyone's interest that we ensure legal continuity for businesses and individuals. Again, schedule 5 introduces some of those measures, but we will need the flexibility to ensure that the withdrawal agreement can operate smoothly and efficiently for the people of the UK.

Patrick Grady: Is the European Statutory Instruments Committee, which operated so effectively in the last Parliament, expected to be re-established in this Parliament to scrutinise statutory instruments made under this Bill?

James Duddridge: I thank that Committee for the work it has done, although I must admit that my focus has been on the work the European Scrutiny Committee is doing during the implementation period. I am more than happy to get back to the hon. Gentleman later on the specific point about the Committee he mentions. As hon. Members will know, case law and an array of legal authorities provide a very narrow scope for Governments to exercise powers of these types. They are standard provisions to permit "housekeeping" modifications.

Dr Whitford: The Minister is talking about the delegated powers, which are sweeping and extensive throughout this Bill. Why are the Government so reluctant to have limitations that protect key primary legislation such as the Human Rights Act and the devolved Acts, which were just voted against by Government Members?

James Duddridge: Our withdrawal from the EU does not impinge on our human rights commitments. That issue is dealt with in later new clauses. I will make some more detailed comments on human rights then, but our commitments to human rights are unaffected by this Bill.

Clause 42 provides for the extent and commencement of the Bill and sets out its short title. It sets out that the Bill will extend to England and Wales, Scotland and Northern Ireland, save for a limited number of exceptions, with one being that section 1 extends to the Isle of Man, the Channel Islands and Gibraltar. The European Communities Act currently extends to the Crown dependencies and Gibraltar in a limited way. This means that the saving effect of the European Communities Act to allow for the implementation period must similarly extend to these jurisdictions—in effect, we will be continuing as we are during the implementation period. The Government have regularly engaged with the Crown dependencies throughout the EU exit process to keep them apprised of developments and to provide a forum for ongoing dialogue. That has been an important aspect of ensuring that this clause is fit for purpose.

The clause also sets out which parts of the Act will commence immediately at Royal Assent, and provides a power for the Minister to commence other provisions at different times by regulation. Provisions such as the consequential and transitional powers, and certain definitions, will commence immediately. It is also usual practice for the Bill to allow provisions to be commenced at different times through commencement regulations. This is an essential part of how the Act will come into place in an orderly manner.

On schedule 5, the House will remember the debates on section 8 of the European Union (Withdrawal) Act 2018 and the power to fix deficiencies in retained EU law. It was written so that in the event that the UK left the EU without a deal, deficiencies arising from our withdrawal would be corrected. Since that Act was passed, the Government and the devolved authorities have laid secondary legislation under the 2018 Act and other primary legislation to ensure a functioning statute book on exit day in the event of no deal. We do not want this legislation to come into force on exit day—rather, we want to defer these bits of secondary legislation en masse so that they come into effect at the end of the implementation period. This schedule provides for the mass deferral of this secondary legislation so that it comes into force by reference to “IP completion day” rather than “exit day”.

The schedule also contains the power to make exceptions to the mass deferral. It also covers the devolved Assemblies’ use of this power, and provides for a similar deferral of commencement, and a power to make exceptions in respect of certain primary legislation made by the devolved authorities. In addition to the provisions I have just set out, the schedule also expands the consequential power in the 2018 Act so that it can be used to make fixes in consequence of amendments that this Bill makes to that Act. A number of Acts now need to be updated to reflect the terms of the withdrawal agreement, including the implementation period. These amendments alter previous changes made by the 2018 Act to other legislation. The provisions contained in this schedule are necessary to ensure the proper functioning of the statute book for the whole of the implementation period and beyond, so it must stand part of this Bill.

Amendment 11 was, I believe, a probing measure to allow us to discuss sovereignty. It has been a good place-setter, enabling us to have a robust discussion of what is meant by “sovereignty”. We have been able to confirm that the UK has been able to do things while inside the EU. We have strongly confirmed that we have felt constrained, and have been constrained, as part of the EU in not disagreeing with things that have been put through by the EU. We now have a closer understanding of what Conservative Members mean by parliamentary sovereignty and why we asserted ourselves during the Brexit debate and the general election, which we won resoundingly.

Geraint Davies: Will the Minister give way?

James Duddridge: With pleasure.

Geraint Davies: The pleasure is all mine.

Does the Minister agree that the United States is undermining the WTO by not appointing judges to the appellant court? The Americans do not want a rule-based system; they want a power-based system—their power, and they put most of the money into the WTO. The body has 164 members, so the idea that on our own, rather than as part of the EU bloc, we will have influence in the WTO that compares to our influence by virtue of our population in the EU is surely not credible. We will simply have less sovereignty.

James Duddridge: We will have more influence: we will have influence with the Americans, who want to do a trade deal with us early on, and we will work with other international partners. The WTO has been of immense value in liberalising trade, and in many ways the EU trading within itself has been a block on the liberalisation of global trade, although it has opened out trade within the EU. I have made that point around Parliament and I think Members support the principle.

John Redwood: Let me elucidate the point. I sometimes think the Opposition do not seem to understand that we are in the WTO through the EU anyway. The whole EU is governed by WTO rules and the WTO court, yet the Opposition say that we would sacrifice control by going into the WTO. That bit of it already applies to us. We will get our vote and our voice, so we will actually get some power.

James Duddridge: My right hon. Friend is right. I disagree with some of the points made by the hon. Member for Swansea West (Geraint Davies), but if he was right we would be suffering those problems at distance through the EU; if indeed it was the problem that he describes, it would not be a new problem.

Geraint Davies *rose*—

James Duddridge: I am going to make some progress on amendment 9. I look forward to hearing the hon. Gentleman’s speech as a trade rep; I shall listen carefully to his remarks and intervene on him if that is appropriate and helpful to the debate.

The House will be aware that the Government previously published an impact assessment in support of the Bill. It is a standard assessment of the direct costs and benefits to businesses of elements of the Bill, and is available to Parliament and the public.

The assessment is in addition to the Government's analysis, which was published in November 2018. It is detailed and robust and covers a broad range of scenarios.

In his letter to the Treasury Committee on 21 October last year, the Chancellor of Exchequer committed the Government to provide continued analysis of the appropriate points through the next stages of the negotiations. Hopefully, that will reassure the hon. Member for Bristol West (Thangam Debbonaire), in addition to the reassurance she received from my hon. Friend the Under-Secretary of State for Northern Ireland, who spoke on issues of parliamentary scrutiny in the debate on the previous group. The Government remain committed to providing that analysis and will inform Parliament with the best analysis on which to base decisions. We will do so at the appropriate time, and so that it does not impede our ability to strike a good deal. I do not think that Members of Parliament or the British public would want us to do otherwise.

The British people have voted to get Brexit done and we must honour that by leaving with a deal. Fundamentally, amendment 9 is sadly another attempt to delay Brexit. We do not want to test the people's patience further by adding another step to the process, so I urge the SNP to withdraw the amendment. An impact assessment already exists and is there for everyone to see.

I thank the hon. Member for North Down (Stephen Farry) for tabling amendment 35, but unfortunately we cannot accept it. The clause recognises a principal fundamental to our constitutional relationships: that Parliament is sovereign. Nothing in the Bill derogates from the sovereignty of Parliament, as the clause makes clear. In passing legislation to give effect to the withdrawal agreement, Parliament is exercising that sovereignty. Clause 5 is a critical component of the Bill: it provides individuals and businesses with some clarity, such that they can rely on the withdrawal agreement. It also provides for the withdrawal agreement to take priority over domestic law where it is incompatible. That is consistent with parliamentary sovereignty. Parliament is giving effect to the priority of the withdrawal agreement. The effect of the hon. Gentleman's amendment would go beyond that. It would be novel and it would bind Parliament's hands in exercising its ability to make and unmake law. He should be assured that such an amendment is entirely unnecessary, so I hope that he does not press it to a vote.

4.15 pm

New clause 28 seeks to introduce a clause that would require a further confirmatory referendum. We do not want any more referendums. May I gently remind the right hon. Member for Kingston and Surbiton (Sir Edward Davey)—he is not in his place, but I will send him a copy of *Hansard*—that we have recently had a general election and we are committed to leaving the European Union on 31 January? I see that the hon. Member for Oxford West and Abingdon (Layla Moran) is in her place. Let me apologise to her as the new clause has been backed by the entire Liberal Democrat Bench. I hope that the amendment will be withdrawn or not moved.

Dr Whitford: Clause 38 addresses parliamentary sovereignty. Independent reviews of the clause, including by the Library and the Institute for Government, point out how completely meaningless it is. It purely states

something without giving it any power. It has no power in law, yet throughout this Bill, sweeping delegated powers are being taken from this Parliament to the Executive. The Government have just voted against limiting those powers in the standard way that they were limited in the 2018 withdrawal Act to protect things such as the Human Rights Act, the Government of Wales Act, the Scotland Act and the Northern Ireland Act. The Parliamentary Under-Secretary of State for Northern Ireland, who was at the Dispatch Box for the previous group of amendments, could not explain why the Government felt that they could not accept such limitations. That is where the concern comes, particularly on clause 21. There is no sunset clause—there is no limit. This plan to rebalance powers between the Executive, Parliament and the courts was in the Tory manifesto, and we literally see it coming to life inside this Bill.

The Minister mentioned clause 5, which gives the withdrawal agreement supremacy over all domestic law. It will not allow parliamentary scrutiny of any of the changes that result from that. These sweeping, broad-brush powers are concerning people. In particular, the removal of clause 31 of the original withdrawal agreement Bill in its entirety means that Parliament has no voice, no influence and no ability to set the terms or aims of the future relationship, which goes way beyond any trade deal. Such actions are making people afraid of what is going on. Furthermore, we have not heard any good argument from the Government as to why Parliament is suddenly being excluded in this way.

It is bizarre now to take this stance of “The lady doth protest too much” and, “Oh, we all believe in parliamentary sovereignty.” In actual fact, what we see is a complete undermining of the sovereignty of this Parliament. We also see an undermining of the sovereignty of the other three Parliaments in the United Kingdom. The devolved Governments are being undermined. They also will have no influence over the future relationship. They are also having to face delegated powers being taken from them, so that the Government can legislate on devolved areas even without the involvement of devolved Ministers. Twenty years after devolution, this is seen as an absolute power grab and an absolute attack on the devolved Parliaments of the United Kingdom.

In amendment 9, we specifically talk about an economic impact assessment. There has not been one since 2018—and that was on the Chequers agreement. Frankly, having read the Chequers agreement, which many Members on the Government Benches, including the Prime Minister, did not support, I can say that it was a complete cake-and-eat-it agreement. Frankly, it was never an agreement; it was just a wish list that had no chance of happening. There has been no economic impact assessment since then, and certainly no economic impact assessment of what this Bill will do.

We have heard all the representatives of Northern Ireland coming together across the divide of the communities to ask for regular economic impact assessments on what this Bill does to Northern Ireland. As someone from a coastal, west of Scotland constituency, let me point out that we will be looking across at Northern Ireland, which will be sitting in the single market. Fishermen in my constituency are talking about losing their businesses or having to register in Northern Ireland to try to compete. Our farmers will face delays

[Dr Whitford]

at ports and may face tariffs. They will certainly face huge bureaucracy that farmers in Northern Ireland will not face. I have two big just-in-time industries in my constituency: aerospace and pharmaceuticals. How are we going to keep those industries, let alone attract other businesses? They will look at Ayrshire and they will look at Northern Ireland; one is in the single market and one is not. I am sorry, but the idea that the economic assessment that was done on the Chequers deal would count for this deal and this Bill is frankly complete nonsense.

When this Government talk about their precious Union, it is important that they respect the devolved Governments, who are being given no locus in the future relationship. The fact that the Scottish Parliament will be voting on withholding a legislative consent motion for this legislation was dismissed as irrelevant by the Prime Minister himself at the Dispatch Box before Christmas. If it is so important to Members on the Tory Benches to preserve their precious Union, may I suggest that it is a bit like a marriage? Imagine turning around and saying to the missus, “Tough, I won’t give you a divorce”, “Tough, I don’t want to listen to you”, or “Shut up, because I’m in charge.” Imagine saying things like, “Yeah, give me half your wages” and “You can’t leave me, because I bought a big 4x4 and now we have an overdraft.” That is what the relationship looks like from Scotland.

As the former Prime Minister and the Attorney General both pointed out, it is not possible to maintain a union of nations that is not voluntary and that countries do not wish to be a part of. That has repeatedly been put forward as a Brexit argument. You will not keep Scotland in your precious Union with the utter disrespect that is being shown for her Government, her people and how her people voted. The Scottish National party is the party that people voted for, so repeatedly saying that the people of Scotland “don’t want this” and “don’t want that” is nonsense. If Government Members believe in democracy, they should be respecting not just the Scottish Government, but the Scottish Parliament. They cannot ride roughshod with delegated powers over the devolved Governments of Northern Ireland, Wales and Scotland. It will certainly not protect their precious Union.

Sir William Cash: The hon. Member for Bristol West (Thangam Debbonaire) said, “What is this sovereignty?” It is terribly simple; it is the ability to make our own laws in our own Parliament, in accordance with the electoral decisions taken by the people in line with a manifesto and with their constitutional arrangements, which have been in place for many generations. It is this for which people fought and died in world wars. The very simple reality is that sovereignty is about whether or not we can govern ourselves.

My rebellion against the Maastricht treaty was based on the simple proposition that that treaty created European government. In 1971, we entered into arrangements—then enacted through the European Communities Act 1972—on the basis of a White Paper that said we would never give up the veto under any circumstances, and furthermore that to do so would be not only against our own national interest, but contrary to the fabric of the European Community itself. Believe it or not, it was

understood in Government circles at that time that the veto enabled us to retain the actuality and reality of the ability to make our own laws. Gradually, over the next 30 or 40 years, that veto was whittled away to extinction, and the processes that I have to deal with day in, day out in the European Scrutiny Committee—and have been doing so since I first went on the Committee in 1985—have demonstrated to me that, in fact, we have not been governing ourselves. That is why I entered into opposition to the Maastricht treaty and then to Nice, Amsterdam and ultimately Lisbon. The reality of what has been happening is that the individuals who sit on these green Benches have simply had their ability to make the laws that they are entitled to make on behalf of the people who vote for them reduced to rubble.

In return, we have been faced with an increasingly dysfunctional European Union that did not work in the interests of the British people, and that is why we got the result we did in the referendum. It was the people who voted. Interestingly, when the decision was taken to hold the referendum, it was decided by six to one in the House of Commons. We voluntarily agreed that we would abdicate our right as Members of Parliament and let the people of this country make that decision on their own behalf. All the resistance we have seen over the past three years from the Opposition Benches and from a number of our recalcitrant colleagues, many of whom are no longer in the House, was based on a complete failure to understand that the decisions that were taken in that referendum were authorised by Parliament and, indeed, by themselves.

Section 1 of the European Union (Withdrawal) Act 2018—I did the first draft of the Bill, which was accepted by the Government—said that the European Communities Act 1972 would be repealed on exit day. That is now in fact implementation period day, but for practical purposes it comes to the same thing. The Opposition religiously—or irreligiously, depending on how one cares to put it—decided that they would oppose that Bill in principle, as they did on Second Reading and on Third Reading. Every single Conservative, even my recalcitrant colleagues—even Kenneth Clarke—voted for the withdrawal Act on Third Reading, but the Opposition denied not only the sovereignty that was being restored by the repeal of the ’72 Act but the democracy that went with it. That is a fundamental issue. They destroyed their credibility with the British people, and I believe that the ordinary man in the street—the people who voted in the last general election—understood that.

I have already made the point that European laws are made behind closed doors by a majority vote. Nobody can say that the decisions that were taken, which we had to accept because we had no alternative, were laws made by our elected representatives. I have never heard such trash coming from a Front Bench as the suggestion that the fact that these people happen to be elected Members of Parliament in the Council of Ministers conferred upon them some form of democratic right to decide.

Sir Iain Duncan Smith: My hon. Friend is making absolutely the right case about sovereignty. I mentioned *Van Gend en Loos* and *Costa v. ENEL*. The point about those two cases is that they were judicial statements. One was about direct effect and the other was about the whole idea that European law had supremacy. They were never voted on in this House. Nobody agreed to them.

Nobody said, “This is what we wanted.” That led to something quite interesting—the imposition of the extension of welfare payments to EU migrants who came here was the result of a judicial review of something that we had never voted for, and it cost us a lot of money.

Sir William Cash: That is a very good point. Those cases happened before we came into the European Union, and they invade the very concept of the constitutionality of this country and of other countries too, because they say that we are obliged to obey not just any law, not just all laws, but even constitutional laws. That is the point. It is an utter invasion. It is a complete and total destruction of the decision of people through the ballot box in general elections. That is the problem. Sovereignty and democracy are intertwined at the heart of our constitutional system. The hon. Member for Bristol West ought to reflect on the rather absurd propositions in her speech, because she cannot prove a single point that she made.

4.30 pm

Mr Paterson: A key function of Members sent here—the earlier Parliaments were in Shropshire, of course; it is a regrettable tendency that we have had them in Westminster for the last few hundred years—is that we pass supply, vote funds and are responsible for moneys raised from our constituents. “No taxation without representation” is fundamental. The current rules are in complete breach of that. It is worth reading the National Audit Office report which says that between 2005 and 2015, the EU demanded £642 million back because of the unsatisfactory manner in which the last Labour Government introduced CAP reform. There was absolutely nothing that a single Member of Parliament could do by voting here to stop that money being demanded from the UK Government.

Sir William Cash: In conclusion, I will simply say that I entirely endorse what my right hon. Friend has said, as indeed I endorse what my right hon. Friend the Member for Chingford and Woodford Green (Sir Iain Duncan Smith) said. The bottom line is that our passing of the withdrawal Act, in conjunction with the general election that we have just won, gives us back the opportunity to make laws on behalf of the people of this country in a democratic, constitutional arrangement of such importance that I believe it will go down as a historic moment when the Bill’s Third Reading is passed tomorrow.

Stephen Farry: I rise primarily to address amendment 35 in my name and its intersection with clause 38. I do not intend to press it to a Division, but I want to highlight some of the issues that arise from it.

More generally, on the point of parliamentary sovereignty, I want to make a couple of comments, as other Members have, about the irony with respect to the level of delegated powers that the Bill will create, as well as the lack of scrutiny of the future relationship, which is of particular importance to us in Northern Ireland but also, of course, for all colleagues across the United Kingdom. The Northern Ireland/Ireland protocol, which is of such importance to us in Northern Ireland and has almost bedevilled the process of Brexit for many years, was only in effect programmed for two hours today. Many of the Northern Ireland voices were not properly articulated on that.

The concern of my amendment is the rights protections under the Good Friday agreement. The Good Friday agreement is, of course, an international agreement, but its implementation in domestic law falls to the UK Government. The agreement sets out a comprehensive set of rights, including the political participation of women, the right to freely choose one’s residence, freedom from sectarian harassment, a statutory equality duty and, perhaps most significantly, the requirement for the incorporation of the European convention on human rights into UK domestic law.

Most of the debate in Northern Ireland and beyond around Brexit, as it pertains to our situation, has focused on issues around borders, including the business community, the economy, trade and what the future holds in that regard. But people are also deeply concerned about rights issues, for a whole range of reasons. Article 2(1) of the protocol on Northern Ireland/Ireland provides a commitment that there will be

“no diminution of rights, safeguards or equality of opportunity”.

That is very much welcome, but we have seen a gradual weakening of the level of commitment to rights protections since the original draft of the joint report in December 2017. The European Union is very clear that it falls to the United Kingdom Government to ensure that the rights under the Good Friday agreement are protected as part of the future relationship.

The specific concern that I am trying to raise through amendment 35 is that there seems to be an inconsistency between section 7A of the European Union (Withdrawal) Act 2018 and clause 38 of the Bill, which is the focus of this section of our debate. Clause 38 stresses parliamentary sovereignty notwithstanding section 7A, which is used to give some degree of reassurance that there will not be any threat to rights, but there is the potential that section 7A could be overridden in some shape or form. There are several reasons why we have some concern in this respect. First, not all Good Friday agreement rights relate to the European convention itself; some are broader than what the convention contains. Some of the proposed legislative commitments apply only to Northern Ireland Departments and public bodies, and do not extend as far as the UK Government themselves, and in that there may well be some potential danger.

There are also concerns about whether the UK Government have, to date, fully respected some of the rights under the Good Friday agreement. As Members will appreciate, identity is a very complex issue across these islands, but it has been managed to date through a number of different forms—for example, the common travel area; more recently, the Good Friday agreement; and hitherto, of course, the joint membership of the European Union by the United Kingdom and the Republic of Ireland. Up until now, both jurisdictions have moved in tandem on issues involving the European Union, including on matters such as the Schengen agreement, which the Republic of Ireland has also opted out of. We are now faced with the fact that, for the first time ever, we are going to see the UK and Ireland move in different directions in terms of the European Union. That may well throw up a whole range of issues, challenges and anomalies that will need to be managed successfully.

Brexit strips away a lot of those protections, and perhaps does create a certain degree of risk. If I may, I will take one example in that regard. Members may well be aware of the Emma DeSouza case regarding

[Stephen Farry]

immigration. It drew attention to the fact that the UK Government have not reflected in UK domestic law, particularly in relation to revision of the British Nationality Act 1981, the right of someone born and resident in Northern Ireland to identify solely as Irish, and to have Irish citizenship. What the law currently says is that anyone born in Northern Ireland is, by birth, automatically British, and to many that goes against both the letter and the spirit of the Good Friday agreement.

As long as that case, and indeed other situations, go unresolved there is a latent fear of these anomalies persisting and, indeed, potentially growing, particularly if there is greater divergence between the UK and the rest of the European Union, including the Republic of Ireland in particular. That has implications for what is a very complex situation, which has been managed by the Good Friday agreement—on a faltering basis over the past 20 years, but none the less managed—and we may well be in very difficult and rocky territory. It is important that the Government reflect on some of the fears that are being expressed in Northern Ireland. Although I am not going to press the amendment today, I think it is important that the Government reflect on the matter.

Ian Paisley (North Antrim) (DUP): The hon. Member must of course reflect that the fact of the matter is that the Republic of Ireland is an independent country in its own right. By being independent it is entitled to go its own way, and if it wants to go a different way with Europe it is entitled to do that. We would not want to restrict it and say it has to come with Britain. I would be delighted, whenever we leave the EU and Europe increases its bill of membership to the Republic of Ireland—when the Republic sees how costly it is to be a member—if those in the Republic of Ireland had a national conversation about their role as Irish citizens in the EU. Ultimately, however, that is a choice the Republic of Ireland has made—that it wishes to remain within the EU—and we should not try to restrict its hands, either.

Stephen Farry: I am always grateful to hear comments from my counterpart in Northern Ireland, but I think it is worth stressing for the record that there is no significant movement or debate whatsoever in the Republic of Ireland about any form of “Irexit”, as it might be framed. There is deep commitment to membership of the European Union in the south of Ireland, as indeed there is, on a majority basis, in Northern Ireland and in Scotland and other parts of the UK as well.

While Ireland will make its decision to remain part of the European Union, it is of course the UK that is diverging. That debate has been had, and I recognise the outcome in that respect. None the less, it is important to recognise that Northern Ireland is a complex society, and it only works on the basis of sharing and interdependence. A very careful set of balanced relationships has been built up over the past number of years, with the support of those on both Front Benches in this House over that period. Brexit does potentially strip away some of the sticking-plaster over some of the cracks and we do not know exactly how things will work out. It is important that the Government pay regard to, and are sensitive to, the very particular implications in rights terms for Northern Ireland as the Brexit process unfolds.

John Redwood: Clause 38 is welcome. I pay tribute to my hon. Friend the Member for Stone (Sir William Cash) for being one of the co-authors of that excellent piece of Government-proposed legislation. I also support the Minister in opposing various new clauses and amendments before us.

It seems to come down to the question, “What is sovereignty?” and I think the public understand it so much better than many Opposition MPs seem to. The public fully understand that our constitution should be based on the proposition that the public decide who should represent them in the House of Commons and then the House of Commons decides what laws are appropriate, what taxes to raise and how to spend that money, and at the end of four or five years—or sometimes a shorter period—the public get to judge whether we collectively made a good job of it or not, or whether there is some new configuration of Members of Parliament that can make it better. So the public are ultimately sovereign but they trust us, their elected Members, with their sovereignty for a period of up to five years to exercise the powers of government.

When we first joined the European Economic Community, the country was assured that that sovereignty—that set of powers—would not be damaged in any way. To underwrite that promise the Government said, correctly then, that there would be no matter decided in the European Economic Community that could be forced on the United Kingdom against its will; we always had a veto so that if it proposed a law, a charge or a tax that we did not like, we could use the veto. Over our years of membership, we have seen those vetoes gradually reduced—those powers taken away—so that today, although we are still a full member of what is now the European Union, there are huge swathes of policy areas where we are not free to legislate where we wish, or in some cases not free to legislate at all, because it is entirely occupied territory under the Community acquis.

The ultimate sovereign power in the United Kingdom today is the European Court of Justice; that is the ultimate appeal of any legal issue, and it can overrule what the two Houses of Parliament decide, it can overrule a statute, and it can strike down a law passed in this place. It is that which a majority of the British people decided they thought was unsatisfactory. When they had voted many years ago to support our continued membership of the European Economic Community it was called a Common Market and misrepresented as a free trade area, which of course is rather different from a customs union with complex rules, and they were given an assurance that their Parliament would still be able to choose their taxes, spend their money and pass their laws in the traditional way. That turned out not to be true.

The loss of those freedoms was progressive under the Single European Act, under the Maastricht treaty, under the Amsterdam treaty, the Nice treaty and, above all, the Lisbon treaty. The Lisbon treaty was the culmination of that journey towards a very strong European Government that was superior to the United Kingdom Government, and the implied substantial strengthening of the wide-ranging powers of the European Court of Justice, because every directive and every regulation that was passed—and there were thousands of them—not only produced a more directly acting legal power over

our country that we could not modify or change, but also gave so much more extensive powers to the European Court of Justice because it is the ultimate arbitrator of that body of law.

It is that body of law which this legislation today is seeking to put under United Kingdom control. We have been arguing over this for three and a half years now. The public thought it was a very simple matter and told us to get on with it. We had a fractious and unhelpful Parliament until recently, which did all in its power to thwart the putting into law of the wishes of the United Kingdom electors.

I hope today, after a second general election and after a referendum where the British people made it clear that they wished their sovereignty to rest again with them and be delegated to their Parliament, that the Opposition might have understood that, and might have understood that currently, contrary to what we have been told by the Labour Front Bench, there are a very large number of areas where we cannot do as we please.

4.45 pm

Let us start with the money. Yes, we wish to take back control of the money. This Parliament cannot decide to reduce the amount of money it pays to the European Union. They decide that: they determine the bill and they enforce the bill. I hope that Ministers can reassure me that after December, at the end of the implementation period, that will cease and we will only pay when there is an agreement between us and the European Union that we accept for services or joint policies that we wish to undertake as a sovereign nation. We cannot go on accepting their hand in our pocket, taking our money under their legal powers.

I personally think it is a great pity that we have had such a delay to exit, because I resent the net £1 billion or more a month we are paying in. That will continue, I am afraid, throughout this year. I would like that money for priorities in Wokingham and in the constituencies of other colleagues here in the House of Commons. I find it very odd that so many MPs are so dismissive of the significance of the money, given the quite important role it seemed to play in the referendum campaign and given how colleagues are normally very keen to see increases in expenditure on public services in our country. They do not make the connection that if we carry on paying very large sums to the European Union, it limits our scope to make the increases they would like.

It also means we do not control our own taxes, so our country cannot choose the power to tax any of our sales; that is determined for us. It has to be the VAT tax system. We had to introduce that when we joined the European Union. There are arguments for continuing with some kind of VAT system, but surely we want to decide what rate it is levied at and what items it is levied on. There are quite a number of items that I think it should not be levied on, where I think I would find agreement across the Committee. However, we are not allowed today to remove VAT from green products, for example, because that is against European Union rules. I therefore look forward to our opportunity to shape our own taxation system as soon as we are properly out.

There is then the issue of when we actually have control over our law. What I hope clause 38 will achieve is that if the European Union decides during the implementation period to pass laws that are particularly

penal on the United Kingdom or are damaging to our commercial and economic interests, we can use that reassertion of parliamentary sovereignty before the expiry of the implementation period to ensure that that particular law does not apply to the United Kingdom. Otherwise, there is an invitation to anyone of bad will in the European Union to think of schemes that would be disadvantageous to the United Kingdom during the implementation period.

On borders, where again those on the Labour Front Bench seem surprisingly dismissive of a very important question that has been in our debate throughout the referendum and in subsequent general elections, I think there is a general view in the country, which goes well beyond Conservative voters, that there should be a fair system of entry between EU and non-EU people. At the moment, the EU gets preference. I think a lot of people feel that there should be some overall limitation on the numbers of people coming in seeking low-paid work or speculatively seeking work. They favour some kind of a work permit system, which is quite common in many other advanced civilised countries. Because we wish people who join us to be welcomed, because we want them to live to a decent standard and because we accept the commitment to pay them benefits and find them subsidised housing if that is their requirement, surely it should be in our power to decide how many people we welcome in this way, and to decide that that should be related to our capacity to offer them something worth while, and to our economic needs. I give way to my right hon. Friend, who has done so much in this area.

Sir Iain Duncan Smith: May I just pick up on one point? My right hon. Friend talks about, “should we wish to give them benefits”. The reality now is that the British Government have to pay benefits even to families of people working over here when their families are not with them. That is roundly disliked across Europe, but those countries all accept there is nothing they can do about it because the European Court of Justice imposed that as part of freedom of movement. It was never debated as part of freedom of movement and it was never supposed that it would happen. It is an end to sovereignty when one can no longer make a decision to change something like that.

John Redwood: My right hon. Friend puts it brilliantly; that is exactly the kind of limitation of our sovereign power, and of our freedom to make decisions that please our electors, that I have been talking about. It is quite important, given the history of this debate.

Turning to the Scottish nationalists, I agree with what the Scottish nationalist spokeswoman, the hon. Member for Central Ayrshire (Dr Whitford), said: we only want volunteers in our Union. We are democrats. We believe that the Union works, but that if a significant portion of the Union develops a feeling that it is not working for them, we need to test that. I was a strong supporter of accepting the Scottish National party idea, just a few years ago, that there should be a referendum. That referendum had the full support of the United Kingdom Parliament, which is the sovereign authority for these purposes on Union matters. I also fully agreed with the then SNP leadership when I talked to them about it—I think our formal exchanges were recorded in *Hansard*. They said that they agreed with me that whichever side

[John Redwood]

lost should accept the result, and that it would be a “once in a generation” event, not a regular event that happened every five years until one side got the answer that it liked. I hope that the SNP will reflect on that. We are democrats and we want volunteers in our Union, but we cannot pull it up and examine it every two or three years through a referendum, which is very divisive, expensive and damaging to confidence and economic progress. We should live with the result.

Dr Whitford: Does the right hon. Gentleman accept that we did respect the result? We have been here for four and a half years. We would not have been if we did not respect it; we would have been independent, and we would not be being dragged over the EU cliff at the end of this month. He should accept that the claim of right that Scotland has had for 331 years did not disappear in 2014, and that his party has changed the entire fabric of the United Kingdom. It cannot continue to treat Scotland's views with disrespect.

The Second Deputy Chairman of Ways and Means (Sir Gary Streeter): Just before the right hon. Gentleman continues, we do not want to be dragged into a debate on Scottish independence on clause 38. Let us continue to debate these amendments and the clause.

John Redwood: Good advice, but I am trying to address the SNP point related to its proposals on how we treat devolved government fairly and whether we are listening properly to Scotland. I think that we are very much listening to Scotland, but we have to understand that the matter of the Union is a responsibility of the Union Parliament, and that the matter of our membership of the European Union is a responsibility of the European Parliament. It is the hon. Lady's misfortune to have been on the wrong side in two referendums, but there has been a deeply democratic process in both cases, as to whether Scotland stays in the Union and whether we stay in the EU.

I urge my right hon. and hon. Friends on the Front Bench to remember that there is a fourth country in our Union: the country of England. We are very reasonable people, and we do not go on and on about English issues. However, when we get to this debate over how the different parts of the United Kingdom are consulted and respond to the issue of how we leave the EU, England too needs a voice within the Government and needs to be seen as an important part of the process.

The overwhelming vote for Brexit was an English vote because in numbers, England is a very large part of the Union. That is important, just as the Scottish and Northern Irish view is. I hope that the Government will look at this machinery of government issue and make sure that there is, within Government, a clear and definitive English voice. In due course, I think that we need to discuss whether this Parliament should have an English Grand Committee that can not only veto proposals that England does not like, but make proposals that England wants, because that would do something to correct the obvious imbalances that make this a particularly difficult matter to settle, when the largest part of the Union, with the overwhelming Brexit vote, is not formally represented in the discussions.

Geraint Davies: It is a pleasure of sorts to follow the right hon. Member for Wokingham (John Redwood) and the hon. Member for Stone (Sir William Cash). On the issue of sovereignty and democracy, it is worth remembering something. The basis of the 2016 referendum was one person, one vote, one issue, and there was a clear majority then to leave. In 2019, we had another vote, a general election, and had that been counted on the same basis—one person, one vote—we would have had 14.5 million voting for the oven-ready Brexit on offer and 16.5 million voting for a people's vote or remain. Obviously, that vote was on a different basis—on a constituency representation basis and on a number of issues—and the clear decision was for a Conservative Government with a majority of 80. That is clearly understood, but to try to conflate the two is wrong. In fact, there remains a compelling case that the oven-ready Brexit being railroaded through—in my view, a reckless Brexit that would undermine the sovereignty, power and financial and trading credibility of Britain—should go back to the public for a final vote.

John Redwood: I gently remind the hon. Member that during the election senior Labour people argued passionately that it was fine for a leave voter to vote Labour and that they were not all in favour of what he has just said, so I do not think he can say that in all cases the Labour vote was definitely a vote for remain or a second referendum.

Geraint Davies: To be clear, I said that the proposition was remain or public vote on the deal. The Labour party position essentially was that the oven-ready Brexit would be bad for Britain—it would make us more divided, weaker, poorer, more isolated and so on—and that we could put together a better Brexit that protected our jobs through trading alignment and our environment and workers' rights through dynamic alignment of those conditions.

The Second Deputy Chairman of Ways and Means (Sir Gary Streeter): Order. This is very interesting, but the hon. Gentleman is not speaking to the amendments or the clause. His speech is more a Third Reading speech, for which there will be plenty of opportunity tomorrow. If he has a speech to make on the amendments, we look forward to hearing it.

Geraint Davies: I apologise for responding to the speech made on this subject by the right hon. Member for Wokingham, but I will not go on about that any more.

I want to focus on clause 38, on sovereignty, and new clause 28, on whether we should have a confirmatory referendum, which I was just talking about. I was making the argument, which I will stop making, Sir Gary, in support of the proposal in new clause 28, that there was a legitimate case for a confirmatory referendum on the grounds that most people voted for either remain or a second referendum and that the position of the Labour party was to have a second referendum.

In defining sovereignty, the hon. Member for Stone and others have said that having sovereignty means we can make all our own decisions here and that everything will be all right. I accept that that is an idea in the minds of many voters, and intuitively it sounds very sensible, but in practice is that really what would happen? I contend

that this Brexit will reduce our sovereignty and that therefore clause 38 is misleading. At the moment, we have pooled sovereignty in the EU. We are one of 28 countries, but our vote is proportionate to our population. The right hon. Gentleman suggested that things are rammed through without our being consulted—that they just happen to us—but even in majority voting we have a veto, together with others, such as Germany, for example, which is the biggest player and is very worried that when we leave it will not be able to exercise, with us, certain restraints and constraints on the EU.

Ultimately, if we have a close trading relationship with the EU, to which after all 44% of our trade goes—from a Welsh point of view, more like 60%—we will need some level of equivalence, which will mean our having to accord with standards decided in a closed room without us being in that closed room. Surely, that is less sovereignty, not more. We will have to make the following decision: do we agree with something that has been decided without us rather than our being able to argue and block it, with Germany and others, or do we want to be out of the room deciding whether to accept the rules that are coming over—and if we do not accept them it might hinder our trade? That does not sound like sovereignty improvement to me.

5 pm

Graham Stringer (Blackley and Broughton) (Lab): Will my hon. Friend tell me what definition of sovereignty he is using? It is completely confusing me. I have just checked, and the normal definition is “the authority of a state to govern itself”,

but my hon. Friend is talking about majority voting when we might be in a minority. What is his definition of sovereignty?

Geraint Davies: What we are talking about is the freedom of this Parliament to influence the outcomes for our electorate. *[Interruption.]* What I am saying, as my hon. Friend chunters in his seat, is that we will move from a position in which we can influence rules that will be applied in Britain to one in which we cannot influence those rules, and they will still be applied. We are not suddenly leaving and going to the moon.

I know that there is a move on the other side for us to become semi-detached, or worse, from the EU, and to thrust ourselves into the fond arms of the WTO. However, as I said to the Minister earlier, and I have had some experience of this as a trade rapporteur for the Council of Europe at the WTO, we will end up negotiating with 164 countries with just one vote, not proportionate to our population—and some of those countries will be dictatorships—as opposed to being in a club of 28 mature economies with a strong bargaining position within the WTO. As I said earlier, the WTO is being undermined by the United States, which wants its own massive power to decide everything, rather than rules. Moreover, it has existing rules that are contrary to what we are allowed to do within the EU.

We may talk of sovereignty, but if at some point in the future the Government of Britain wanted to return the railways, for instance, to public ownership—I appreciate that the Minister may not want to do this—the WTO would be able to stop us. It also has rules about patents which will increase the price of drugs. I do not think that “people in the street” voted for that.

Furthermore, the WTO will impose—as will bilateral trading relationships with the United States—new systems of arbitration courts and panels with independent judges who, unlike the European Court of Justice, are not democratically elected, and who will make decisions on whether big companies can either sue us or threaten to sue us for not pursuing various activities, or will block our legislation.

In case there is any ambiguity, let me give an example. Lone Pine, the big fracking company, sued the Canadian Government because Quebec had a moratorium on fracking, saying that it would affect climate change, or was not in the interests of the environment, or whatever it was. We have started fracking in this country, but let us suppose that the Welsh Government said that they did not want fracking in Wales. If there were to be an investor-state dispute settlement tribunal, the frackers could come along and say “Look here, we cannot have this, we are fracking”, and sue the British Government. Is that sovereignty and control in any normal circumstances? Of course it is not. Courts will be available that will fine, or threaten to fine, the British Government for passing legislation to protect the environment and the public health of our citizens, and their intimidation will deter future Governments from doing that.

We have introduced a sugar tax, but when that happened in Mexico there was an attack on it through an investor-state dispute settlement. If we introduce a plastics tax, we will be attacked for that.

Sir Iain Duncan Smith *rose—*

Geraint Davies: This is not sovereignty; it is madness and self-harm, on which point I will give way to the right hon. Gentleman.

Sir Iain Duncan Smith: I really do not understand what the hon. Gentleman and his Front Bench are up to. It is as if they are trying to rewrite the whole concept of the world order in trade. The EU has to abide by WTO rules just as we will when we leave—and we already do. There is no issue here that is going to change. WTO rules apply to the EU as stringently as they apply to us, and when we leave and become a voting member, they will still apply to us. The difference is that if there is a debate for change, we will have a vote which we do not have now because we are subsidiary, underneath the EU. The hon. Gentleman’s argument is specious, and it is total nonsense.

Geraint Davies: Well, that was very helpful.

Some hon. Members have failed to understand this. I remember the big debate over the Transatlantic Trade and Investment Partnership, for example, and over these investor-state dispute settlement clauses being used by the Americans on fracking and other issues. Once we are in a situation where, instead of being in the powerful trading bloc of the EU, negotiating head to head with China or the United States from a position of strength to sustain our environmental and workers’ rights and our standards, we will suddenly instead be broken free, semi-detached, and turning our back on our biggest local market—*[Interruption.]* It is all very well for the right hon. Member for Chingford and Woodford Green (Sir Iain Duncan Smith) to chunter, but that is what will happen. It is already being discussed in the trading arrangements with the United States. The United States

[Geraint Davies]

is saying, “Right, you’re on your own now and we are going to have this relationship and we will enforce it through the international tribunal.” That is what is going to happen.

Let us take as an example the simple European REACH protection—the regulations concerning the registration, evaluation, authorisation and restriction of chemicals. If the right hon. Member for Chingford and Woodford Green were making chemicals in Europe, he would have to prove they were safe before marketing them. In the United States, he would just be able to market them and an environmental protection organisation would have to prove them harmful. That is why they sell asbestos in America, and that is why there will be pressure for us to have asbestos in our brake pads here. That is why there will be pressure for us to have hormone-impregnated meat from America imposed on our growing children, who could then have premature pubescence. I know that some people think that that is sovereignty, but I do not.

Dr Whitford: Is the hon. Gentleman aware that a threat to the sugar tax is already within the trade papers that have come out, registering the discussions that have already been happening with the US? The sheer threat of a Government, whether a devolved Government or this one here, being dragged through an investor-state dispute settlement can create a fear of public health measures such as the one we have in Scotland on the minimum unit pricing on alcohol, which this Parliament have not got round to. They might find that they struggle to get round to it in the future because they would be challenged, which would threaten the public health of everyone in the United Kingdom.

Geraint Davies: The hon. Lady makes an excellent point about the chilling effect of that overhanging threat.

Let us be clear on the specifics. Lots of people talk about the impact of this on our health service and about the Americans arriving and taking our data and privatising the health service. But apart from that, let us think about the public health impact of these changes in relation to sugar. The NHS spends £12 billion a year on diabetes—

The Second Deputy Chairman of Ways and Means (Sir Gary Streeter): Order. I understand that the hon. Gentleman is trying to link this to the overall concept of sovereignty, but he is now talking about future trade deals rather than about clause 38 of the Bill and sovereignty. I would just encourage him to come back to the clause.

Geraint Davies: I am grateful for your guidance.

I guess the point is that sovereignty is about our ability to make laws here without intimidation or interference, but that we could find ourselves outside the EU and no longer able, for example, to introduce a tax on sugar that would reduce the cost of obesity to the NHS. We could have a situation where we want to let people know that there are six teaspoonfuls of sugar in a Müller Light yoghurt and nine in a Coca-Cola, and we want to drive down sugar content in order to drive down diabetes and health costs. Instead, we could be fined because the projection of a manufacturer of a sugar-impregnated product was less than that. That is

not sovereignty. If we cannot protect our environment, our public health and our trade because we will be under the cosh with these companies suing us through the arbitration panels, that is not sovereignty. This clause should therefore be struck out, because it is completely misleading.

Mark Garnier (Wyre Forest) (Con): I actually agree with an awful lot of what the hon. Gentleman has said in terms of the construction of his argument, but his conclusions are hypothesised on a trade deal that is yet to be done. The important point about all this is that we have sovereignty over deciding what goes into the trade deal. If we do not want to put stuff into a trade deal, it does not matter what the investment courts say. They can only adjudicate on that which is in a trade deal, and what will go into a trade deal will be decided by this sovereign Parliament. That is where his conclusion is completely wrong. He was putting forward quite a strong argument to start with, and I do agree with it, but his conclusions are completely wrong given the sovereignty of this Parliament.

Geraint Davies: I am grateful to the hon. Gentleman for that intervention. If there has been any lack of clarity let me make it clear that I am saying that we are in the EU at the moment and obviously do lots of trade with the EU—44% of it—and we do quite a lot of trade through the EU indirectly with America and elsewhere, so we are in a reasonable position. If we come out of the EU and suddenly find that we need to make up for lost trade, we will be under a lot of pressure to do a deal quickly with the US. We will also be in a much weaker position, because we will be standing alone.

The US is a big player and knows it, so it will try to get what it wants, as has been pointed out on sugar, fracking and other examples. What is more, it has ISDS powers as part of its normal bilateral trading agreements, and that is already recorded in trading relations. The idea suggested by the hon. Member for Wyre Forest (Mark Garnier), which I respect, is that we could in theory say, “No, we don’t want this. We won’t go ahead with that.” but there would be a huge economic cost. There would also be enormous pressure, while doing all these other trade deals, to agree.

The assumption is that we could just carry on as before with all the other bilateral trading agreements with small countries such as Chile. If you were Chile, Sir Gary, you would think, “Hold on. Instead of negotiating with the big EU, I’m now negotiating with a relatively smaller UK, so I want a better deal.” Therefore, our sovereignty, in terms of our power to deliver what our electorate wants, is reduced. Our sovereignty has therefore been intrinsically undermined, rather than enhanced, which is contrary to what is being spun out here.

Ian Paisley: The hon. Member speaks as if trade is all one way. One of Germany’s biggest trading partners is the United Kingdom. Does he think that it wants to go down the road he is describing? The Germans will want to ensure that they continue to have a good trading relationship with the United Kingdom no matter whether Britain is within or outside the EU.

The Second Deputy Chairman of Ways and Means (Sir Gary Streeter): I call Geraint Davies to talk on sovereignty and clause 38.

Geraint Davies: That is very helpful. Let us get this point clear. Something like 44% of our trade goes to the EU, so it is enormously important to us. However, less than 5% of the EU's trade overall comes to the UK. There is a balance of power, and it is the case that two EU countries—the Netherlands and Germany—have a significant trade surplus with the UK, but the others do not. The EU will quite reasonably, as a bloc, want to protect its standards, its environment and its workers' rights and not be undercut.

We have seen that already in terms of sovereignty, because we want a better environment, but the Government have already decided to withdraw from the carbon trading system, so we will have our own carbon tax. However, my understanding of the Government proposal for the carbon emissions tax is that we will charge £16 a tonne and the EU will tax £25 a tonne. In other words, we are already becoming a sort of pollution dumping ground. The more we diverge negatively away from the EU, the less we will be able to trade and the more we will be in the hands of the US, the Chinese or whoever. That is not sovereignty; that is just being in the hands of others.

I accept your guidance, Sir Gary, and I think I have made my point. We will be poorer, weaker and more divided. This is not about sovereignty. This is about the abdication of sovereignty, and I deeply regret it.

Robert Courts (Witney) (Con): It is an honour to take part in this debate with you in the Chair, Sir Gary.

I want to make a few brief comments on clause 38. I want to say a word or two about parliamentary sovereignty and why the clause is necessary. We have heard the phrase “parliamentary sovereignty” a lot recently. It is much used and much misused. Although it is certainly a subject for debate, it can essentially be understood to mean that this place is the supreme law-making body in the country. It makes the law and cannot bind its successors, so the law can be changed. The law is made after an election, at which we stand on the basis of a set of promises. We then enact those promises, and at the following election, the electorate judge how well we have performed and whether we have kept those promises, and then they make a judgment at the ballot box accordingly.

5.15 pm

That principle has been affected significantly by European Union membership. I will address the effect of the ECJ. The Factortame case in 1989 meant that, for the first time, an Act of Parliament—the Merchant Shipping Act 1988 in that case—could be disapplied if it was incompatible with European Union law. The second major case is *Van Gend en Loos*, which established the principle of direct effect—as opposed to direct applicability—whereby the rights enshrined in European Union treaties could be enforced by European Union citizens without recourse to Parliament. That has a serious impact on sovereignty, because it means that rules are being made outwith the procedure of this House.

Labour Front Benchers are academically correct to say that parliamentary sovereignty has continued since 1972, because it has always been possible for this House to repeal the European Communities Act 1972, which is what we have now decided to do. In essence, Parliament decided to hand over, wholesale, spheres of competence,

as the European Union calls them, meaning that the EU would make the rules in certain areas and Parliament would simply provide the rubber stamp through direct effect and regulations. Therefore, when an individual rule was made that we did not like, there was very little that Members could do about it. They could, of course, revoke their consent for the entire scheme and repeal the 1972 Act, which is what we have now done, but they could not revoke on an individual basis.

That consent came from this House. The reason clause 38 is so important is that a different period is about to commence. Since 1972, all the way up to 2019, Parliament has consented to the rule-making powers and machinery of the European Union through the European Communities Act. Once we are out of the implementation period, all the rules that affect the people we govern will be made in this House. We will make promises when we stand for election; we will implement them to the best of our abilities; and then we will stand on that record. Every point is subsidiary to that. Everything we have heard about future trade deals will follow on from the principle of sovereignty and the direct democratic accountability that happens in this House when we stand for election, when we speak and when we return. That will not be the case, however, during the implementation period.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): I ask the hon. Gentleman to imagine a scenario in which the United Kingdom has a trade deal with America and this Parliament decides that it is going to say no to genetically modified or hormone-treated beef. How free and how sovereign does he think this Parliament will be in such a scenario? It will not be.

Robert Courts: I am grateful to the hon. Gentleman for his intervention, because he illustrates precisely the point I am trying to make, which is about the nature of sovereignty. Sovereignty is held in this place, which makes the law and is the superior governing body. If there is a trade deal with the United States, the electorate will have a chance at the next election to have their say on whether they agree with it. If the hon. Gentleman's or any other party wishes to change it, they can say so in their manifesto and stand for election accordingly. If elected, they will be able to enter negotiations to change it.

Angus Brendan MacNeil: The hon. Gentleman is being very generous in giving way; I am grateful to him. Of course, a trade agreement requires a dispute resolution mechanism, and we currently have the European Court of Justice. When and if there is a trade deal with America, the dispute resolution mechanism will give away sovereignty and we will be back to square one.

Robert Courts: No, that is a misunderstanding of the nature of a trade dispute body. Every treaty has to have some sort of dispute resolution—the hon. Gentleman is quite right about that. If there is a trade deal with the United States or any other body, there will of course be a trade dispute resolution, but it will adjudicate on the terms of the agreement approved in this House. The major difference with the ECJ is the one to which I have already referred: its judicial activism. It creates law that is over and above and has to be applied by this House, whereas when law is made by our domestic judges, this House can enact legislation to override it.

Dr Whitford: Does the hon. Gentleman recognise that investor dispute-settlement resolution systems in existing treaties are very one-sided? They allow private business to sue the Government, but do not allow Governments to sue business for deaths from smoking, pollution or other damage that they have caused.

Robert Courts: We are certainly getting into the technical detail, which is exactly what we should do at this stage. The hon. Lady ignores the independent element that takes place in any such independent arbitration mechanisms in international trade organisations.

Geraint Davies: Will the hon. Gentleman give way?

Robert Courts: I will not—I have taken a number of interventions and have made my point. I will conclude simply with why clause 38 is necessary and why amendment 11 misses the point.

Parliament consented to the European Union's lawmaking structures while we remained members of the European Union. That consent will be withdrawn when the 1972 Act is repealed and we are in the implementation period. We do not want to be forced into a dynamic alignment in which rules that we have no say over are passed. We need to make it clear that Parliament retains the right to disagree and diverge from those rules if it wishes. For those reasons, the clause is entirely accurate and needed, and the amendment simply misunderstands that.

Patrick Grady: I have enjoyed sitting here for the past couple of hours watching the Maastricht rebels' farewell reunion tour, although it appears that they are getting some young recruits. Fair play to them; they have been trying for 40 years and think that they will achieve what they have always wanted. I feel slightly sorry for them because I do not know what they will do after 31 January.

We heard all the greatest hits: "Supreme lawmaking body," "Brussels bureaucrats," "Common Market," "No taxation without representation," and of course the platinum hit, "Parliamentary sovereignty," which has been enshrined in the Bill for absolutely no reason at all, as was said by the hon. Member for Bristol West (Thangam Debbonaire) and my hon. Friend the Member for Central Ayrshire (Dr Whitford).

As the hon. Member for Witney (Robert Courts) touched on, as far as the UK constitution is concerned, Parliament has shared and will continue to share its sovereignty. The devolution settlement effectively did that by recognising the desire of the people of Scotland, Wales and Northern Ireland and other regional Assemblies. Power has been devolved from this place, and are we not all grateful for that? The notion of restoring parliamentary sovereignty is completely unnecessary and is a total showpiece in the Bill. Power has always been shared across the European Union and across the United Kingdom.

The right hon. Member for Wokingham (John Redwood) appears to be a reborn federalist. Perhaps that could be a new solo career now that the band is coming to the end of its tour. I will happily join him in further devolution and the assertion of federalism across the United Kingdom, if that is what he wants to do. He should be worried, however, because parliamentary sovereignty is not being restored by the clause or the Bill as a whole.

In fact, the Bill represents a power grab, first from the devolved Assemblies, by taking back the right to legislate without their consent. The Bill is an example of that. As we speak, the Scottish Parliament is withholding its consent for the Bill, but this House will ride roughshod over it tonight and tomorrow. This is also a power grab by the Executive, because sweeping Henry VIII powers are included in the Bill and in accompanying Brexit legislation that has already been passed.

The Brussels bureaucrats—that favourite hit of the Maastricht rebels—are being replaced by the new one-hit wonder of the Whitehall mandarins, except it will be one hit for the rest of time if this Parliament does not stand in the way of what the Executive are trying to do.

In fact, we are not restoring anything great here. I would be interested in an answer from the Minister at some point on whether the European Statutory Instruments Committee will be reconvened in this Parliament. It was one of the achievements of the European Union (Withdrawal) Act 2018 to enshrine that Committee in statute for the lifetime of the previous Parliament, so let us see the Committee come back if scrutiny and sovereignty are so important to this Government.

This place will be diminished in its powers and sovereignty, and in due course, it will be reduced in its numbers because 59 Scottish MPs will not be sitting here anymore when Scotland's power and sovereignty are restored to its Parliament, which will be very happy to share them with its continental neighbours as a member of the European Union.

Thangam Debbonaire: As the Minister cleverly spotted, amendment 11 is a probing amendment. We have explored the concept of sovereignty extensively, so I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clauses 38 to 40 ordered to stand part of the Bill.

Schedule 4 agreed to.

Clause 41 ordered to stand part of the Bill.

Schedule 5 agreed to.

Clause 42 ordered to stand part of the Bill.

New Clause 2

PROTECTING WORKERS' RIGHTS

'(1) It shall be an objective of the Government to secure an agreement with the European Union that achieves the following outcomes—

- (a) that the United Kingdom will not introduce any measure which would have the effect of reducing in any way the protection provided by any Retained EU Worker Rights after IP completion day;
- (b) that the United Kingdom shall take all steps necessary to ensure that, from exit day, all Retained EU Worker Rights will continue to have at least the same level of protection in the United Kingdom as is applicable in other Member States;
- (c) that where, after IP completion day, the European Union brings into force or effect any New EU Workers' Rights, the result and legal consequences in the United Kingdom of those New EU Workers' Rights shall be the same as if those New EU Workers' Rights had been Workers' Rights brought into force and effect by the European Union before IP completion day;
- (d) that those parts of the Treaties which, before IP completion day, provide for any matter concerning the interpretation of Workers Rights in any part of the United Kingdom

to be determined by the Court of Justice of the European Union shall continue to apply to the United Kingdom or such part of the United Kingdom to the same extent after IP completion day;

- (e) that after IP completion day, the procedural rules, including limitation periods, rules of courts and tribunals and remedies, governing actions for safeguarding New EU Workers' Rights and Retained EU Worker Rights in the United Kingdom shall continue to be no less favourable than the procedural rules governing similar actions under United Kingdom law;
- (f) that nothing in this clause shall prevent the United Kingdom from introducing amendments to Workers' Rights for the purpose of making such provisions more favourable to the protection of workers;
- (g) that the terms at (a) to (f) shall have direct effect and shall be recognised and available in law and be capable of enforcement by individuals and their trade unions in courts and tribunal.

(2) Subsections (3) and (4) cease to apply if the Government has secured an agreement with the European Union that achieves the objective in subsection (1).

(3) A Minister of the Crown must make an oral statement to the House of Commons on the objective in subsection (1)—

- (a) within three months of this Act coming into force;
- (b) at least as frequently as every 28 days thereafter.

(4) Each statement made under subsection (3) must set out—

- (a) the steps taken by the Government, and the progress made in negotiations with the European Union, for the purpose of achieving the objective in subsection (1); and
- (b) whether in the Minister's opinion an agreement with the European Union achieving the objective of subsection (1) is likely to be achieved by IP completion day and, if not, setting out the reasons for this.

(5) For the purpose of this section—

“New EU Worker Right” means any Workers' Rights—

- (a) which Member States are obliged to confer by an EU directive published in the Official Journal of the European Union on or after IP completion day; or
- (b) that are conferred by an EU regulation or other instrument published in the Official Journal of the European Union on or after IP completion day; or
- (c) that arise out of a judgment of the Court of Justice of the European Union on or after IP completion day;

and shall include any improvement to a Workers' Right which existed before IP completion day;

“Retained EU Worker Rights” means Workers' Rights which—

- (a) immediately before IP completion day, the United Kingdom was obliged to confer by virtue of the Treaties and the EU directives listed in Schedule 1, or which were, without further enactment, given legal effect in the United Kingdom; and
- (b) on IP completion day, continued to have effect in any part of the United Kingdom;

“Workers' Rights” means rights of individuals, classes of individuals and their trade unions, in all areas of labour protection including—

- (a) fundamental rights at work, including all forms of discrimination;
- (b) fair working conditions and employment standards;
- (c) information and consultation rights;
- (d) restructuring of undertakings and acquired rights; and
- (e) health and safety at work.

“Exit day” shall have the same meaning as in the European Union (Withdrawal) Act 2018.

“IP completion day” shall have the same meaning as in the European Union (Withdrawal Agreement) Act 2020.”—(*Nick Thomas-Symonds.*)

This new clause would require the Government to negotiate a comprehensive agreement with the EU protecting workers' rights.

Brought up, and read the First time.

Nick Thomas-Symonds (Torfaen) (Lab): I beg to move, That the clause be read a Second time.

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

New clause 3—*Future relationship: Customs Union and Single Market—*

“(1) It shall be an objective of the Government to secure an agreement with the European Union that achieves the following outcomes—

- (a) a permanent and comprehensive UK-wide customs union involving alignment with the Union customs code, a common external tariff and an agreement on commercial policy that includes a UK say on future EU trade deals;
- (b) close alignment with the single market, underpinned by shared institutions and obligations, with clear arrangements for dispute resolution;
- (c) dynamic alignment on rights and protections so that UK standards keep pace with evolving standards across the EU as a minimum;
- (d) UK participation in EU agencies and funding programmes; and
- (e) Close cooperation on security including access to the European Arrest warrant and databases such as EUROPOL and SIS II.”

New clause 8—*Maintaining the UK's place in the Single Market and Customs Union—*

“(1) It shall be an objective of the Government to maintain the United Kingdom's status within the Single Market and Customs Union of the European Union within the framework of the future relationship between the United Kingdom and European Union.

(2) A Minister shall lay before each House of Parliament a progress report on aims noted in subsection (1).”

This new clause ensures that the UK Government will negotiate for the maintenance of the United Kingdom's membership of the single market and customs union.

New clause 10—*Implementation period negotiating objectives: Erasmus+—*

“(1) It shall be an objective of the Government to secure an agreement within the framework of the future relationship of the UK and the EU before the end of the implementation period that enables the UK to participate in all elements of the Erasmus+ programme on existing terms after the implementation period ends (“the Erasmus+ negotiations”).

(2) A Minister shall lay before each House of Parliament a progress report on the Erasmus+ negotiations within six months of this Act being passed.”

This new clause would require the Government to seek to negotiate continuing full membership of the EU's Erasmus+ education and youth programme.

New clause 16—*Economic impact assessment—*

“(1) A Minister of the Crown must—

- (a) lay before each House of Parliament and
- (b) submit to the Presiding Officers of each devolved legislature

a comprehensive economic impact assessment of potential outcomes arising from the conclusion of negotiations on the future relationship with the EU.

(2) An assessment under subsection (1) must include—

- (a) an analysis by NUTS1 and NUTS2 regions of the United Kingdom including (but not limited to)—
 - (i) impact on employment as both a nominal figure and percentage, and
 - (ii) impact on Gross Value Added;
- (b) a sectoral analysis including but not limited to agriculture, health and social care, manufacturing, the aerospace industry, and financial services.”

This new clause would require the Government to produce an economic impact assessment on the future relationship negotiated with the European Union.

New clause 20—UK-EU trade agreement: mutual recognition and standards—

“(1) The Government must, during and after the implementation period, seek as part of any future trade agreement between the United Kingdom and the European Union mutual recognition, adequacy or deemed equivalence arrangements across all product regulations and standards covered by the agreement in the following areas—

- (a) goods,
- (b) services,
- (c) data protection,
- (d) environmental standards,
- (e) labour standards,
- (f) professional qualifications, and
- (g) any other technical regulations or standards which it seeks to negotiate.

(2) Nothing in any trade agreement between the United Kingdom and the European Union shall prevent Parliament from enacting laws and setting technical regulations and standards within the United Kingdom.

(3) “Technical regulations or standards” shall include any law, regulation or administrative action that affects the trade of goods, including agrifood and agricultural goods, including those covered by the World Trade Organisation’s Technical Barriers to Trade Agreement and the World Trade Organisation’s Sanitary and Phyto-Sanitary Agreement.”

This new clause would mandate the Government to seek mutual recognition, adequacy or deemed equivalence arrangements on standards to be included in the future trade relationship, while preserving the right of Parliament to set laws and standards in the UK.

New clause 27—Non-regression from EU standards—

“(none) After section 14 (financial provision) of the European Union (Withdrawal) Act 2018 insert—

‘14A Interpretation: “regressive”

(1) In this section and sections 14B to 14D “regressive” means—

- (a) reducing the level of protection provided by retained EU law in respect of a protected matter (specified in subsection (2)), or
- (b) weakening governance processes associated with retained EU law in respect of a protected matter (specified in subsection (2)).

(2) The protected matters are—

- (a) the environment;
- (b) food safety and other standards;
- (c) the substance of REACH regulations; and
- (d) animal welfare.

14B Primary legislation

‘(1) A Minister of the Crown in charge of a Bill in either House of Parliament must, before Second Reading of the Bill—

(a) make a statement to the effect that in the Minister’s view the provisions of the Bill are not intended to have, and are not reasonably likely to have, a regressive effect, or

(b) make a statement that although provisions of the Bill are intended to have, or are reasonably likely to have, a regressive effect, the Government nevertheless wishes the House to proceed with the Bill.

(2) If the Bill relates to environmental law—

(a) in preparing the statement the Minister must—

- (i) consult the Office for Environmental Protection (“OEP”); and
- (ii) publish their response, and

(b) if the OEP’s response asserts that provisions of the Bill are reasonably likely to have a regressive effect on environmental law, that response must also suggest how to avoid that effect.

(3) A Minister who makes a statement under subsection (1)(b) must also—

- (a) publish the reasons for including in the Bill provisions that are intended, or reasonably likely, to have a regressive effect (“regressive provisions”);
- (b) arrange for a motion to be moved in the House of Commons, before the Bill leaves that House, for a resolution that the House approves the inclusion of regressive provisions; and
- (c) arrange for a motion to be moved in the House of Lords, before the Bill leaves that House, for a resolution that the House approves the inclusion of regressive provisions.

14C Subordinate legislation

‘(1) Regulations under this Act are unlawful if and to the extent that they are intended to have, or in practice are reasonably likely to have, a regressive effect.

(2) A statutory instrument under any other Act which is made for the purposes of or in connection with the withdrawal of the UK from the EU is unlawful if and to the extent that it is intended to have, or in practice is reasonably likely to have, a regressive effect.

14D Other action by public authorities

‘(1) Any action taken by or on behalf of a Minister of the Crown under this Act is unlawful if and to the extent that it is intended to have, or in practice is reasonably likely to have, a regressive effect.

(2) Any action taken by or on behalf of a Minister of the Crown for the purposes of or in connection with the withdrawal of the UK from the EU is unlawful if and to the extent that it is intended to have, or in practice is reasonably likely to have, a regressive effect.

(3) A public authority exercising a function in respect of a protected matter must not exercise the function in a way that is intended to have, or in practice is reasonably likely to have, a regressive effect.

14E Guidance

‘(none) The Secretary of State must publish guidance for government departments and other public authorities designed to ensure and facilitate the avoidance of action that would be unlawful by virtue of sections 14B to 14D.

14F Divergence tracking

‘(1) In this section “divergence report” means a report containing—

- (a) a summary of new EU environmental laws;
- (b) a summary of steps taken by the Government in relation to the issues addressed by those laws;
- (c) a summary of steps taken by the Government as set out in previous divergence reports;
- (d) an independent review identifying any divergence between UK law and EU law in respect of those issues and recommending action to remedy the divergence;

- (e) a statement of action Ministers propose to take; and
 - (f) if Ministers do not propose to give effect to the recommendations of the independent review, the reasons for that.
- (2) The Secretary of State must publish a divergence report—
- (a) within the period of 6 months beginning with the date of commencement of this section; and
 - (b) during each subsequent period of 6 months.
- (3) The Secretary of State must—
- (a) prepare each divergence report in consultation with persons appearing to the Secretary of State to represent the interests of businesses, workers, public bodies and relevant non-governmental organisations;
 - (b) publish each divergence report;
 - (c) lay it before Parliament; and
 - (d) arrange for a motion to be moved in each House of Parliament, within the period of 28 sitting days beginning with the first sitting day after the date of publication of the report, for a resolution that the House approves the divergence report.
- (4) If a Committee of the House of Lords, or a Joint Committee of the House of Lords and the House of Commons, publishes a report relating to matters to be considered in a divergence report, the divergence report must contain Ministers' response to the Committee report.
- (5) If a motion in either House for the approval of a divergence report is not passed unamended, a Minister of the Crown must as soon as reasonably practicable publish a report—
- (a) setting out the steps that Ministers intend to take to rectify any divergence between UK law and EU law in respect of environmental matters, and
 - (b) including, in particular, legislative proposals designed to remedy the divergence, together with a timetable and strategy for enacting the legislation.
- (6) In this section “independent review” means a review undertaken by a body established by regulations made by the Secretary of State for the purpose of reviewing new EU law and giving independent advice to Ministers about divergence.
- (7) Regulations under subsection (6)—
- (a) may include provision about the membership, funding and proceedings of the body;
 - (b) may confer appointment and other functions on the Secretary of State or another specified person;
 - (c) may include incidental, supplemental, consequential and transitional provisions;
 - (d) must be made by statutory instrument; and
 - (e) may not be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.
- (8) Provision about membership of the body under subsection (7)(a) must, in particular, aim to ensure the inclusion of individuals who are independent of the government and have relevant knowledge and experience including expertise in environmental law”

This new clause aims to prevent of substantive regression from EU standards in legislation after leaving the EU.

New clause 29—Implementation period negotiating objectives: level playing-field—

“(1) It shall be an objective of the Government to secure an agreement within the framework of the future relationship of the UK and EU to secure agreements that achieve the following outcomes—

- (a) close alignment with the European Union single market, underpinned by shared institutions and obligations, with clear arrangements for dispute resolution;
- (b) dynamic alignment on rights and protections for workers, consumers and the environment so that UK standards at least keep pace with evolving standards across the EU as a minimum, and;

- (c) participation in EU agencies and funding programmes, including for the environment, education, science, and industrial regulation.

(2) A Minister of the Crown shall lay before each House of Parliament a progress report on each of the outcomes listed in subsection (1) (a) to (c) within 4 months of this Act being passed, and subsequently at intervals of no more than 2 months.”

This new clause would require the UK Government to seek close alignment with the EU single market on key level playing-field provisions such as workers' rights and environmental and consumer standards and protections as part of its negotiations for the future relationship with the EU.

New clause 30—Maintaining the UK's place in the Single Market and Customs Union—

“(1) It shall be an objective of the Government to maintain the United Kingdom's status within the Single Market and Customs Union of the European Union within the framework of the future relationship between the United Kingdom and European Union.

(2) A Minister of the Crown shall lay before each House of Parliament a progress report on the objective in subsection (1) within 4 months of this Act being passed, and subsequently at intervals of no more than 2 months.”

This new clause would require the UK Government to seek to keep the UK in the Single Market and the Customs Union as part of its negotiations for the future relationship with the EU.

New clause 31—UK participation in the European medicines regulatory network—

“(1) It shall be the objective of an appropriate authority to take all necessary steps to implement an international trade agreement which enables the UK to fully participate after exit day in the European medicines regulatory network partnership between the European Union, European Economic Area and the European Medicines Agency.

(2) ‘Exit day’ shall have the meaning set out in section 20 of the European Union (Withdrawal) Act 2018.

(3) A Minister of the Crown shall lay before each House of Parliament a progress report on the objective in subsection (1) within 4 months of this Act being passed, and subsequently at intervals of no more than 2 months.”

This new clause would require the UK Government to seek to maintain participation in the European medicines regulatory network as part of its negotiations for the future relationship with the EU.

New clause 32—Maintaining the UK's membership of Euratom—

“(1) It shall be an objective of the Government to maintain the United Kingdom's membership of the European Atomic Energy Community within the framework of the future relationship between the United Kingdom and European Union.

(2) A Minister of the Crown shall lay before each House of Parliament a progress report on the objective in subsection (1) within 4 months of this Act being passed, and subsequently at intervals of no more than 2 months.”

This new clause would require the UK Government to seek to maintain the UK's membership of Euratom as part of its negotiations for the future relationship with the EU.

New clause 35—Implementation period negotiating objectives: security partnership—

“(1) It shall be an objective of the Government to secure an agreement within the framework of the future relationship of the UK and EU to secure agreements that achieve the following outcomes—

- (a) continued UK participation in the European Arrest Warrant,
- (b) continued UK membership if Europol and Eurojust, and
- (c) continued direct access for UK agencies to the following EU data-sharing tools—

- (i) the Second Generation Schengen Information System (SIS II),
- (ii) the European Criminal Records Information System (ECRIS),
- (iii) the Prüm Decisions,
- (iv) Passenger Name Record (PNR), and
- (v) the Europol Information System (EIS).

(2) A Minister of the Crown shall lay before each House of Parliament a progress report on each of the outcomes listed in subsection (1) (a) to (c) within 4 months of this Act being passed, and subsequently at intervals of no more than 2 months.”

This new clause would require the UK Government to seek a comprehensive security partnership as part of its negotiations for the future relationship with the EU.

New clause 38—Independent review of the impact of withdrawal—

“(1) The Secretary of State must arrange for an independent review of the impact of the United Kingdom’s withdrawal from the EU in relation to each of the following periods—

- (a) the initial one-year period, and
- (b) each subsequent three-year period.

(2) A review must be completed as soon as practicable after the end of the period to which the review relates.

(3) The review must consider the impact of the United Kingdom’s withdrawal from the EU on—

- (a) the economy of the United Kingdom,
- (b) national security,
- (c) climate change and the environment,
- (d) human rights, and
- (e) social and economic rights.

(4) As soon as practicable after a person has carried out a review in relation to a particular period, the person must—

- (a) produce a report of the outcome of the review, and
- (b) send a copy of the report to the Secretary of State.

(5) The Secretary of State must lay before each House of Parliament a copy of each report sent under subsection (4)(b).

(6) The Secretary of State may—

- (a) make such payments as the Secretary of State thinks appropriate in connection with the carrying out of a review, and
- (b) make such other arrangements as the Secretary of State thinks appropriate in connection with the carrying out of a review (including arrangements for the provision of staff, other resources and facilities).

(7) In this section—

“initial one-year period” means the period of one year beginning on the day following exit day as defined in section 20(1) of the European Union (Withdrawal) Act 2018;

“subsequent three-year period” means a period of three years beginning with the first day after the most recent of—

- (a) the initial one-year period, or
- (b) the most recent subsequent three-year period.”

This new clause would require the Government to publish regular independent reports on the impact of Brexit.

New clause 45—NHS protection and devolved legislatures—

“(1) Any provision relating to the National Health Service within a trade deal shall not be made without consultation with, and only after publication of a legislative consent memorandum from, each of the relevant devolved legislatures.

(2) For purposes of this Part, ‘relevant devolved legislatures’ means—

- (a) the Northern Ireland Assembly,
- (b) Scottish Parliament, and
- (c) the National Assembly for Wales.”

This new clause requires each devolved legislature to give legislative consent to any trade deal affecting the National Health Service.

New clause 46—Impact assessment—

“(none) The Government must publish undertake equality, environmental and economic impact assessments, by each region of the United Kingdom, on any proposed future relationship or Free Trade Agreement, before initiating legislation to implement any such proposed future relationship or Free Trade Agreement.”

This new clause requires the publication of regional equality, environmental and economic impact assessments of any proposed future relationship or Free Trade Agreement.

New clause 48—Maintaining the UK’s membership of Horizon 2020 and future Horizon programmes—

“(none) It shall be an objective of the Government to maintain the United Kingdom’s membership of Horizon 2020 and its successor programmes within the framework of the future relationship between the United Kingdom and European Union.”

This new clause would require the Government to seek to negotiate continuing full membership of the EU’s Horizon 2020 research programme and its successor programmes, such as Horizon Europe.

New clause 49—UK citizens resident in the EU: protection of rights—

“(1) The Secretary of State must make arrangements to preserve, as far as is possible, the United Kingdom’s obligations under EU law to British citizens who are resident in any EEA country, or in Switzerland, on the day before IP completion day.

(2) The arrangements in subsection (1) must include—

- (a) arrangements for people in receipt of a United Kingdom state retirement pension to continue receiving that pension under the same uprating and other arrangements as apply on the day on which this Act is passed, for the rest of their lifetimes as long as they remain resident in any other EEA country, or in Switzerland,
- (b) arrangements for British citizens to continue receiving the same level of publicly-provided healthcare as they do currently as EU citizens.

(3) The duty in subsection (1) applies whether or not the United Kingdom reaches any relevant reciprocal arrangements with other EEA member states, or with Switzerland.”

This new clause requires the Government to take steps to preserve the rights of UK citizens living in the EU, including continuing to uprate UK state pensions for Britons living in the EU and paying for publicly-provided healthcare.

New clause 50—EU Charter of Fundamental Rights impact assessment—

“A Minister of the Crown must, on or before 30 June 2020, publish a comprehensive impact assessment of the effect of removing the EU Charter of Fundamental Rights from domestic law.”

This new clause would provide that the UK Government commits to conducting and publishing an impact assessment of the effect of removal of the EU Charter of Fundamental Rights (by virtue of section 5(4) of the EU (Withdrawal) Act 2018).

New clause 51—Protection for workers’ rights—

“(1) After section 18 of the European Union (Withdrawal) Act 2018 (customs arrangement as part of the framework for the future relationship) insert—

‘18A Protection for workers’ rights

(1) Part 1 of Schedule 5A (which requires statements of non-regression in relation to workers’ retained EU rights) has effect.

(2) Part 2 of Schedule 5A (which provides for reporting requirements and parliamentary oversight in relation to new EU workers’ rights) has effect.

(3) Part 3 of Schedule 5A (which contains interpretative provision) has effect.’

(2) After Schedule 5 to the European Union (Withdrawal) Act 2018 (publication and rules of evidence) insert the Schedule 5A set out in Schedule (Protection for workers’ rights) to this Act.”

This new clause reinstates what was Clause 34 and Schedule 4 of the EU Withdrawal Agreement Bill (Bill 7) in the October-December 2019 Session and provides additional procedural protections for workers rights that currently form part of EU law, but which would not be protected against modification, repeal or revocation in domestic law once the transition or implementation period has ended.

New clause 59—Representation in the European Parliament—

“(1) It must be a negotiating objective of the United Kingdom Government to seek to secure ongoing and formal representation in the European Parliament, at not less than observer status, for the devolved nations and regions of the UK.

(2) Once secured, this representation shall be determined and co-ordinated by each devolved administration.”

New schedule 1—Protection for workers’ rights Protection for workers’ rights—

“PROTECTION FOR WORKERS’ RIGHTS

The Schedule 5A to be inserted after Schedule 5 to the European Union (Withdrawal) Act 2018 is as follows:

‘SCHEDULE 5A

PROTECTION FOR WORKERS’ RIGHTS

PART 1

WORKERS’ RETAINED EU RIGHTS

Acts of Parliament: statements of non-regression

1 (1) A Minister of the Crown in charge of a relevant Bill in either House of Parliament must, before Second Reading of the Bill—

- (a) make a statement to the effect that in the Minister’s view the provisions of the Bill will not result in the law of the relevant part or parts of the United Kingdom failing to confer any workers’ retained EU right (a “statement of non-regression”), or
- (b) make a statement to the effect that although the Minister is unable to make a statement of non-regression Her Majesty’s Government nevertheless wishes the House to proceed with the Bill.

(2) The statement must be in writing and be published in such manner as the Minister making it considers appropriate.

(3) Before making a statement under sub-paragraph (1)(a) or (b) in relation to a Bill, a Minister of the Crown must consult—

- (a) persons representative of workers,
- (b) persons representative of employers, and
- (c) any other persons whom the Minister considers it appropriate to consult.

(4) But that duty does not apply to a statement made in relation to a Bill if—

- (a) it is not practicable for the consultation to take place in relation to the statement by reason of urgency, or
- (b) the statement is being made before Second Reading of the Bill in the second House of Parliament and the Bill was not amended in the first House of Parliament.

(5) In this paragraph—

“first House of Parliament”, in relation to a Bill, means the House of Parliament in which the Bill is first introduced;

“relevant Bill” means a Bill which contains provision that—

(a) extends to England and Wales or Scotland (or both), and

(b) relates to any of the workers’ retained EU rights;

“relevant part of the United Kingdom”, in relation to a Bill, means—

- (a) England and Wales, if the Bill extends there;
- (b) Scotland, if the Bill extends there;

“second House of Parliament”, in relation to a Bill, means the House of Parliament to which the Bill moves after completing its passage through the first House of Parliament.

PART 2

NEW EU WORKERS’ RIGHTS

Reports on new EU workers’ rights

2 (1) As soon as practicable after the end of each reporting period, the Secretary of State must—

- (a) produce a report under sub-paragraph (2) or (3) relating to that period (“the relevant reporting period”),
- (b) publish the report in such manner as the Secretary of State considers appropriate, and
- (c) lay copies of the report before Parliament.

(2) A report under this sub-paragraph is one that contains a statement that no new EU workers’ rights have been published by the EU during the relevant reporting period.

(3) A report under this sub-paragraph is one that contains—

- (a) a statement that one or more new EU workers’ rights have been published by the EU during the relevant reporting period, and
- (b) as respects each new EU workers’ right published during that period, either—
 - (i) a statement to the effect that in the Secretary of State’s view the law of England and Wales and Scotland confers a workers’ right of the same kind as the new EU workers’ right (a “statement of non-divergence”), or
 - (ii) a statement to the effect that the Secretary of State is unable to make a statement of non-divergence.

(4) If a report under sub-paragraph (3) contains a statement under sub-paragraph (3)(b)(ii) as respects a new EU workers’ right, the report must also contain—

- (a) a statement of whether or not Her Majesty’s Government intends to take any action in respect of the new EU workers’ right, and
- (b) if it does, a statement describing the action which it is intending to take.

(5) In relation to each report under sub-paragraph (3), a Minister of the Crown must make arrangements for—

- (a) a motion, to the effect that the House of Commons has approved the report, to be moved in that House by a Minister of the Crown within the period of 28 Commons sitting days beginning with the day on which a copy of the report is laid before that House, and
- (b) a motion for the House of Lords to approve the report to be moved in that House by a Minister of the Crown within the period of 28 Lords sitting days beginning with the day on which a copy of the report is laid before that House.

(6) When producing a report under sub-paragraph (3), the Secretary of State must consult—

- (a) persons representative of workers,
- (b) persons representative of employers, and
- (c) any other persons whom the Secretary of State considers it appropriate to consult.

(7) In this paragraph “reporting period” means—

- (a) the period that—

- (i) begins with IP completion day, and
- (ii) ends with the day which falls six months after the day on which IP completion day falls;
- (b) subsequently, each period that—
 - (i) begins with the day (the “start day”) that comes immediately after the end of the preceding reporting period, and
 - (ii) ends with the end day.
- (8) The “end day” for that purpose is decided as follows—
 - (a) if any new EU workers’ rights are published by the EU during the period of six months beginning with the start day, the end day is the day which falls six months after—
 - (i) the day on which those rights are published by the EU, or
 - (ii) if they are published by the EU on different days, the earliest of those days;
 - (b) if no new EU workers’ rights are published by the EU during the period of six months beginning with the start day, the end day is the day which falls twelve months after the start day.
- (9) A reference in this paragraph to a new EU workers’ right being published by the EU is a reference to the EU directive or EU regulation which provides for its conferral being published in the Official Journal of the European Union.

PART 3

INTERPRETATION

Interpretation

3 (1) In this Schedule—

“new EU workers’ rights” means any workers’ rights—

- (a) which member States are obliged to confer by an EU directive published in the Official Journal of the European Union on or after IP completion day, or
- (b) that are conferred by an EU regulation published in the Official Journal of the European Union on or after IP completion day;

“workers’ retained EU rights” means workers’ rights of the kinds which—

- (a) immediately before IP completion day, the United Kingdom was obliged to confer by virtue of the EU directives listed in the table in paragraph 4, and
- (b) on IP completion day, continued to have effect (by virtue of this Act and as modified by any provision made by or under this Act or otherwise) in the law of England and Wales or Scotland;

“workers’ rights” means rights of individuals, and classes of individuals, in the area of labour protection as regards—

- (a) fundamental rights at work,
- (b) fair working conditions and employment standards,
- (c) information and consultation rights at company level,
- (d) restructuring of undertakings, and
- (e) health and safety at work.

(2) The reference in the definition of “workers’ retained EU rights” to rights which continued to have effect by virtue of this Act includes a reference to rights which form part of retained EU law by virtue of section 2 but which would have continued to have effect irrespective of that section.

(3) References in this Schedule to rights being of the same kind as new EU workers’ rights are to be read as references to rights being of the same kind so far as that is consistent with the United Kingdom’s domestic legal order following its withdrawal from the EU.

(4) For the purposes of this Schedule a right under the law of England and Wales or Scotland is conferred whether or not it is in force.

4 (1) The table referred to in the definition of “workers’ retained EU rights” is as follows:

Workers’ retained EU rights: the EU directives

Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work.

Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (fourth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment (fifth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Commission Directive 91/322/EEC of 29 May 1991 on establishing indicative limit values by implementing Council Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work.

Council Directive 91/533/EEC of 14 October 1991 on an employer’s obligation to inform employees of the conditions applicable to the contract or employment relationship.

Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eighth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling (eleventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral extracting industries (twelfth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels (thirteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work.

Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services.

Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC - Annex: Framework agreement on part-time work.

Workers' retained EU rights: the EU directives

Council Directive 98/23/EC of 7 April 1998 on the extension of Directive 97/81/EC on the framework agreement on part-time work concluded by UNICE, CEEP and the ETUC to the United Kingdom of Great Britain and Northern Ireland.

Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies.

Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) - Annex: European Agreement on the organisation of working time of seafarers.

Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP.

Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on the minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (15th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports.

Commission Directive 2000/39/EC of 8 June 2000 establishing a first list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work.

Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to biological agents at work (seventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

Council Directive 2000/79/EC of 27 November 2000 concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA).

Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses.

Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees.

Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community - Joint declaration of the European Parliament, the Council and the Commission on employee representation.

Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities.

Workers' retained EU rights: the EU directives

Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Directive 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise) (Seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees.

Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time.

Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC) (codified version).

Council Directive 2005/47/EC of 18 July 2005 on the Agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector.

Commission Directive 2006/15/EC of 7 February 2006 establishing a second list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Directives 91/322/EEC and 2000/39/EC.

Directive 2006/25/EC of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation) (19th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).

Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work.

Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC.

Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (Recast).

Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work.

Commission Directive 2009/161/EU of 17 December 2009 establishing a third list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Commission Directive 2000/39/EC.

Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC.

Workers' retained EU rights: the EU directives

Council Directive 2010/32/EU of 10 May 2010 implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU.

Directive 2013/35/EU of the European Parliament and of the Council of 26 June 2013 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (20th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) and repealing Directive 2004/40/EC.

Directive 2013/38/EU of the European Parliament and of the Council of 12 August 2013 amending Directive 2009/16/EC on port State control.

Directive 2013/54/EU of the European Parliament and of the Council of 20 November 2013 concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention, 2006.

Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom.

Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation').

Council Directive 2014/112/EU of 19 December 2014 implementing the European Agreement concerning certain aspects of the organisation of working time in inland waterway transport, concluded by the European Barge Union (EBU), the European Skippers Organisation (ESO) and the European Transport Workers' Federation (ETF).

Directive (EU) 2015/1794 of the European Parliament and of the Council of 6 October 2015 amending Directives 2008/94/EC, 2009/38/EC and 2002/14/EC of the European Parliament and of the Council, and Council Directives 98/59/EC and 2001/23/EC, as regards seafarers.

Council Directive (EU) 2017/159 of 19 December 2016 implementing the Agreement concerning the implementation of the Work in Fishing Convention, 2007 of the International Labour Organisation, concluded on 21 May 2012 between the General Confederation of Agricultural Cooperatives in the European Union (Cogeca), the European Transport Workers' Federation (ETF) and the Association of National Organisations of Fishing Enterprises in the European Union (Europêche).

Commission Directive 2017/164/EU of 31 January 2017 establishing a fourth list of indicative occupational exposure limit values pursuant to Council Directive 98/24/EC, and amending Commission Directives 91/322/EEC, 2000/39/EC and 2009/161/EU.

Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law.

(2) The Secretary of State may, by regulations, make such modifications of the list of EU directives in that table as the Secretary of State considers appropriate in consequence of any changes before IP completion day in EU directives relating to workers' rights.

(3) No regulations may be made under sub-paragraph (2) after the end of the period of one year beginning with IP completion day."

Nick Thomas-Symonds: As this is my first appearance at the Dispatch Box this year, I would like to thank my constituents for re-electing me and send all hon. and right hon. Members my very best wishes for 2020.

I draw attention to my relevant entries in the Register of Members' Financial Interests regarding my support from trade unions.

We fully accept that, following the general election, we will be leaving the European Union on 31 January, but winning a mandate for that exit, as the Government have, does not give Ministers a free pass to avoid any scrutiny. The Government should be held to account between elections as well as at elections, and that is what the Opposition propose to do. We will continue to make the case in the post-Brexit United Kingdom for jobs and livelihoods, for environmental safeguards, for consumer protections and for employment rights, as we have over recent years.

New clause 2 is about protecting vital workers' rights, and subsection (1)(a) would ensure that the Government cannot introduce measures that would, in any way, have the effect of reducing the protections provided on the day the transition period ends. We believe this must go further.

Subsection (1)(b) confirms that the Government, after our exit from the EU, will ensure that workers' rights in the United Kingdom are, as a minimum, at the level they are in other EU member states. We also insist that the Government are held to account in Parliament on those objectives. The Government must never be allowed to sell out the workers of this country, and we will not let them off the hook. We will stand with those to whom this Government and the Prime Minister have made promises.

Michael Tomlinson (Mid Dorset and North Poole) (Con): I welcome the hon. Gentleman's tone and his acceptance of the result of the general election. In turn, will he accept that workers' rights in the UK are greater than those enjoyed within the EU and that we do not need to be members of the EU in order to have them? Sick pay, maternity leave and the minimum wage are examples in this regard. Does he accept that those rights are already enhanced and that this sovereign Parliament guards them, not the EU?

5.30 pm

Nick Thomas-Symonds: I am delighted to see the hon. Gentleman giving credit to past Labour Governments and their achievements, and he is absolutely right in what he says about the national minimum wage. We can go back even further and talk about the Health and Safety at Work etc. Act 1974, which was another fine achievement by a UK Labour Government. However, there are also rights whose genesis has been in European law, as we know if we talk to agency workers and think about the working time directive. We should be praising these things. Labour Members say they should be not only preserved but enhanced in future years, and that is what this new clause is all about.

I say to the hon. Gentleman that the Government's record on workers' rights is concerning to say the least. Let us consider the previous incarnation of this Bill, which was in October 2019. Schedule 4 to that Bill outlined that, first, a Minister would have to consult businesses and unions on the impact on workers' rights of any new proposed legislation and then state formally how that would happen, and that, secondly, the Government would have to report regularly on any new EU directives. At the time, those proposals were described by the TUC general secretary as "meaningless procedural tricks", which is why Labour Members tabled a similar amendment to the one before us today so that stronger protections

would be in place. The position of the Government in October 2019 was weak on workers' rights and now it is even weaker. If the Prime Minister cared so much, he would not have moved the provisions on this from the legally binding withdrawal agreement to the non-binding political declaration. Why bother to make that change if not to prepare the ground to make changes in the future? It was no surprise that the Government started off this Parliament indicating that they want to attack the right to strike in the transport sector.

None of those are the actions of a Government who want, as they claim, to

"protect and enhance workers' rights as the UK leaves the EU".

They are not the actions of a Government who want to make Britain the

"best place in the world to work."

Let us not forget that the Conservative party is the party of employment tribunal fees, which were a barrier to those whose rights at work had been infringed and were seeking justice. The Government now ask for trust on workers' rights, but their record on this bears no reasonable scrutiny. The Home Secretary, in the EU referendum campaign, talked of the

"burdens of the EU social and employment legislation".

Another member of the Government said:

"The weight of employment regulation is now back-breaking: the collective redundancies directive, the atypical workers directive, the working time directive and a thousand more".

Who said that? It was the man who now claims to be the workers' friend, the Prime Minister himself. This Government cannot and will not be trusted on workers' rights—rights that have been hard won over generations by the labour movement. That is why this new clause is needed in the Bill, in order to safeguard the millions of workers in this country who deserve our continuous protections of their rights. That is why the Opposition will press that new clause to a vote when the time comes.

New clause 3 sets out details about our future relationship, putting the protection of jobs and livelihoods at the very top of our priorities as we depart the EU. It sets out the arguments that have been made by the Opposition for some years now, arguments for a UK-wide customs union, with a say in external trade deals, for strong, high-quality single market access, and for ensuring that rights and protections—for workers, as I have mentioned, but in other areas too—in the UK never fall behind those across Europe. I also think of our manufacturing sector, where our exporters are currently benefiting from tariff-free access to the single market. In all our constituencies, whether through direct employment or the many supply chains that exist, workers and businesses will rightly look to this House to protect their interests going forward, and that is what we should do.

In the course of this Parliament, we will hold the Government to account on their record on jobs and investment. The basis upon which they secure the new relationship with the EU will have consequences for now and for decades to come. Parliament has lost its right to set a negotiating mandate, so that task now falls squarely on the shoulders of the Government. They will be judged on what they do and the impact it has on employment prospects up and down the land.

Subsection (1)(d) refers to participation in EU agencies, many of which have been debated in the course of our deliberations on Brexit in recent years. I wish to focus

on and make some remarks about the issue of security, because in a digital age, when crime knows no borders, there are extraordinary new challenges in the task of keeping the public safe. Nobody can doubt the value of working together, and continuing to work together, on security with the EU and other international partners, but the Government have not yet produced a credible plan on how the current advantages we have—the current set of tools—will continue in the post-Brexit age.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): My hon. Friend is making a crucial point. Although I agree with the other parts of the new clause on the customs union and the single market, security is an aspect that was largely lost in many of the debates that we had in the House, yet we members of the Home Affairs Committee regularly heard evidence from experts—from law enforcement agencies, the Metropolitan police and others—of the risks to our security of not getting a comprehensive security arrangement in place. Does my hon. Friend agree that we should listen to those experts and the Government should listen to them, too?

Nick Thomas-Symonds: My hon. Friend is absolutely right. I shall develop that point, because one issue is that the non-binding political declaration contains an aim for a broad, comprehensive and balanced security partnership, but that is currently just words on a piece of paper. We urgently need a plan. When the former Prime Minister spoke at the Munich security conference in February 2018, she spoke about a security treaty with the EU27, but we are still waiting for the planned architecture of that co-operation.

Let me give some specific examples. Things such as the European arrest warrant, Eurojust and Europol are critical to the successful investigation and extradition of wanted suspects or criminals. National Crime Agency statistics show how important this is. In the period from 2010 to 2016, the UK made 1,773 requests to member states for extradition under the European arrest warrant and received 48,776 requests from member states for extradition. Not only can the UK currently bring people to these shores to face justice, but we can send dangerous people to other countries to face legal proceedings.

It seems the Government have accepted the importance of the European arrest warrant. Their July 2018 White Paper said that

"the UK has arrested more than 12,000 individuals, and for every person arrested on an EAW issued by the UK, the UK arrests eight on EAWs issued by other Member States".

That White Paper also showed the challenge that the Government face. It said:

"Existing extradition arrangements between the EU and third countries do not provide the same level of capability as the EAW."

We cannot allow our capability to be diminished.

Hannah Bardell (Livingston) (SNP): The hon. Gentleman is making an important point. Before the general election I produced a report with the all-party group on deaths abroad and consular services and assistance, which I chair. He may be aware that there are already significant challenges when our citizens die, get into trouble or are incarcerated abroad. All the officers and the people I have spoken to have said that Brexit is only going to compound those issues and make it more difficult for

[Hannah Bardell]

our citizens to get proper representation and support from the Foreign Office after Brexit; does the hon. Gentleman agree?

Nick Thomas-Symonds: The hon. Lady is absolutely right to highlight the challenges, which are precisely what I wish to come on to and develop.

Yesterday, I heard the Secretary of State for Exiting the European Union respond to an intervention by my hon. Friend the Member for Rhondda (Chris Bryant); my fear is that as yet the Government's thinking just has not moved beyond the implementation period, which ends at the end of 2020. What happens after that is so important, because it will determine what our law enforcement agencies have in their armoury to deal with pan-European crime. It is an urgent task.

The issue of data sharing and continued data sharing is crucial. Were the UK ever to lose access to the EU's security databases, information that today can be retrieved almost instantaneously could take days or weeks to access. That would create a significant hurdle to effective policing, to say the least.

On Europol, how do the Government see the future? Do they envisage full participation, or only observer status at board meetings? We just do not know. The fact that the situation is critical and the position wholly unsatisfactory is the fault of the Government and not of those who work in our security sector. After all, the UK makes a great contribution to European security. Through the Schengen information system—or SIS II as it is known—the UK is contributing to the sharing of real-time data on wanted criminals, missing persons and suspected terrorists, and that co-operation is beneficial to us all. The data shared in that database are used millions of times each year by UK police, and that surely must illustrate to all Members the profound risk of there being no long-term deal on security.

In conducting the negotiation, the Government must emphasise the UK's contribution and the mutually beneficial nature of European co-operation in dealing with the most serious organised crime on our continent. I listened carefully to the new European Commission President today. She said that the threat of terrorism is real, and that we have to share the necessary information to stop terrorists crossing borders and attacking us. She is right. When we are fighting crime, we are better working to eradicate it collectively than working alone, and we need a formal legal basis to continue to do so. That is why new clause 3 is so important, and I commend it and new clause 2 to the House.

Joanna Cherry: I rise to give the support of the Scottish National party to the official Opposition's new clause 2 and to speak to new clause 8, in the name of my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford); new clauses 50 and 51 and new schedule 1 in my name and those of some of my colleagues; and new clauses 45 and 46, in the names of SDLP Members.

I want to turn first to the issue of workers' rights. What is being done in this Bill is very serious, which is why new clause 51 and new schedule 1 seek to reinstate the missing clause and schedule that were in the October version of this Bill. The Government have suggested

that the substance of the deleted clauses will be covered in a separate employment Bill, but, as it has yet to be laid before Parliament, we are understandably suspicious given the history of these matters. It is simply not true or accurate to suggest that the United Kingdom has done a better job than the European Union in protecting workers' rights. There are some respects in which the United Kingdom has progressed matters, and it is true to say that those came under a Labour Government, and I congratulate Labour on that.

Michael Tomlinson: Will the hon. and learned Lady give way?

Joanna Cherry: I want to develop my point before I take any interventions from the hon. Gentleman.

There are many other respects in which the European Union and our membership of it have advanced the cause of workers' rights. Judgments of the European Court of Justice, expanding the law in the way that some hon. Members seem to find so objectionable, have also led to greater protections for workers in the United Kingdom. As well as the disappearance of what was clause 34 in the October Bill, this Bill also removes the provision that pre-Brexit judgments of the European Court of Justice will continue to be binding on UK courts until the UK Supreme Court departs from them. Instead, it has provision for Ministers of this Government to make regulations under clause 26—[*Interruption.*] I can see the Minister frowning at me, but we spoke about this in some detail earlier today. I am talking about regulations to enable certain courts and tribunals to depart from the CJEU case law. That, of course, underlines the concern that many trade unions feel in relation to this matter.

I have read very carefully what Unison, the TUC and the Scottish TUC say about this matter. I have also seen what has been said by Thompsons Solicitors, a well-known legal firm that many of us have had dealings with in the past, which has worked hard in the area of protection of workers' rights. The fear is that the combination of the missing clause and the power that the Government are taking to themselves to interfere with the Supreme Court's ability to overrule previous European Court of Justice decisions will create a chaotic free-for-all on workers' rights in the United Kingdom, whereby the courts could potentially weaken existing workers' rights and ignore past ECJ rulings from which trade unionists and workers across the United Kingdom have benefited. If that does not happen in the courts, it could well happen as a result of the unilateral action of Government Ministers through delegated legislation.

5.45 pm

It is important to remember that working people in the United Kingdom have benefited from a number of recent landmark judgments by the Court of Justice, including the requirement for employers to keep records of all hours worked to comply with the working time directive, which is very important to many of our constituents, and the ruling that employers might not have to factor overtime into holiday pay calculations, which is also very important to many of our constituents, particularly to those who are not as well paid as Members of this House—even those who do not have a second job. We often hear from Government Members how much they care about the working man and woman, but

if they really did, they would support the new clauses tabled by me and by the Labour party, and would give us the guarantees we require that there will not be a regression from the rights that many of our constituents have enjoyed as a result of European Union law.

Chris Stephens (Glasgow South West) (SNP): Many of those who advanced the leave cause during the referendum campaign said that one of the reasons they wanted to leave the European Union was to do away with workers' rights and employment rights. Now that many of those people are on the Treasury Bench, the suspicions held by many of us are only going to intensify.

Joanna Cherry: Not all, but many Members on the Government Benches have spoken about just the sort of free-for-all on rights that we fear. Of course, this partly comes from the conceit that somehow the United Kingdom—by which they normally mean England—has a monopoly on rights, which is not shared by other countries across the world, including the other countries in the European Union. Unfortunately, the lived experience of working men and women across the United Kingdom is not one of confidence in Governments of the UK to protect them, particularly when those Governments are of the Conservative and Unionist party. That is why they have been so reliant on the jurisprudence of the European Court of Justice, and on directives and regulations passed by the European Union institutions, in which Britain has of course had significant input over the years. My new clauses and the Labour party's seek to achieve some minimum guarantees in relation to the continued enjoyment of many rights that exist only because of the European Union.

Geraint Davies: Does the hon. and learned Lady agree that the European Court of Justice underpins our fundamental values of democracy, human rights and the rule of law? Does she also agree that, outside it, workers' rights, the judiciary and the rule of law are under attack, and that our civil service, the BBC and all such institutions are now a free-for-all? It is not just workers' rights; it is the judicial system itself.

Joanna Cherry: As I said earlier, it is clear from the Conservative manifesto that the Government intend a rebalancing of power between the Executive, Parliament and the judiciary. I think this comes from a sense of hubris about the Prime Minister's defeat in the Supreme Court at the tail end of last year. Of course, it is important to remember that that was not a political decision, but a legal one. The distinguished Scottish judge Lord Drummond Young said in the Scottish Supreme Court, "It is not for the judiciary to scrutinise the Government. That is the job of Parliament. But when the Government prevents Parliament from doing its job, then it is the job of the judiciary to step in to make sure that Parliament can fulfil its function." I see that that comment from a distinguished member of the Scottish bench is going down like a lead balloon on the Government Benches, but it simply mirrors what Lady Hale was careful to do in the Supreme Court, which was to underline that these were legal judgments, not political ones.

Our memberships of international institutions such as the European Union and the European convention on human rights, separately, have given important

guarantees that regardless of the complexion of government in the United Kingdom, there will be certain minimum standards. Withdrawal from the EU undermines that in a number of areas, particularly workers' rights, and that is why these amendments are so important.

My second point relates to the charter of fundamental rights, which was of course removed by the European Union (Withdrawal) Act 2018 and is not dealt with in this Bill. However, there remains widespread concern about the effect of the removal of the charter because, as we heard at length in the last Parliament, it guarantees certain rights that are not guaranteed by the convention on human rights or by the domestic legal systems of these islands. My SNP colleagues and I believe that this Parliament should ensure that the Bill does not lead to the diminishing of the rights of UK citizens or EU citizens living in the UK. One way of doing that would be for the Government to commit to conducting and publishing an impact assessment on the effect of the removal of the EU charter of fundamental rights later this year. That is what my new clause 50 seeks to achieve. I would respectfully suggest that, in the interests of certainty, no reasonable parliamentarian in this House who cares about the rights of his or her constituents could oppose an inquiry into the impact of the withdrawal of the charter on their constituents' rights.

New clause 8, in the name of my right hon. Friend the Member for Ross, Skye and Lochaber and a number of other colleagues, sets out a requirement for the UK Government to negotiate a deal keeping the UK close to the single market and the customs union. I have no intention of pressing it, because I know that that ship has sailed. However, it is intended to remind the House of, and to put on record, the position of the Scottish National party and the Scottish Government in relation to membership of the single market and the customs union.

The Minister said earlier that the UK Government have engaged with the devolved Administrations throughout the negotiations to leave the European Union, but I am afraid that the evidence of the past three years shows that while engagement has taken place, it has been very much a superficial box-ticking exercise. That is not just the view of the SNP; I see others who represent seats in areas covered by other devolved Administrations nodding their heads.

In December 2016, the Scottish Government published a document called "Scotland's Place in Europe", which was the first comprehensive proposal from any Government in these islands to address the outcome of the EU referendum. It contained an evidence-based analysis showing that the least damaging option for leaving the European Union—the optimum case being to remain—was to continue membership of the single market and customs union. The document demonstrated how that could be done for the UK as a whole, notwithstanding other parts of the United Kingdom such as Northern Ireland and Scotland. The proposals represented a very considerable compromise by the Scottish Government, but despite cross-party support in the Scottish Parliament, they were almost instantly dismissed by the former Prime Minister. Indeed, they were read more carefully by Michel Barnier than by the British Government.

Thereafter, Scottish Government colleagues engaged fully in good faith with the process set up by the UK Government apparently—I use the word "apparently"

[Joanna Cherry]

advisedly—to involve and consult the devolved Administrations in formulating the UK position for withdrawal. The terms of the Joint Ministerial Committee on EU negotiations, which was set up for that very purpose, were agreed in October 2016, saying that through the Committee the Governments would

“work collaboratively to...seek to agree a UK approach to, and objectives for, Article 50 negotiations; and provide oversight of negotiations with the EU, to ensure, as far as possible, that outcomes agreed by all four governments are secured from these negotiations”.

Sadly, it was soon clear that the UK Government had no intention of honouring those commitments. There is more to engagement than simply turning up and speaking at people. Engagement involves listening, compromising and collaborating.

Chris Elmore (Ogmore) (Lab): The hon. and learned Lady is making an important contribution, as she often does. This is not just about the withdrawal process. We cannot even get discussions about what is happening with the shared prosperity fund. It is 19 or 20 months since the consultation should have ended. I understand from Welsh Assembly Members and Welsh Government colleagues that they cannot even get a discussion with the Treasury, the Department for Business, Energy and Industrial Strategy, the Wales Office or the Scottish Office. If we cannot even get what happens to our funding right, there is little hope of genuine consultation with the devolved Administrations on the process of leaving.

Joanna Cherry: That is very much the experience of my Scottish Government colleagues across the board in this engagement with the British Government. In fact, in a recent keynote speech to the Institute for Government, my friend and colleague Mike Russell, the Cabinet Secretary for the constitution in the Scottish Government, said that

“at no point have the views of the Scottish Government, the Welsh Government or Northern Irish representatives been addressed”

in a way that has led them to believe that they have been listened to and would be taken account of in any meaningful way. Still less has there been any recognition of any need to accommodate the pro-EU majority in Scotland and in Northern Ireland, or of the position of Scottish MPs or, indeed, the Scottish Parliament, which normally votes by more than two thirds to one third on substantive Brexit issues. Indeed, just this afternoon as we have been debating here, the Scottish Parliament has voted by 92 votes to 29 to withhold legislative consent to this Bill. I am afraid that the Government cannot just blame the *bête noire* of the Scottish National party for that. It has involved all parties in the House—the Lib Dems, Labour and the Greens, but not the Scottish Conservatives, who are not interested in what the majority of people living in Scotland want. They are more interested in doing the bidding of their Westminster-based masters.

The point is this: there has been no meaningful engagement with the Scottish Government. There has been no meaningful engagement with the Welsh Government. As we heard even from the DUP, which has a genuine right to be annoyed about recent developments, there has been no meaningful engagement with Northern Irish representatives.

While we hear a lot of rhetoric again and again today about how the British people have spoken, the will of the people and a suggestion that the Opposition are somehow an affront to democracy for turning up and scrutinising this Bill, it is important to remember that, far from being an affront to democracy, my hon. Friends and I speak for majority opinion in Scotland—the majority opinion in Scotland is to remain in the European Union. Every electoral opportunity that has been afforded to Scotland since the EU referendum, including the last general election, has resulted in a resounding majority of seats for parties that support remaining in the European Union. So can we tone down a wee bit the rhetoric about the will of the British people and acknowledge the reality of the degree to which engagement has taken place?

Members need not just take my word for it or that of my colleagues in the SNP Scottish Government. The Public Administration and Constitutional Affairs Committee of the Commons concluded in July 2018:

“It is clear from the evidence to this inquiry that Whitehall still operates extensively on the basis of a structure and culture which take little account of the realities of devolution in the UK. This is inimical to the principles of devolution and good governance in UK.”

That was the conclusion of a cross-party Committee of this House. I do not expect any support from Government Members for the SNP’s new clause 8, but it gives me the opportunity to correct some factual misunderstandings about the degree of engagement that has taken place over the last few years.

Before I conclude, I would like to express my support for new clauses 45 and 46, tabled by my colleagues in the Social Democratic and Labour party. New clause 45 would require each devolved legislature to give legislative consent to any trade deal affecting the NHS. It is very similar to the SNP’s new clause 68, which was not selected for debate. The SNP manifesto in Scotland contained a commitment to protect the NHS from a trade deal with the United States of America. We won the election in Scotland with 45% of the vote and 80% of the seats, and it would perhaps be a courtesy to take on board an amendment that reflects the will of the majority of people who bothered to vote in Scotland.

Stephen Doughty: I am sure the hon. and learned Member would acknowledge that a similar pledge has also been made by the Welsh Health Minister, and my constituency colleague, Vaughan Gething. Welsh Labour’s commitment on this, and I am sure that of Plaid Cymru and others, is absolutely clear: we will defend the NHS in Wales in trade negotiations.

6 pm

Joanna Cherry: I am very grateful to the hon. Gentleman for reminding me of the position in Wales. That of course reflects the fact that, again, this is a concern not just of nationalist parties, but of the parties that support the devolved settlements but perhaps do not wish to go as far as independence.

The SDLP’s new clause 46 requires regional equality, environmental and economic impact assessments of any proposed future relationship or free trade agreement. Again, that is eminently sensible. It is similar to Plaid Cymru’s new clause 16, which is looking for a UK-wide economic impact assessment. Again, those are matters

that I would have thought any MP who cares about the outcome of these negotiations and the future of their constituents' livelihoods would be well advised to support.

I will conclude by saying that we need to take account in these proceedings of the different positions of the devolved nations. What I say and will continue to say to the Government is that if they continue to act as if there is no difference between the wishes of the electorate in England and the wishes of the electorate in Scotland, Northern Ireland and Wales, they will do so at their peril, and the Union that they say they care about so much will be further undermined by that behaviour.

Layla Moran (Oxford West and Abingdon) (LD): I rise to support new clauses 10 and 29, on which we will be seeking a vote today. These should absolutely be no-brainers.

New clause 10 is about the Erasmus programme. For students, young people, those in training and staff who work in the education sector, the Erasmus scheme has been absolutely incredible. I wonder how many of us on these Benches have used that programme ourselves, or have had our children or others in our family do so. From 2014 to the end of this year alone, €1 billion has been allocated to support the UK as part of Erasmus+. New clause 10 would only require the Government to seek—to do what they say they want to do, but let us be sure—to negotiate continuing full membership of the future Erasmus education and youth programme.

We could secure access to the programme through negotiations, but we would be an associated third country and that would never be as good as the programme we are part of now. However, at least with new clause 10 this Parliament would be instructing the Government that, as part of the next phase, that is something we absolutely want.

Let us remind ourselves what Erasmus does. It allows our young people to go abroad to European universities, to learn new languages, to meet new people, to put down some roots abroad and to build the international understanding that, in my view, is a big part of what it means to be British.

Jim Shannon: I congratulate the hon. Lady on bringing this matter to the Committee for consideration. Today I had the opportunity to meet representatives from the Russell Group, which encompasses 24 universities across the whole of the United Kingdom of Great Britain and Northern Ireland, and the Erasmus scheme was one of the schemes they mentioned. They intimated how good the scheme was and how important it was, and stressed the opportunity that it brings. I want to support the hon. Lady in what she has said. When we have universities with the capacity and strength of membership that we have across all four regions, it indicates to me that the Erasmus scheme is a good scheme and needs to be retained.

Layla Moran: I thank the hon. Member very much for his intervention; he makes the point beautifully. It is such a no-brainer: this is something that we should want to keep.

When people who have used the scheme return and apply their skills, the economy is boosted. The scheme increases their chances of getting a job and increases their confidence and sense of independence—and Brexit

puts all that under threat. If full access to the scheme is not negotiated, it is those from the poorer families who will suffer. Those from well-off families will be able to study abroad if they want; their parents could pay the fees. The Erasmus scheme gives those from poorer backgrounds the ability to do that in a way that simply was not available before it came to fruition.

Alison Thewliss: The hon. Lady is making some excellent points on the reasons why we should keep Erasmus. Pollokshields Primary in my constituency is one of the very few state primary schools that participate in the exchange programme, and it broadens the horizons of children from a Scottish Pakistani background by twinning with a school, Colegio Hernández, in Spain. So horizons are being broadened in all kinds of different ways under the scheme. It would be such a shame to lose it.

Layla Moran: That is another reason why we need to keep it, and I will simply say this: while Brexit suggests to those abroad that Britain might be not quite as international-facing as it was before, every time I meet a young person—particularly during the most recent election campaign—they point to things like Erasmus as the older generation pulling up the drawbridge to the opportunities that we had, and that they wish they had for their future. It would be such a shame for us to conclude this debate this week without a firm assurance from the Government that they want to keep that programme, and that there is nothing that they would love more than to see that written in the Bill itself; I do not understand why they would not want to do that.

The same goes for Horizon 2020, so I will broaden what I am saying slightly. As we know, the productivity gap is one of the biggest crises in our country and Horizon 2020 is another example of the best of European co-operation. Between 2007 and 2013 the UK received €8.8 billion on research and development and innovation from the EU. When, over the past few years, I have raised this in the House, I have heard Ministers say from the Dispatch Box, “We will replace the money.”

I will make the following point through the voice of a constituent who is a professor of chemistry at Oxford University, so I hope we will concede that he probably knows. It is not just about the money, he says:

“It’s important for Ministers to recognise that access to EU funding only plays a part and is certainly not the full sum of UK scientists’ concerns. Science is indeed Humboldt’s “country without borders”; in 2018, over half of all scientific research papers published from the UK acknowledged international collaboration through author addresses, and well over 30% of all publications involved one or more EU countries.”

That says it all; I hear it over and over again. If we want to attract the best, a visa will not help; they need to know that they will be absolutely welcome in our country, and that they are welcome for those research opportunities. We are already seeing it in our institutions—not just Oxford University but Oxford Brookes as well, and in the number of professors and others who are coming to me and saying, “I tried to put in for a certain grant; it is not being accepted any more because of the uncertainty this is causing.” If new clause 10 were part of the Bill, it would give them the certainty they need to be part of that collaboration from now—and, believe me, when those people go and they go to the other European universities that will have them, that is where they will put down roots and that is where they are more

[Layla Moran]

likely to stay. We cannot afford to lose those people. I know the Government want to keep the best and the brightest; well, these are they, and they are saying that they are leaving.

Finally, I shall speak to new clause 29, which is about that level playing field. I shall obviously support the Labour Front Bench in the Division, when it comes, because that level playing field and its effect on workers' rights is incredibly important, but I will continue to stress that it is not just about workers' rights; it is also about environmental standards, and that is the bit that I am seriously concerned about.

The best feature of the election campaign we have just had was that the environment was, apparently, at the top of all political parties' agenda; we kept hearing from the Government that they wanted to supersede the level playing field arrangements when it came to environmental standards, and that is brilliant. All the level playing field is actually is a minimum standard; why would we not want to keep it?

The same goes for workers' rights. The same goes for anything else when it comes to that level playing field. The problem, as we have heard before, is that removing it and deregulating opens the door to lower standards. We talk about America. It is not just about America, but let's face it, we know that that is where the Government are looking to their next trade deal.

I want to be clear about what the problem is. The environment Bill, which the Government say will replace EU legislation, does not operate on the stronger precautionary principle to which the EU's environmental standards currently operate. We are in a climate emergency. We cannot help but be moved—I am sure we all are—by the images coming out of Australia. We need to ensure that those minimum standards are the absolute minimum. My worry is that in a post-Brexit world we will be looking for trade deals with other countries who would much prefer it if we lowered our standards. That would open the door to our compromising in this area, when I heard time and time again that there was no appetite across the country for any kind of compromise.

Caroline Lucas (Brighton, Pavilion) (Green): The hon. Lady is making a very powerful case. Does she agree that not only non-regression but dynamic alignment is vital? EU legislation is constantly modified. For example, the REACH legislation has been updated 38 times since it first came into law in 2006. If we are to avoid the risk of so-called zombie legislation—EU legislation brought across to the UK statute book but not updated—we need dynamic alignment, too.

Layla Moran: Absolutely. I thank the hon. Lady for her point and commend her for her tireless work on this issue. I think the broad consensus across the House is that we must now take the environmental crisis seriously. As the science progresses and as we understand where the technologies are going, we must stay close to our nearest neighbours. That matters when it comes to the environment and to biodiversity. We have to make sure that we do that. I ask us all, as a sign to ensure we stay within that level playing field and within programmes such as Horizon and Erasmus, to vote for new clauses 10 and 29.

Debbie Abrahams: It is lovely to see you in the Chair, Sir George.

I rise to speak to my new clause 27, which seeks to ensure that there is no regression from EU standards on the environment; food; the substance of REACH regulations, which seek to protect human health and the environment from the use of chemicals; and animal welfare. It addresses the points that have just been made.

The UK currently enjoys high standards in areas such as habitat protection and product safety. Having developed those standards with our European neighbours, we now benefit from cleaner beaches, safer food and the best chemicals regulation in the world. The Government have committed to legislate to ensure high standards of environmental protection, but they have not yet delivered on that commitment. The 2018 withdrawal agreement contained a legally binding mutual commitment to non-regression in most areas of environmental law, if the transition period did not produce an agreement on the future relationship. That has been removed from the Bill and I wonder whether the Minister can explain why that is the case.

Climate change is the defining issue of our time and we are at a defining moment. The world is now experiencing a climate emergency, and an urgent and rapid global response is now necessary. From shifting weather patterns that threaten food production, to rising sea levels that increase the risk of catastrophic flooding and the horrendous bush fires we currently see in Australia, the impacts of climate change are global in scope and unprecedented in scale. After more than a century and a half of industrialisation, deforestation and large-scale agriculture, quantities of greenhouse gases in the atmosphere have risen to record levels that have not been seen in 3 million years.

We know that as populations, economies and standards of living grow, so does the cumulative level of greenhouse gas emissions. In October 2018, the Intergovernmental Panel on Climate Change issued a special report on the impacts of global warming of 1.5° C, finding that limiting global warming to 1.5° C would require rapid, far-reaching and unprecedented changes in all aspects of society. The IPCC said we must cut global emissions in half by 2030 and achieve net zero emissions by 2050. The UK should be leading the way both nationally and internationally. The Government must play their role.

Caroline Lucas: The hon. Lady will not be surprised that I completely agree with her. She will know that the Prime Minister has said that he wants to bring forward what he has called the most ambitious environmental programme of any country in the world. That being the case, does she share my bewilderment that Ministers could even conceive of not supporting the new clause? What would they have to fear from an amendment that simply seeks to ensure that we do not go backwards, if they are absolutely serious about delivering for the environment?

6.15 pm

Debbie Abrahams: My hon. Friend makes the point that I am trying to make: if the Government are committed to this, why are they not putting it in the Bill?

Last September's UN climate action summit delivered a boost in momentum, co-operation and ambition, but as the UN Secretary-General said:

“we have a long way to go...We need more concrete plans, more ambition from more countries and more businesses. We need all financial institutions, public and private, to choose, once and for all, the green economy.”

This year’s UN climate conference must see existing commitments renewed and increased, not least by the Government. The political declaration, agreed by the UK and EU in October 2019, proposed that the UK and EU should uphold “common high standards”. However, the declaration is only indicative and is not legally binding. Including an amendment on environmental non-regression in the Bill would help to ensure that standards are not weakened across the UK during the process of EU withdrawal. Given that the scope of the Bill is focused on actions in connection with EU withdrawal, further non-regression guarantees will be needed, both in domestic legislation, such as the environment Bill, and in the future relationship agreement with the EU.

The new clause is broken down into a number of different sections. Proposed new section 14A of the European Union (Withdrawal) Act 2018 defines regressive and protected matters covered by the proposal, which include

“the environment...food safety and other standards...the substance of REACH regulations; and...animal welfare.”

Proposed new section 14B adds a procedural check—similar to that already carried out on new legislation in relation to human rights—for primary legislation. This requires Government either to state that new legislation does not weaken environmental standards or, if it does, to explain why and require explicit parliamentary approval of that regression. The new office for environmental protection must be consulted during this process.

Proposed new section 14C prevents withdrawal from the EU being used as a route for lowering environmental standards by secondary legislation.

Proposed new section 14D prevents withdrawal from the EU being used as a route for lowering environmental standards by other public body action.

Proposed new section 14E requires the Secretary of State to publish guidance for Government Departments and other public authorities to support them in avoiding any regressive actions.

Finally, proposed new section 14F ensures that all new EU environmental law is reviewed by an expert independent body to track potential divergence. If any potential divergence is identified and not approved by Parliament, the Government must commit to taking steps to rectify that divergence.

An argument has been made that the new clause is not needed, as the UK will have better standards. However, Ministers have stated many times that environmental standards will not be weakened, so it should not be controversial to guarantee that in legislation, as my hon. Friend the Member for Brighton, Pavilion (Caroline Lucas) mentioned. What objection can the Government have to committing to the new clause? I would very much welcome the Minister’s comments on that. A meaningful commitment to non-regression is essential if the UK is to genuinely put itself forward as a world leader in environmental protection. I urge the Government to support the new clause; we need to ensure that their deeds match their words.

I was very disappointed that my new clause 9, with which I sought to prevent any Minister of the Crown from financially benefiting from any proposed trade

deal, was not selected for debate. I was under no illusion that the Government would support it, but I wanted to highlight the issue. If anybody has not read the excellent book by Professor Danny Dorling on what is driving Brexit, I thoroughly recommend it. If national policy is being driven by the narrow interests of a few, and their interests are their own enrichment, our politics is not just damaged but broken. As I am sure many here would agree, politics is about public service, not what it can do for us personally.

Claire Hanna: I rise to speak to new clause 45, on the protection of the NHS from future trade deals, and new clause 59, on ensuring political representation for Northern Ireland in the European Parliament.

I suspect it goes without saying that I deeply regret the arrival of this point in the Brexit process. We still view Brexit as an extraordinary act of self-harm for Britain. We on our side of the Irish sea will suffer immense political, social and economic collateral damage. To protect ourselves, and indeed other regions of the UK, my hon. Friend the Member for Foyle (Colum Eastwood) and I have tabled amendments that would provide for impact assessments, prevent the diminution of rights, on which the hon. Member for North Down (Stephen Farry) has expanded very well, and give the Good Friday agreement institutions the flexibility they need to respond to the challenges that Brexit will bring. I do not need to remind Members that the Good Friday agreement is sovereign in Northern Ireland and has been endorsed overwhelmingly by the people—more so than anything else before or since. It is not just an ornament on the mantelpiece; it is a toolkit that can help us to weather the storm of Brexit, but it has to be given the powers, flexibility and opportunity to respond to the many challenges that we know are coming but the shape of which we do not yet know.

Ensuring European parliamentary representation for Northern Ireland is part of that. Thankfully, we will be within the regulatory orbit of the EU. Members will know that the Good Friday agreement mandates the Government to ensure no diminution of rights for people in Northern Ireland because of Brexit, but one of those rights, because they are Irish citizens and therefore will continue to be EU citizens, is the right to political representation in the European Parliament. There is therefore a duty on the Government to continue to provide that right for continuing EU and Irish citizens.

In many ways, the new clause merges amendments tabled by others around democratic oversight, transparency and parliamentary consent as this Brexit evolves. For the many reasons Members have laid out, if Brexit is to deliver even a fraction of what Government Members are promising, they should have no concerns about oversight and allowing people to see the process as it evolves. In matters of public policy, I have always found sunlight to be the best disinfectant. We must allow people to see how the processes are happening.

New clause 45 is self-explanatory. It seeks to protect the NHS from future trade deals and to ensure, if a future relationship affects the devolution settlement on health, that legislative consent is sought from the Northern Ireland Assembly—fingers crossed, it will exist again next week—and from the Scottish Parliament and the National Assembly for Wales.

[*Claire Hanna*]

We have tabled several other amendments—and support amendments that mirror them—around a level playing field, the maintenance of workers' rights, Erasmus and Horizon 2020, which are so fundamental to Queen's University in my constituency, and safeguards for EU nationals living here.

Jim Shannon: The hon. Lady is making some very pertinent points. In my constituency, the agri-food sector is important for jobs. We need workers' rights enshrined so that those in the sector can have their jobs and immigration status retained. In some cases, people might fall through the cracks. If that is the case, we need to ensure that, even at this late stage, they can apply for and have the status they need. Does she think the Government should enshrine in legislation provisions that enable them to retain their immigration status in the United Kingdom of Great Britain and Northern Ireland so they can help our agri-food sector to grow and provide more jobs?

Claire Hanna: I do agree. In fact, I have been surprised to find myself in the same Lobby as the hon. Member several times today. That is how important these issues are to protecting jobs, consumers and our economy. He and I come from a place that has an emigration problem, and that problem is young people feeling the need to leave for opportunities elsewhere. That we have EU workers making their homes and paying their taxes where we live contributes to and enriches our economy, our community and our cultural lives. Everything must be done to protect those already feeling the cost of Brexit.

We spoke about the economic impact earlier, but I have spoken to EU citizens in my constituency who are already feeling the chill. Perhaps they are already being passed over for jobs or promotion because their employers do not know whether they will even be allowed to work here next year, or are asking, "Will I have to fill in lots of forms in order to continue to employ you?"

As I have said, we have covered an array of issues which have been set out very well by a number of Members, including the issue of child refugees. I do not mean this as an insult, but in many ways Conservative Members are the dog that caught the car. They have been chasing Brexit for a very long time, and now they have it. They have the numbers to get it done, and with that comes a duty to protect people from it. I do not believe that there is any good way to do Brexit, but they have those numbers, and they have that duty to take the roughest edges off it for the most vulnerable people.

David Linden: It is an honour to follow the hon. Member for Belfast South (Claire Hanna). I agreed with much of what she said.

I refer Members to my new clause 56, entitled "Implementation period negotiating objectives: annual celebration of Europe Day". Unfortunately it was not selected by the acting Chairman of Ways and Means—[*Interruption.*] The Minister is chuntering, which is unusual for him. Members of the European Research Group, in their infinite wisdom, talk of Big Ben chiming away on 31 January, but if the Minister and the Government are serious about a strong future relationship with the European Union, it is important for them to consider

our suggestion that an oral statement should be made on Europe Day, and that European flags should be flown above Government buildings.

Alan Brown (Kilmarnock and Loudoun) (SNP): I thank my hon. Friend for giving way so early in his speech. He has made a good point. His new clause is about celebration and recognising what we had in Europe, as opposed to the triumphant attitude of the ERG and the Brexiteers who talk of Big Ben chiming on the 31st. I was contacted by a constituent, Paul from Kilmarnock, who requested the Government not to organise a triumphant celebration because of the fear felt by so many other people about what they are losing. Does my hon. Friend agree that those who want Big Ben to sound should recognise what EU citizens will feel like on that night when we exit Europe?

David Linden: Absolutely. My hon. Friend's constituent Paul has made a fair point. Brexit should not be about the narrow nationalism of the European Research Group and inward-looking "little Britain" attitudes. My new clause suggests a way of expressing a more outward-looking view of the future relationship. I am sure that when the Bill goes to the other place, the Government will be able to table an amendment to that effect. However, I want to stay in order, so I shall now speak in favour of new clause 8, tabled by my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford), and new clauses 50 and 51 and new schedule 1, tabled by my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry).

I will not detain the Committee for too long, but will confine my remarks to amendments relating specifically to membership of the single market and the customs union and, subsequently, those relating to workers' rights. First, however, let me say that it is important to reflect on the new reality of where we are following the general election. Like it or not, the Conservatives must accept that their Brexit message failed in Scotland. They lost more than half their seats, and the SNP now holds 80% of the Scottish seats in the House; but, in the most undemocratic manner possible, the Tories are choosing to ignore Scottish voters by pressing ahead with their hard Brexit plans. To put it simply, we are being dictated to by a minority party in Scotland. During the election campaign, one of the Prime Minister's more bizarre media stunts saw him drive a JCB digger through a polystyrene wall to deliver his "Get Brexit Done" message. It is now very clear that that wall represents Scotland, and that this Tory Government intend to forge ahead with their "Bulldozer Brexit".

Like so many people in Scotland, I distinctly remember leaflets being delivered during the Scottish independence referendum campaign, imploring people to accept that a No vote was a vote to protect our rights as EU citizens and to maintain our membership of the European Union. Understandably—although it was not how I voted—many of our fellow citizens voted No in good faith, believing that that truly was the best way of protecting our EU membership. Five years on, having voted to stay in the United Kingdom, the people of Scotland now face the harsh and sad reality of our country being dragged out of the European Union by a British Government we did not vote for and by an intransigent Prime Minister who has no mandate from Scotland for this utterly reckless move.

6.30 pm

Early on, following the Brexit result, the Scottish Government sought to compromise with the British Government to ensure that if Brexit were to be pursued, it would be done in such a way that would cause as little economic damage as possible for our nation and its people. For those of us who closely followed the consequences of the 2014 referendum, an expectation of compromise and respect was perhaps not an unrealistic ask. We were promised that, if we voted no in 2014, Scotland would not just be treated equally and with respect; we were told that we would lead the United Kingdom. When the First Minister of Scotland outlined the compromise position that would see Scotland remain in the single market and customs union, many people thought, somewhat naively, that this would be considered in good faith by the British Government.

My hon. and learned Friend the Member for Edinburgh South West has already referred to the document “Scotland’s Place in Europe” from 2016. We asked for that compromise to be considered with goodwill, but it was not. We were told that it was impossible. So imagine our surprise when this Prime Minister came to power and negotiated an amendment to the withdrawal agreement that gives Northern Ireland unfettered access to the single market and customs union, unquestionably putting Scotland at a competitive economic disadvantage. What we see in its starkest terms is an unequal and broken United Kingdom, with Scotland being left out in the cold. Every nation in the UK other than Scotland gets compromise for what it voted for: Northern Ireland, which voted to remain, gets access to the single market and the customs union; England, which voted for Brexit, gets Brexit; Wales, which voted for Brexit, gets Brexit; but Scotland, which voted to remain, gets economically trashed and utterly ignored.

New clause 8 is a last-ditch attempt from the SNP to make the British Government see sense and protect Scotland from the inevitable job losses after leaving the single market and customs union. The cost of leaving the single market and customs union is just too high to contemplate for Scotland. Put simply, it means up to 100,000 jobs being lost, including thousands in my own fragile constituency of Glasgow East, so I implore hon. Members on the Government Benches—particularly those from Scotland who claim to come here to stand up for Scotland—to support new clause 8. I am looking around the Chamber but I cannot actually see any Conservative Members from Scotland, but perhaps that will be no surprise.

I wish to turn now to new clause 51, which seeks to protect workers’ rights. Quite simply, the British Conservative Government cannot be trusted with workers’ rights. Let us never forget that theirs was the Government who brought forward the draconian anti-trade union legislation. Trusting the Tories with workers’ rights is akin to putting a lion in charge of an abattoir. We already know what they think: it is on public record. Take for example the current Foreign Secretary, the right hon. Member for Esher and Walton (Dominic Raab). He has been attacking workers’ rights ever since he became an MP in 2010. Nine years ago, he wrote a research paper calling for

“a total opt-out from the working time directive”.

Even though the working time directive ensures that millions of workers have the right to paid holidays, time off work and guaranteed lunch and rest breaks, the current

Foreign Secretary singled it out as one of 10 obstacles to British business. His paper, entitled “Escaping the Strait Jacket”, also urged the UK Government to ensure that this

“costly anti-jobs legislation cannot cause further damage to the economy”.

Bim Afolami (Hitchin and Harpenden) (Con): Is not the principle, though, whether it be on workers’ rights or anything else, that this House will be the place where the decisions on those issues will be legislated upon? Of course there are political differences on all sorts of issues. I happen to take issue with the way in which the hon. Gentleman characterises them, but that is beside the point. However, this House will decide what the workers’ rights for UK citizens should be. Surely that is the aim of this House.

David Linden: I am grateful to the hon. Gentleman for his intervention, but it is very much my concern that we have a Tory majority Government who will morph into Thatcherism on steroids over the course of the next five years. For me, the idea that we just sit back and let the Prime Minister and the current Foreign Secretary dictate what direction we take with employment rights is not a chance that I am willing to take.

Chris Stephens: Is it not the reality that in the last 20 years the advances in workers’ rights have come mainly from Europe? When we look at the fixed-term workers directive for those on temporary contracts or doing part-time and agency work, we see that it was not this place that was advancing the cause of those workers; it was the European Union and the European Parliament.

David Linden: Absolutely. I think that was the very reason why 62% of people in Scotland voted to remain in the European Union. They did not want workers’ rights to be controlled somehow from London.

I want to go back to what I was saying about the right hon. Member for Esher and Walton and his remarks about the working time directive and some of the “obstacles” that he identified in relation to British businesses. The fact that he did so in an article calling for a renegotiation of the UK’s future relationship with the European Union does not bode well now that he is in one of the highest offices of Government. Our hard-won workers’ rights secured from 40 years of EU membership cannot be forgotten, diluted or abolished by this right-wing neo-liberal Government whom Scotland did not vote for. I therefore urge hon. Members to support new clause 51.

Let us be honest: we know the results of tonight’s Divisions before they even take place. We need to face the truth that this majority Brexiteer Government think that Scottish voters will simply lie down while they steamroller over their interests. The choice for the people of Scotland could not be clearer, because Scotland has the unquestionable right to choose its own future. Do we stay shackled to Brexit Britain and failed Tory economics, or do we rejoin the family of European nations, which is outward-looking, progressive and treats its member states with respect, dignity and equality? Of course, the Tories often accuse the SNP of trying to break up Britain, but the reality is that it is the SNP who are driving the bulldozer. Make no mistake: the Scottish independence referendum is coming, and the passage of this legislation tomorrow will doubtless result in people taking a very different view from that in 2014.

Philip Dunne (Ludlow) (Con): I am grateful to be able to make a brief contribution this evening and to follow the hon. Member for Glasgow East (David Linden), who reminded me of the debates that we have been having over the past three and a half years since the referendum. There was an overwhelming sense of *déjà vu* in that some Members who supported the remain position at the 2016 referendum have still not properly recognised that time has moved on. I was one of those who voted remain in the referendum and I, in common with many Conservative colleagues, am reconciled to the fact that the British public voted to leave, as demonstrated forcefully in the general election. The *déjà vu* that I am experiencing is that many of the arguments that we have heard ad nauseam for hours, days and weeks in this Chamber are still being trotted out again in this debate today.

Several hon. Members *rose*—

Philip Dunne: I want to make some progress. The reason why I stood to speak this evening is that I made my maiden speech in a debate on the EU in my first month in this House 14 and a half years ago. It is therefore fitting that I should say something in this debate just before we hopefully cease debating whether we are leaving the EU this month, because that matter has now been resolved.

I want to make a specific contribution in relation to new clause 27, which was tabled by the hon. Member for Oldham East and Saddleworth (Debbie Abrahams). I have considerable sympathy with the spirit and principles underlying the new clause, which she spoke eloquently on earlier, but the reason why I want to refer to it is to ask the Minister, in his summing up before the Committee ends this evening, how the Government intend to take account of that spirit and intent in future legislation. I recognise that it is not appropriate to adorn this Bill with commitments that have nothing to do with the withdrawal agreement *per se*, but they are none the less worthy in themselves.

I draw the House's attention to the part in the Conservative manifesto, on which I was proud to stand recently, that says:

"we will legislate to ensure high standards of workers' rights, environmental protection and consumer rights."

We have already heard from others this evening about the existing higher level of workers' rights that apply in the UK over and above those that are applied across the EU, and we as a Government have an ambition to maintain environmental protections in many areas at a higher level than those that currently apply across the EU.

Debbie Abrahams: This is not meant to sound trite, but a number of different commitments were made in different manifestos. For example, the Conservatives party's 2015 manifesto committed to halving the disability employment gap and to introducing new starter homes, neither of which was delivered. This is about backing up commitments. If the Government are seriously committed to this—I understand that the right hon. Gentleman certainly is—what is wrong with including it in the Bill?

Philip Dunne: I will give one example of what is wrong with the hon. Lady's new clause, and that is its territorial jurisdiction. I remind her that environmental

protection is primarily a devolved matter. The territorial jurisdiction of the environment Bill that was in the Queen's Speech and that will be brought before this House will relate to England primarily and, to a small extent, Northern Ireland. I am rather surprised that hon. Members representing the Scottish National party, who are here in force this evening and who have spoken before me, did not choose to raise that point.

Alan Brown: It is great to hear that the right hon. Gentleman is such a great defender of devolution. As a defender of devolution, does he respect the fact that the Scottish Parliament today rejected the UK Government's legislative consent motion, and does he also respect the right of Scotland's people to choose their future?

Philip Dunne: As the Prime Minister said, far more eloquently than I could, during Prime Minister's questions earlier today, the Scottish people did decide in 2014 and that is the vote that should be respected by this House. *[Interruption.]* I am going to move back to my point rather than engage—

David Linden *rose*—

Philip Dunne: I am not going to take the hon. Gentleman's intervention, because I know what he is going to say.

In conclusion, will the Minister, if he has the opportunity to do so, refer in his winding up speech to the environment Bill that will shortly be brought before this House and explain the extent to which the protections sought in new clause 27 are likely to be enshrined in it?

James Duddridge: It is always a pleasure to follow my right hon. Friend the Member for Ludlow (Philip Dunne). I think I will be able to reassure him throughout my contribution, particularly on non-regression issues.

We have heard a number of good speeches. In the days since the general election, I have sensed a change in tone in Parliament, an acceptance of that which is happening, and a better debate across the House about what is actually going to happen. *[Interruption.]* There is a little bit of laughter, or chuntering, as the hon. Member for Glasgow East (David Linden) would call it. I have been an offender in that sense, but I do sense a small change in tone.

I would like to speak to 21 new clauses, but I will focus my time because I understand that the House wants to make progress on the substantive new clauses, as opposed to those that are technically flawed. Some are probing new clauses—that point has been made a number of times—and I hope they are more in number than the substantive new clauses that will be pushed to a vote.

I will first speak to new clause 2, tabled by the official Opposition, and to new clause 51 and new schedule 1, tabled by the hon. and learned Member for Edinburgh South West (Joanna Cherry), who has been omnipresent throughout the day. I am grateful to her for her contribution. The amendments relate to the protection of workers' rights. As the Government have stated and the Prime Minister has confirmed, we are committed to ensuring that workers' rights are protected as the UK leaves the EU. I want to reiterate that and add some detail. There is no suggestion that this Government would propose, or that this Parliament would allow, a change or regression in workers' rights to make them lower than currently

required by EU law. We have been clear, in fact, that we will protect and continue to improve workers' rights. We do not need to be in the EU to do that; we can do it on our own.

David Linden *rose*—

James Duddridge: I give way to the hon. Gentleman, to save him from chuntering at me.

David Linden: I am grateful to the Minister for allowing me to chunter on the record. He is talking about workers' rights and what the Government are going to do. If we are to believe the Government's promises, we understand they will be coming by way of the employment Bill. When will that Bill be presented to the House and published?

James Duddridge: Very soon after the Queen's Speech, and the timetable will come through the normal channels in the normal way. I am afraid that I cannot give the hon. Gentleman any notice now, but if I get an inkling of when that Bill will be introduced, I will be sure to tell him as soon as I can. As he has pointed out, we announced in the Queen's Speech that we would bring forward legislation to deliver on the good work plan and the Taylor review. It will give workers in the UK the protections that they need in a changing world; I think that there is an increasing recognition that the world of work is changing.

6.45 pm

Michael Tomlinson: Is it not precisely the point that it is for this Chamber and this sovereign Parliament to pass laws? My hon. Friend has mentioned the forthcoming Bill, and this House of Commons will determine the appropriate rights. We already enjoy enhanced rights, and we do not need to be a member of the European Union to have those rights.

James Duddridge: I thank my hon. Friend for his succinct contribution. He is entirely right to say that, on this issue, we will have the freedom to determine our future. New clause 2 would require the UK to negotiate to become, effectively, a rule-taker in perpetuity. We would be subject to EU employment rules with little or no influence over their development. The type of alignment envisaged in the new clause is not necessary to maintain high standards and protection for UK workers. This Parliament has set higher standards than those in many EU directives. For example, the UK's race and sex discrimination protections and equal pay rights were decided before we entered the EU.

Nick Thomas-Symonds: I want to clarify what the Minister said about dynamic alignment. Is he saying that if rights were to be enhanced by the European Union, it would not be the Government's intention to follow?

James Duddridge: No; that is not what I said, and our intention is not as the hon. Gentleman suggests. But it is for this Parliament to decide what it wants to do, rather than simply following what an outside body recommends.

Chris Stephens: The Minister mentions the Taylor review. The European Parliament and Commission are debating similar issues and will offer something stronger

than what the Government have proposed with the Taylor review. If the European Parliament goes further, will it be the UK Government's aim at least to match what comes from the European Union?

James Duddridge: Later in my speech, I will highlight areas where we are going to go further. Perhaps I will give way to the hon. Gentleman again at that point if what I say does not give him sufficient reassurance. The Government are committed to delivering high standards, and I will provide a bit more detail when I come to talk about other clauses.

I turn to new clauses 3, 8 and 30, which relate to alignment with or continued membership of the EU single market and customs union. I am grateful for the confirmation that new clause 8 is a probing amendment. The Prime Minister has set out a deal, and the political declaration contains a framework for a comprehensive and ambitious free trade agreement. The result of the general election shows that, across the whole United Kingdom, the public support that, notwithstanding the points that have been made in the Chamber today about different areas.

That mandate did not include negotiating a customs union or maintaining the UK's place in the single market, as proposed in the new clauses. The public want us to move on to negotiating the future relationship without any unnecessary hurdles, and that is what the Government will do. Only by leaving the EU customs union and single market will the UK be able to pursue an ambitious free trade agreement and strike new trade deals with new and existing global partners. The political declaration provides a framework for all that.

The political declaration also provides a framework for security co-operation. That will include access to the European arrest warrant, which several colleagues have mentioned, as well as to Europol and SIS II. We have committed to being involved in them, and our European partners have committed to engaging in that through the political declaration.

We have also agreed to put in place a streamlined extradition arrangement, on which we continue to work with Europol and Eurojust. Beyond that, we have agreed to look at further areas of co-operation on the exchange of information. Beyond SIS II, on the broader point raised by the hon. Member for Torfaen, it will also include Icarus.

The detail, however, means this is best done in co-operation over the period. After all, the point of the level playing field is to do this in a paced way. As a cross-cutting Minister, I have engaged on this issue with a number of Ministers who are engaged much more directly. The hon. Gentleman will be reassured as this issue rolls out, but it is not for today's Bill, although it is a perfectly acceptable placeholder for a probing amendment.

On new clause 29, I make it clear that we want an ambitious future economic partnership with the EU that allows us to control our own laws, with the benefits of trade with other countries around the world. Adopting this amendment would prevent that. Dynamic alignment with future EU rules is not in the best interests of this country. It is here, not in Brussels, where decisions should be made on the laws that govern our country. That point has been ably made by other hon. Members.

[James Duddridge]

We will maintain and uphold high standards for workers, consumers and the environment. We do not have to follow EU rules to achieve that; we can do it on our own. We have made that clear in the revised political declaration and through our commitment to introduce legislation that will enshrine those high standards in our laws.

Debbie Abrahams: Can the Minister confirm, as the right hon. Member for Ludlow (Philip Dunne) mentioned, that the principles of new clause 27 will be included in the environment Bill if they are not to be included in this Bill?

James Duddridge: Forgive me if I am not definitive and if I have not ticked off every single point, but the underlying point is that there will be no regression. We have committed to environmental rights, and I will go into more detail on how we will move ahead of what the EU is currently doing and of what it proposes to do. The answer, in spirit, is yes, but I do not want to give a resounding yes, just in case there is one comma in one part of the hon. Lady's amendment that deviates from what we are doing.

On the broader suggestions about participation in EU funding programmes, the political declaration envisages close co-operation across a range of areas, including science—I am coming on to that—and education. The declaration already provides a possibility for programmes, which will be done during the negotiation period.

The political declaration sets out that the parties will also explore co-operation between the United Kingdom and all the appropriate EU agencies. The nature of that co-operation will be subject to negotiation.

Alan Brown: The Minister says we do not need to be in the EU to protect environmental standards. I know from my experience as a young civil engineer that the EU had to take a Tory Government to court to force action on cleaning up our bathing beaches across the UK. That happened purely because we were a member of the EU; otherwise we would still have raw sewage in the seas and waters around the UK.

James Duddridge: I will come on to the environment. If I do not answer the hon. Gentleman's underlying point, he should feel free to intervene again.

It is good to see the hon. Member for Oxford West and Abingdon (Layla Moran) in her place, as she tabled new clause 10. The Government secured agreement to participate in all elements of the Erasmus+ programme during the implementation period, and that will be done in the future relationship. We made it clear that we are open to maintaining and expanding co-operation in education. We strongly believe, as she does, in the value of international exchange, not just European exchange, and it is very much part of our vision for global Britain to extend that concept, rather than simply looking at the narrow area of the United Kingdom. We believe that the UK and European countries should continue to give young people and students opportunities around the world in universities and elsewhere—through other elements of Erasmus and support—post-Brexit. The political declaration envisages the possibility of UK participation in EU programmes, and we will negotiate

the general terms of participation, where appropriate, throughout the implementation period. Ultimately, decisions about our participation will be a matter for wider negotiations, but we will look at all the available opportunities.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): The Minister mentions EU funding programmes. Scotland has been benefiting from €872 million of EU funding over the past seven years. In the highlands and islands, this is a net contribution benefit and it has changed communities across our entire area. Does the Minister have any idea, and can he give us any inkling, as to when the shared prosperity fund is going to be launched and what it will cover? Can he give us any information about that?

James Duddridge: The hon. Gentleman makes an important point. In the broader arena, we will be taking back control of our money and spending it as we choose. As for his specific point, those decisions will come after a cross-governmental spending review and I am more than happy to commit the Treasury to write to him with any more detail if it is available.

New clauses 16 and 46 are on economic assessments, with the latter standing in the name of Social Democratic and Labour party Members. These would require environmental and equality impact assessments. We have had a few calls for impact assessments across the board, and I have made the point about their cost a number of times. In some cases, we are already making commitments, and this would be bad government spend, for the sake of producing a report. This debate is about the Bill and exiting the EU, whereas a lot of these reports would be about the future relationship, so this Bill would be an inappropriate place to put provision for these reports, even if they were the right thing to do. It simply would not be possible to agree to publish a detailed analysis of something that has not yet been agreed. In November 2018, the Government published a detailed analysis covering a broad range of—
[Interruption.]

The First Deputy Chairman of Ways and Means (Sir George Howarth): Order. It is a great discourtesy for people to be carrying on separate conversations when any Member of the House is speaking.

James Duddridge: Thank you, Sir George. I suspect that the Committee is encouraging me to make progress, and I will take the hint. I do ask Members to bear with me, because I am dealing with 21 new clauses and it is important to cover them, as they have all been tabled with seriousness and deserve the Government's attention.

On new clause 38, the Government have been committed to publishing an objective spending analysis of the UK's withdrawal ever since the people voted to leave the EU three and a half years ago.

On the economy, we have already spoken about the objective analysis, and I am not going to say any more on new clause 38. I will address human rights in more detail when dealing with a slightly later clause.

New clause 20 deals with mutual recognition and raises a number of important issues relating to adequacy and equivalence with the EU in a number of areas for the future relationship. The Government fully agree that in some areas it would be appropriate to agree

arrangements of the sort that my right hon. Friend the Member for Haltemprice and Howden (Mr Davis) mentions. For instance, the political declaration envisages reciprocal adequacy decisions in the area of data protection. However, the Government do not believe that adequacy decisions, mutual recognition or equivalence arrangements are always in the best interests of the country, with one example being where they rely on alignment with future EU rules. Although I understand the thrust of his proposal, I do not think it is helpful to constrain the Prime Minister and his negotiating team by prescribing negotiating objectives too precisely. The Government will always listen to the views of my right hon. Friend the Member for Haltemprice and Howden and we are particularly grateful for his stewardship of a Department that is about to come to an end as a result of the success of his work and that of many other contributors, including some fantastic civil servants and a truly exceptional Secretary of State, in the shape of my right hon. Friend the Member for North East Cambridgeshire (Steve Barclay). It is always a good idea for me to be nice about my boss.

New clause 27 addresses further environmental issues. Sadly, the Government cannot support the new clause; I shall go into some detail on why. The UK is an advanced modern economy with a long history of environmental protections supported by strong legal frameworks that in some cases predate the EU. We will shortly bring forward an environment Bill that will set ambitious new domestic frameworks for environmental governance, including—crucially—the establishment of the office for environmental protection. The legislation will build on the 25-year environmental plan, which we are part-way through—admittedly, it is early on in the 25-year plan—and provide the assurances that will be upheld.

Caroline Lucas: On the new environment Bill and the Office for Environmental Protection, will the Minister guarantee that it really will have sharp teeth and the same enforcement powers that we have been used to seeing from the European Court of Justice? The previous environment Bill certainly did not have that kind of watchdog—it was much more of a poodle than a dog with a bark.

James Duddridge: There ain't no point in having one of these things if it does not have teeth and if it does not bark and have a bit of bite, so I can commit the Government on all those points. The Government are committed to remaining a world-leader in environmental protection once we have left the UK. Leaving the EU gives us the opportunity to put the environment front and centre in our policy making.

7 pm

New clause 31 relates to the European Medicines Agency and would require the appropriate authority to take the necessary steps to implement an international trade agreement that enables the UK fully to participate in the EMA after Brexit day. This is another issue that we need to consider during the implementation period; it is not for this Bill, which is plainly and simply for getting Brexit done. It is not a Bill on which to hang lots of other things. In its 21 clauses there are many areas of agreement. There are things that we support and things that were in the Queen's Speech and the Conservative manifesto, but that does not mean that they need to be in this specific Bill.

I thank the right hon. Member for Kingston and Surbiton (Sir Edward Davey) for tabling new clause 32, on Euratom, but for a number of reasons it is neither practical nor desirable to maintain the UK's membership when we leave the EU. I am conscious of the time, so as the right hon. Gentleman is not in the Chamber I am happy to write to him to detail the reasons.

I have already outlined a number of points on security, so I shall not detain the Committee with any further discussion of new clause 35.

Let me be very, very clear on new clause 45: the Government have been consistently clear that when we are negotiating trade deals, the NHS will not be on the table; the price that the NHS pays for drugs will not be on the table; and the services that the NHS provides will not be on the table.

Let me turn to the associated points on Horizon 2020. I can write to the hon. Member for Oxford West and Abingdon with the detail. I have seen the value of Horizon 2020 and I understand that it is not quite as simple as just the money; it is also about participation, and I know the hon. Lady is passionate about that. There are similar points in relation to Erasmus and the other agencies, so I will not trouble the Committee too much.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The NHS is of course devolved in Scotland. May I make a personal appeal, with which I am sure my colleagues in the Scottish National party will agree? Will the Government work as closely as possible with the Scottish Government to ensure that the laudable position that the NHS should not be for sale applies to Scotland as much as it does to the UK?

James Duddridge: I agree, and I am meeting with the Scottish Government tomorrow so will make that point in my first sentence.

I am conscious of the time and the fact that Members will hear from me again after two more speeches, so I shall not go into any more detail on new clause 49 because citizens' rights have been covered quite extensively.

On observer status of the devolved Assemblies in the EU, it would be wrong, given that, as a country, we are leaving the European Union, to give special status to the devolved Assemblies. The devolved Assemblies will come out with us.

Finally, turning to new clause 50 on the charter of rights, there is no need for a report. We will maintain our human rights and liberties. They are fundamental to the European Union and nothing that we do in leaving the European Union changes that.

Sir George, I thank you and your team for standing in for this Bill. I think that there has been a change of tone in the House. I am looking forward to serving in this Parliament over the next period. I think that it is a better place, and a better place for delivering Brexit. It is now over to the House of Lords.

The First Deputy Chairman of Ways and Means (Sir George Howarth): Order. It is very kind of the Minister to say so, but I do not think that I can take any personal credit for the change in tone of the House.

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

The Committee divided: Ayes 255, Noes 344.

Division No. 10]

[7.05 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
 Corbyn, rh Jeremy
 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
 Eshalomi, Florence
 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
 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
 Hollern, Kate
 Hopkins, Rachel
 Hosie, Stewart
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 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
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Maskell, Rachael
 Matheson, Christian
 McCabe, Steve
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGovern, Alison
 McKinnell, Catherine
 McLaughlin, Anne
 McMahan, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 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
 Perkins, Mr Toby
 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
 Streeting, Wes
 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
 Turner, Karl
 Twigg, Derek
 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
 Wishart, Pete
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
 Liz Twist and
 Jeff Smith

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
 Baldwin, Harriett
 Baron, Mr John
 Bell, Aaron
 Benton, Scott
 Beresford, Sir Paul
 Berry, rh Jake
 Bhatti, Saqib
 Blackman, Bob
 Blunt, Crispin
 Bone, Mr Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Sir Graham
 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
 Campbell, Mr Gregory
 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
 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
 Cox, rh Mr Geoffrey
 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
 Dineneage, Caroline

Dines, Miss Sarah
 Djanogly, Mr Jonathan
 Docherty, Leo
 Donaldson, rh Sir Jeffrey M.
 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
 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
 Girvan, Paul
 Glen, John
 Goodwill, rh Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, James
 Grayling, rh 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
 Heappey, James
 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
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane
 Hunt, rh Jeremy
 Hunt, Tom
 Jack, rh Mr Alister
 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, rh Sir Greg
 Knight, Julian
 Kruger, Danny
 Kwarteng, rh Kwasi
 Laing, rh Dame Eleanor
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline
 Leigh, rh Sir Edward
 Levy, Ian
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lockhart, Carla
 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
 May, rh Mrs Theresa
 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
 Morrissey, Joy
 Morton, Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, rh Dr Andrew
 Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 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, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Seely, Bob
 Selous, Andrew
 Shannon, Jim
 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
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vara, Mr Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Wakeford, Christian

Walker, Sir Charles
 Walker, Mr Robin
 Wallis, Dr Jamie
 Warburton, David
 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
James Morris

Question accordingly negated.

New Clause 10

IMPLEMENTATION PERIOD NEGOTIATING OBJECTIVES: ERASMUS+

“(1) It shall be an objective of the Government to secure an agreement within the framework of the future relationship of the UK and the EU before the end of the implementation period that enables the UK to participate in all elements of the Erasmus+ programme on existing terms after the implementation period ends (“the Erasmus+ negotiations”).

(2) A Minister shall lay before each House of Parliament a progress report on the Erasmus+ negotiations within six months of this Act being passed.”—(*Layla Moran.*)

This new clause would require the Government to seek to negotiate continuing full membership of the EU's Erasmus+ education and youth programme.

Brought up, and read the First time.

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

The Committee divided: Ayes 254, Noes 344.

Division No. 11]

[7.20 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
 Callaghan, Amy
 Cameron, Dr Lisa
 Campbell, rh Sir Alan
 Carden, Dan

Chamberlain, Wendy
 Champion, Sarah
 Chapman, Douglas
 Charalambous, Bambos
 Cherry, Joanna
 Clark, Feryal
 Cooper, Daisy
 Cooper, Rosie
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 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
 Eshalomi, Florence
 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
 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
 Hollern, Kate
 Hopkins, Rachel
 Hosie, Stewart
 Huq, Dr Rupa
 Hussain, Imran
 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
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Maskell, Rachael
 Matheson, Christian
 McCabe, Steve
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGovern, Alison
 McKinnell, Catherine
 McLaughlin, Anne
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 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
 Perkins, Mr Toby
 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
 Streeting, Wes
 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
 Turner, Karl
 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
 Wishart, Pete
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
 Mr Alistair Carmichael and
 Christine Jardine

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
 Baldwin, Harriett
 Baron, Mr John
 Bell, Aaron
 Benton, Scott
 Beresford, Sir Paul
 Berry, rh Jake
 Bhatti, Saqib
 Blackman, Bob

Blunt, Crispin
 Bone, Mr Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Sir Graham
 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
 Campbell, Mr Gregory
 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
 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
 Cox, rh Mr Geoffrey
 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
 Dinage, Caroline
 Dines, Miss Sarah
 Djanogly, Mr Jonathan
 Docherty, Leo
 Donaldson, rh Sir Jeffrey M.
 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
 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
 Girvan, Paul
 Glen, John

Goodwill, rh Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, James
 Grayling, rh 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
 Heappey, James
 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
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane
 Hunt, rh Jeremy
 Hunt, Tom
 Jack, rh Mr Alister
 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, rh Sir Greg
 Knight, Julian
 Kruger, Danny
 Kwarteng, rh Kwasi
 Laing, rh Dame Eleanor
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline
 Leigh, rh Sir Edward
 Levy, Ian
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lockhart, Carla

Loder, Chris
 Logan, Mark
 Longhi, Marco
 Lopez, Julia (*Proxy vote cast by Lee Rowley*)
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Mackrory, Cheryl
 Maclean, Rachel
 Mak, Alan
 Malthouse, Kit
 Mangnall, Anthony
 Mann, Scott
 Marson, Julie
 May, rh Mrs Theresa
 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
 Morrissey, Joy
 Morton, Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, rh Dr Andrew
 Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 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, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Seely, Bob
 Selous, Andrew
 Shannon, Jim
 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
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vara, Mr Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Wakeford, Christian
 Walker, Sir Charles
 Walker, Mr Robin
 Wallis, Dr Jamie
 Warburton, David
 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
James Morris

Question accordingly negated.

New Clause 29

IMPLEMENTATION PERIOD NEGOTIATING OBJECTIVES: LEVEL PLAYING-FIELD

“(1) It shall be an objective of the Government to secure an agreement within the framework of the future relationship of the UK and EU to secure agreements that achieve the following outcomes—

- (a) close alignment with the European Union single market, underpinned by shared institutions and obligations, with clear arrangements for dispute resolution;
- (b) dynamic alignment on rights and protections for workers, consumers and the environment so that UK standards at least keep pace with evolving standards across the EU as a minimum, and;
- (c) participation in EU agencies and funding programmes, including for the environment, education, science, and industrial regulation.

(2) A Minister of the Crown shall lay before each House of Parliament a progress report on each of the outcomes listed in subsection (1) (a) to (c) within 4 months of this Act being passed, and subsequently at intervals of no more than 2 months.”—
(Layla Moran.)

This new clause would require the UK Government to seek close alignment with the EU single market on key level playing-field provisions such as workers' rights and environmental and consumer standards and protections as part of its negotiations for the future relationship with the EU.

Brought up, and read the First time.

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

The Committee divided: Ayes 250, Noes 345.

Division No. 12]

[7.34 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
 Callaghan, Amy
 Cameron, Dr Lisa
 Campbell, rh Sir Alan
 Carden, Dan
 Chamberlain, Wendy
 Champion, Sarah
 Chapman, Douglas
 Charalambous, Bambos
 Cherry, Joanna
 Clark, Feryal
 Cooper, Daisy
 Cooper, Rosie
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela

Creasy, Stella (*Proxy vote cast by Bambos Charalambous*)
 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
 Eshalomi, Florence
 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
 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
 Hollern, Kate
 Hopkins, Rachel
 Hosie, Stewart
 Huq, Dr Rupa
 Hussain, Imran

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
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Maskell, Rachael
 Matheson, Christian
 McCabe, Steve
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGovern, Alison
 McKinnell, Catherine
 McLaughlin, Anne
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Mishra, Navendu
 Monaghan, Carol
 Moran, Layla
 Morden, Jessica
 Morgan, Mr Stephen
 Morris, Grahame
 Murray, Ian
 Murray, James
 Nandy, Lisa
 Newlands, Gavin
 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
 Perkins, Mr Toby
 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
 Spellar, rh John
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Streeting, Wes
 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
 Turner, Karl
 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
 Wishart, Pete
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
 Mr Alistair Carmichael and
 Christine Jardine

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
 Baldwin, Harriett
 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
 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
 Campbell, Mr Gregory
 Carter, Andy
 Cartledge, James
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, 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
 Cox, rh Mr Geoffrey
 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
 Donaldson, rh Sir Jeffrey M.
 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
 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
 Girvan, Paul
 Glen, John
 Goodwill, rh Mr Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, James
 Grayling, rh 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
 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
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Duddridge, James
 Hunt, Jane
 Hunt, rh Jeremy
 Hunt, Tom
 Jack, rh Mr Alister
 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, rh Sir Greg
 Knight, Julian
 Kruger, Danny
 Kwarteng, rh Kwasi
 Laing, rh Dame Eleanor
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline
 Leigh, rh Sir Edward
 Levy, Ian
 Lever, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lockhart, Carla
 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
 May, rh Mrs Theresa
 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
 Mohindra, Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morrissey, Joy
 Morton, Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Morrison, rh Dr Andrew
 Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, Chris
 Pincher, rh Christopher
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Pritchard, Mark
 Quin, Jeremy
 Quince, Will
 Levy, Ian
 Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richards, Nicola
 Richardson, Angela
 Roberts, Rob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Seely, Bob
 Selous, Andrew
 Shannon, Jim
 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
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vara, Mr Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Wakeford, Christian
 Walker, Sir Charles
 Walker, Mr Robin
 Wallis, Dr Jamie
 Warburton, David
 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
James Morris

Question accordingly negated.

The Speaker resumed the Chair.

Bill reported, without amendment.

Bill to be read the Third time tomorrow.

DEFERRED DIVISIONS

Motion made, and Question put forthwith (Standing Order No. 41A(3)),

That, at this day's sitting, Standing Order No. 41A (Deferred divisions) shall not apply to the motions in the name of Secretary Stephen Barclay relating to the European Union (Withdrawal) (No.2) Act 2019 and the European Union (Withdrawal) Act 2018, and to the motion in the name of Secretary Julian Smith relating to the Northern Ireland (Executive Formation etc) Act.—(*Iain Stewart.*)

Question agreed to.

Speaker's Statement

7.48 pm

Mr Speaker: We now come to the announcement of the results of the election of Deputy Speakers. Before I announce the results, I would like to thank the right hon. Members for North Thanet (Sir Roger Gale) and for Knowsley (Sir George Howarth) and the hon. Member for South West Devon (Sir Gary Streeter) for serving as temporary Deputy Speakers.

I will now proceed to read the results. The first to be elected is Dame Eleanor Laing, who is also the first ever woman to be elected Chairman of Ways and Means. [*Applause.*] No clapping, whatever we do!

I will now announce the next positions. Dame Rosie Winterton was elected First Deputy Chairman of Ways and Means, and Mr Nigel Evans was elected Second Deputy Chairman.

I congratulate those who have been elected, and look forward to working with the new Speaker's team. As I said earlier, this is the first time a woman has been elected to the position of Chairman of Ways and Means, so it is an historic occasion for the House.

The results of the count will be made available in the Vote Office as soon as possible, and will be published online.

Dame Eleanor Laing (Epping Forest) (Con): On a point of order, Mr Speaker. I just wanted to stand up in the Chamber, because it is my one opportunity to do so in very many years.

Let me, on behalf of all the candidates who took part in the election, thank the Clerks for the way in which they conducted it, and for the swift way in which they produced the results. Let me also thank all the other candidates for the courtesy with which the campaign—however short it may have been—was fought. And let me say to you, Mr Speaker, that you and I have worked very well together for a great many years, and I am honoured and delighted to be re-elected as part of your team. I know that you intend to do a lot to bring this place into the 21st century and restore faith in our democracy, and I look forward to doing all that I can to help you.

European Union (Withdrawal) Acts

7.52 pm

The Parliamentary Under-Secretary of State for Exiting the European Union (James Duddridge): I beg to move,

That this House approves, for the purposes of section 2(2)(a) of the European Union (Withdrawal) (No. 2) Act 2019, the report made by the Secretary of State for Exiting the European Union under section 2(1) of that Act, published on 8 November 2019 titled “Report under section 2(1) of the European Union (Withdrawal) (No.2) Act 2019”.

Mr Speaker: With this we may take the following motion:

That this House, for the purposes of section 13(6)(a) of the European Union (Withdrawal) Act 2018, has considered the statement made by the Secretary of State for Exiting the European Union under section 13(4) of that Act on 8 November 2019 titled “Statement under section 13(4) of the European Union (Withdrawal) Act 2018”.

James Duddridge: In a bid to improve my popularity, Mr Speaker, I will be very brief, and, following speeches from the Front Benchers and a few others, we should be able to conclude the debate quickly.

The Government were required by law to table these motions, which relate to a report and statement published by the Government on 8 November 2019. Last October, Parliament failed to approve the revised deal negotiated by the Prime Minister. That triggered a requirement for the Government to seek an extension of the article 50 period to 31 January, which in turn triggered reporting requirements under section 13 of the European Union (Withdrawal) Act 2018 and section 2 of the European Union (Withdrawal) (No. 2) Act 2019. The statement outlined how the Government proposed to proceed in the light of the House of Commons vote in October. A report for the purposes of section 2 was also published, explaining what progress had been made in negotiations on the UK’s relationship with the EU. Both are available on gov.uk, and are also in the Vote Office.

Let me add, for the benefit of Members who have not read the documents, that they make it clear that the Government have no further plans to change the terms of the withdrawal agreement regarding our exit on 31 January. The reason is quite simple: we will be leaving the European Union with the Prime Minister’s deal at the end of this month.

7.54 pm

Paul Blomfield (Sheffield Central) (Lab): I am conscious that the House likes nothing more than an opportunity to debate our departure from the European Union, and I shall make some fairly brief remarks in response to what the Minister has said.

We are having this debate because of the Opposition’s success in the previous Parliament, when we worked closely with colleagues in all parties—including Conservative Members—to secure a meaningful vote on the withdrawal agreement, and to prevent a no-deal Brexit. It is not just those on our side of the House who have benefited from the provisions in section 13 of the European Union (Withdrawal) Act 2018 and from the European Union (Withdrawal) (No. 2) Act 2019. Members from across the House were given the opportunity to question Ministers on the various withdrawal agreements and, indeed, to

vote them down three times. Those who participated in those votes are well represented here. They included the Prime Minister, who is not.

The European Union (Withdrawal Agreement) Bill, which we have been debating over the past two days, repeals both section 13 of the European Union (Withdrawal) Act and the Benn Act in its entirety. I do not want to repeat the debate that we have been having or pre-empt the exciting debate that we can anticipate tomorrow on Third Reading, but it is disappointing that the Government have refused to accept a single one of the many sensible and constructive amendments to the Bill that were tabled. We will not oppose the motions today, but I would say that with Parliament’s role in ratifying the withdrawal agreement soon to be completed, it is deeply regrettable that the Government have used the withdrawal agreement Bill to undermine parliamentary democracy so severely by reducing our role in overseeing the negotiations on the future relationship. If anybody thinks that the past few years of negotiating the first stages of our departure from the European Union have been difficult, that will be nothing compared with the negotiations yet to come. The decisions over our future relationship with the EU will have consequences for generations, and this is not the time to lock Parliament out of decision making or diminish our role in scrutinising the Government.

Securing Parliament’s role in the first phase of the negotiations was dragged out of the Government kicking and screaming, both through the Supreme Court and by votes in this place. The right response for a Government after an election in which they won a clear majority of seats but failed to win a majority of votes would be to move forward with humility and attempt to build consensus, so I am disappointed that instead they are responding by threatening the judiciary and excluding Parliament. We have seen over the past few years that the Government will do all they can to avoid their responsibilities to Parliament, up to and including proroguing Parliament to avoid obligations in the legislation under consideration now. I hope that Conservative Members will reflect on whether voting to lock themselves out of any influence over the Brexit process fulfils the ambition of parliamentary sovereignty for which so many of them have argued over the previous few years.

7.57 pm

Patrick Grady (Glasgow North) (SNP): I want to contribute briefly to the debate. It is quite right that there is a bit of a sombre and reflective mood in the House as we consider these motions, because they are the legacy of the cross-party efforts that were made during the last Parliament to ensure and secure as much scrutiny as possible of the Government’s Brexit proposals. Given that the whole point of Brexit, as we heard earlier today, is supposed to be about taking back control and the restoration of parliamentary sovereignty, it was absolutely right that those efforts were made. We should pay tribute to those Members, many of whom are not here any more, whose legacy is still being felt as a result of the Grieve amendment in 2018 and the Benn Act in 2019. I also want to pay tribute to my former colleague Stephen Gethins, who was part of so much of that cross-party co-operation.

The establishment of those amendments and that legislation pushed the boundaries and set new precedents, and they are going to be particularly important in the

post-Brexit world in holding this Executive to account for the power grab that they are now perpetrating through the Bill that we have discussed today. It is right, as we go through the remaining stages of the Brexit legislative process, that the mood is one of reflection and consideration and not one of triumphalism or of the bombast that we hear from the Maastricht rebels and the European Research Group on the Government side of the House. They might want Big Ben to chime at 11 pm on 31 January, although I am not sure they will be successful with that request. Perhaps they should not be, because we know the trouble that Brexit is going to bring. They might want to reflect, as they continue with their campaign, on the old admonishment: do not ask for whom the bell tolls; it tolls for thee.

Question put and agreed to.

SECTION 13(6)(A) OF THE EUROPEAN UNION (WITHDRAWAL) ACT 2018

Resolved,

That this House, for the purposes of section 13(6)(a) of the European Union (Withdrawal) Act 2018, has considered the statement made by the Secretary of State for Exiting the European Union under section 13(4) of that Act on 8 November 2019 titled “Statement under section 13(4) of the European Union (Withdrawal) Act 2018”.—(*James Duddridge.*)

Northern Ireland (Executive Formation etc) Act 2019

8 pm

The Parliamentary Under-Secretary of State for Northern Ireland (Mr Robin Walker): I beg to move,

That this House has considered the Report pursuant to section 3(5) of the Northern Ireland (Executive Formation etc) Act 2019, which was laid before this House on Thursday 19 December.

I am taking this debate on behalf of the Secretary of State for Northern Ireland, who is currently in Belfast in talks with the Northern Ireland parties and working towards getting Stormont back up and running.

On 18 December, the Northern Ireland Office published on gov.uk a report setting out the latest position on progress on Executive formation, transparency of political donations, higher education and a Derry/Londonderry university, presumption of non-prosecution and troubles prosecution guidance, and the abortion law review. The Northern Ireland Office has laid copies of that report in both Houses now that Parliament has returned. Copies of all the previous reports are available on gov.uk. It was the seventh and final report published on these issues in line with our obligations under the Northern Ireland (Executive Formation etc) Act 2019.

It is this Government’s absolute priority to get Stormont back up and running before the 13 January deadline. Colleagues across the House understand the issues at stake here. Failure to restore the institutions will raise difficult and urgent decisions about the future governance of Northern Ireland. The Secretary of State remains in Belfast today to facilitate talks. All five party leaders remain positively engaged in the process, and our assessment is that it remains possible but challenging for the parties to secure a political agreement before the deadline. We all recognise how closely the deadline is looming. If 13 January passes without agreement, the Secretary of State will fall under a legal obligation to call an Assembly election. I am hopeful that, as we have heard in previous debates of this nature, Members from all parties will join me in urging the parties to come to an accommodation so that a restored Assembly and Executive can get on with resolving the real challenges that continue to frustrate the daily lives of the people of Northern Ireland.

Turning to the abortion report, the Government are working towards the laying of regulations for a new legal framework for the provision of abortion services in Northern Ireland, as required by the 2019 Act. The new framework will be in force by 31 March 2020. Women and girls who are seeking access to services in the meantime can do so in England free of charge, with all costs of the procedure, including travel and, where needed, accommodation, paid for by the Government. Arrangements can be made by contacting the central booking service, and we have published the contact telephone number and the services provided on gov.uk.

The public consultation on the legal framework for the provision of such services closed on 16 December. During the consultation period, officials continued engaging with health professionals, individuals who have been affected by the law, civil society organisations, and women’s groups—including Doctors for Choice, Alliance for Choice, Here NI and the Women’s Resource and Development Agency—on the proposals set out in the consultation document. We are currently analysing the responses, having received good levels of engagement

[Mr Robin Walker]

from many different viewpoints. As was made clear in earlier debates and, indeed, the foreword to the consultation, we were seeking views on the question of how the framework can best be delivered in Northern Ireland, not on whether the reform should be happening.

The Government's response to the consultation will be published in due course. We are happy to continue discussions with interested parties as the regulations are taken forward in line with the requirement under section 9 of the Act that the recommendations of the 2018 UN CEDAW Report are implemented in respect of Northern Ireland by 31 March 2020. The Government will continue to abide by our legal obligations.

On the presumption of non-prosecution and troubles prosecution guidance, reforming the legacy system in Northern Ireland remains a top priority for the UK Government. We will always owe a vast debt of gratitude to the heroism and bravery of the soldiers and police officers who upheld the rule of law and were themselves accountable to it. The Government are strongly opposed to our service personnel and veterans being subject to the threat of vexatious litigation in the form of repeated investigations and potential prosecution arising from historical military operations many years after the events in question.

The Government recognise the concerns that have been expressed about how the current system is operating in Northern Ireland and are committed to seeking the prompt implementation of the Stormont House agreement proposals on legacy in order to provide both reconciliation for victims and greater certainty for military veterans. Any legislation that improves the legacy system in Northern Ireland will need to be agreed by the UK Parliament and have the support of a restored Northern Ireland Executive. The Secretary of State for Northern Ireland is working closely with ministerial colleagues, the Northern Ireland parties and the Irish Government to that end.

We take very seriously the issue of transparency of donations to Northern Ireland parties. Northern Ireland parties are now subject to the same reporting requirements as other parties across the UK. That is a significant step forward, but the question of retrospectively opening up records from 2014 remains genuinely difficult. At a time when threats to elected representatives are all too common, we must be very careful that anything we do should not lead to intimidation against members of the public who donated to parties. We will consult the Northern Ireland parties in due course on any future change to the legislation, but I hope the House will understand that for now our focus must remain on securing agreement to restore devolved government to the people of Northern Ireland.

On higher education and a Derry/Londonderry university, there has been no progress since the last report on the subject, which was laid on 4 December. No business case has been submitted, so we are not able to assess proposals. The Government have been clear on their commitment to turbo-charging the economy and levelling up all regions across the UK. The Derry and Strabane city deal and the inclusive future fund, which formed a £105 million economic package for the north-west, is further evidence of that commitment. We are aware of the support that exists for the extension of higher education provision in the north-west, and this is another example of a project in Northern Ireland facing barriers

due to the lack of devolved government. Restoring the Executive would remove blockages and, with Executive approval, allow funding to be unlocked for expanding higher education provision in the north-west.

Turning to payments to victims of troubles-related incidents, in October the Government launched a public consultation on a scheme for regular payments to, or in respect of, individuals living with serious disablement caused by troubles-related incidents. The proposed scheme is intended to provide acknowledgment to those injured in troubles-related incidents through no fault of their own. The consultation closed on 26 November. Responses are being carefully considered and will inform final decisions regarding the scheme. The consultation proposed not to make payments to individuals with a criminal conviction directly related to the incident in which they sustained the injury. We will make regulations by the end of January, as specified in the Northern Ireland (Executive Formation etc) Act 2019. The scheme will then be open for applications no later than the end of May 2020. Victims injured through no fault of their own deserve this form of acknowledgment and measure of additional financial support, which is a core element of the Stormont House agreement proposals to help address the legacy of the troubles. It remains vital that we make progress on this and related matters.

The Government are also under a duty to make regulations to provide for same-sex marriage and opposite-sex civil partnerships in Northern Ireland by 13 January 2020. On 23 December 2019 the Northern Ireland Office laid regulations before Parliament that mean that, from next week, on 13 January, same-sex civil marriage and opposite-sex civil partnerships will be lawful in Northern Ireland. Couples will therefore be able to register their intent to enter into such a relationship, with a minimum 28-day notice period required. Therefore, as previously stated, we expect ceremonies will be able to take place during the week of Valentine's Day.

There are still two key issues on which we will be seeking the views of the people of Northern Ireland before we legislate further, namely same-sex religious marriage, together with the appropriate protections, and the right to convert from a civil partnership to a marriage, and vice versa. We want to consult on both matters in order to ensure that the legislation takes proper account of the specific circumstances in Northern Ireland and provides adequate religious protections. The consultation will seek views from religious bodies and individuals on how religious same-sex marriage will be provided for in Northern Ireland, and how protections can best be achieved. We also want to get the right approach for conversion entitlements for Northern Ireland, given the different approaches taken across the rest of the UK. The Government hope to be able to launch a short consultation on those two issues from mid-January, and we will bring forward regulations as soon as we are able to do so in 2020.

I am very pleased to have the opportunity not only to discuss these important matters but, more importantly, to hear from Northern Ireland Members, and I recognise the sincere and deeply held views on some of the topics discussed. In conclusion, I reiterate the Government's undiminished commitment to see Stormont back up and running again. Northern Ireland needs its own locally elected representatives making decisions on local issues and making Northern Ireland's voice heard across the UK.

8.8 pm

Tony Lloyd (Rochdale) (Lab): May I congratulate the Minister on making a 20-minute speech in just over eight minutes? He has been on his feet all day. This is an important report and he has raised a number of important issues.

I will begin where the Minister began. I hope he will at least be able to help the House in response to some of my questions. Under the legislation that this House passed to provide safe and legal abortion for women in Northern Ireland, the UK Government are obliged to make provision for that service in Northern Ireland by 31 March. As the Minister told the House, the consultation on the matter has concluded. Will he guarantee that if the House has to discharge that legislative duty, the consultation will be brought to the House in time for us to examine the results before taking the necessary legislative steps? I hope we recognise that by that time, the Stormont Assembly may well be back in operation, and if the Assembly were to legislate contrary to the UK Government's establishment of a process for safe and legal abortion, our efforts would have been futile. I ask for the establishment of the closest possible working relationship between the Westminster Government and a newly formed Executive in Stormont to ensure a smooth transition, so that we can deliver to the women of Northern Ireland what the House dictated: safe and legal abortion from 1 April.

The Minister spoke about the prosecution of those who perpetrated violence during the troubles. I quote from the report that is before the House tonight, in which the UK Government quite rightly say that they "will continue to seek better ways of dealing with legacy issues that provide better outcomes for victims and survivors".

I am grateful for the Minister's comments about the potential for payment to victims of the troubles. That is right and proper. Many of those who suffered are no longer with us—some of them for obvious reasons, but some simply because of the passage of time—so they cannot avail themselves of any compensation, but a group of people depend on progress being made in this area. The Minister's words will be welcome, but we need to see real progress.

Of course, outcomes for victims and survivors include, where appropriate, the prosecution of those who have perpetrated violence against them or their families; that is a legitimate demand. Although we want, as the Minister rightly said, to avoid vexatious prosecutions, let us be absolutely clear that we in this House are not turning our back on the rule of law. Those who are guilty of the most heinous crimes, such as murder and manslaughter, must still face the full force of the law. There can be no statute of limitations that provides an artificial form of protection, because that would be unacceptable to the House and the public and incompatible with our obligations under international law.

I move on briefly to an allied question—payments for victims of institutional abuse. The Minister may not be able to give me a full answer tonight, but it would be helpful to see what the process of payments for victims of such abuse will look like. The Opposition were very happy to work with the Government on the matter before Christmas. Generally speaking, I am against the overly rapid emergence of legislation, because it can cause problems later on, but we quite rightly conspired to insist that that legislation was put on the statute book before the House was dissolved for the general election.

We now need to know how that process is working out. Where are we up to with interim payments for victims of institutional abuse? Where are we with the creation of a redress board to develop a well-worked formula for those who suffered, some of them because of the incompetence of the statutory authorities and some, sadly, at the hands of those who were there to offer care?

One way or another, our society owes support to what is now an ageing population. Their numbers are decreasing day by day, and I hope the Minister can give us some satisfaction.

The Minister may not be totally apprised of the question of business rates, which has emerged in recent hours. The announced business rate revaluation seemingly results in severe increases in payments, particularly for certain parts of retail, small shops and the pub and hotel trade. There will ultimately be an obligation on a reformed Assembly to deal with this issue, but I would like the Minister to take on board the fact that this can have a detrimental impact.

Looking to our own constituencies, most Members know that a small shop, a pub or a hotel can be central to keeping our town centres and communities alive. It is important in my constituency and it is obviously important in Northern Ireland that we have some sense of proportion in any change to business rates.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): One issue that the Minister did not mention is that of those born in Northern Ireland who identify as Irish and as Irish citizens, and therefore as European Union citizens, as exemplified by the DeSouza case. Does the shadow Secretary of State agree that it is now time that the report promised on the Floor of the House by the previous Prime Minister, and which many of us have asked for, is presented and put in the Library?

Tony Lloyd: The hon. Member is absolutely right in his demand. The DeSouza case shames us as a society. We ought to resolve the issue not only for that particular couple—I have met them, of course—but more generally. This matters to those who consider themselves to be Irish. It is part of the Good Friday/Belfast agreement, and it is something to which every party in this House is committed. We ought to make sure that our obligations are translated into something of practical value to the DeSouza campaign. I am grateful for the hon. Gentleman's intervention.

Health service pay in Northern Ireland has now reached crisis proportions. A hospital porter or cleaner in Northern Ireland, for example, is paid a wage of some £16,943, whereas their comparator in England and Wales is on £17,650, some £700 more—the pay is better again in Scotland. I could go through the situation for healthcare assistants and administrative workers, and it is the same for nurses and paramedics.

The Minister used senior nurses as a reference point. A senior nurse in Scotland, England and Wales is paid £30,401 a year, whereas a senior nurse in Northern Ireland is paid significantly less, £27,772, which cannot be acceptable. I know of nobody who accepts that there is justification for that position. None of the parties in the Northern Ireland Assembly accepts that position, and the Opposition do not accept that position. This has to be resolved.

[Tony Lloyd]

The Minister began by saying that the Secretary of State is in Belfast to try to make sure that the all-party talks come to fruition so that we see the Assembly restored, which is the conclusion we all want to see. If it happens, the Minister can say that the issue will be translated over to the Assembly, as is right and proper. However, I warn him that if the Assembly is not back up and running in a short time, and if we face the possibility of prolonged delay for an election, it will be incumbent upon the Westminster Government to look at the situation. Those nurses, administrative workers, hospital porters and cleaners should not have to wait for an indefinite amount of time in the future, particularly given that, almost uniquely, nurses have gone on strike because of the length of time they have faced this disparity of income and unfairness. It is always convenient for Ministers in the Northern Ireland Office to say, “This really ought to be a devolved issue”, but this is not necessarily a devolved issue. Clearly, if the Assembly is back up and running, there is a strong argument that it should be resolved by the Assembly, as long as the resource base is there for it to make those pay increases. If the Assembly is not up and running, the legal basis exists for this to be delivered by Whitehall and the Westminster Government. I am happy to go through that with the Minister and the Secretary of State in due course. It is important that the signal is given now to people in the health service in Northern Ireland that their long struggle for fairness will shortly come to a conclusion.

I will conclude with one further remark. My hon. Friend the shadow Secretary of State for Wales became a grandmother this morning. Her grandchild Jesse Kearney has an Irish father and a Welsh mother—a mother from Great Britain. I would like to believe that the Jesse Kearney generation will grow up in a world very different from the one we have at the moment. I hope they will grow up in one where we have a robust Stormont Assembly and system of governance in Northern Ireland, one that allows us to put the history we are talking about tonight, be it the history of violence or the legacy of abuse, so far in the past that a generation can grow up in hope, in a transformed society. That is what this House has to be about, and it is why we cannot have excuses from those on the Treasury Bench or from the parties in Stormont. We now have to see the Secretary of State’s genuine efforts, which I applaud, brought to a conclusion so that Northern Ireland can begin to move forward again with a properly working Assembly, which can begin to deliver the transformation it needs not simply for hospital workers, but for the people of Northern Ireland.

8.22 pm

Mr Mark Harper (Forest of Dean) (Con): I rise to speak in this debate for several reasons. I applaud the fact that the Minister is here for this debate and the Secretary of State is not; that is not something we usually say, but given the task the Secretary of State is engaged with and his focus on it, it is welcome. I share the Minister’s hope that the talks conclude with a positive outcome and that prior to next Monday’s deadline an agreement will be reached to secure the Executive in Northern Ireland, as devolved government is unquestionably the right long-term solution for Northern Ireland. I listened

carefully to what he said about the options available to the Secretary of State, but I think that the Government, this House and all the parties in Northern Ireland, more of which are now represented in this House than was the case prior to December’s election, collectively owe a duty to the people of Northern Ireland to make sure that that part of the United Kingdom is properly governed. I say to the Minister and to the parties in Northern Ireland that if by next Monday we do not see an ability to restore the Stormont Executive, I do not think, for reasons I will set out in a moment, that either option of kicking the can down the road by extending the deadline or having another Assembly election will be up to the task. I fear that we will be confronting a binary choice of getting the Assembly up and running or having, to some extent, Executive decisions taken by Ministers accountable to this House.

Let me just set out one area where I think that is necessary, and here I pick up from what the shadow Secretary of State said. I agree with what he said about the important health workforce issues in Northern Ireland. The fact that nurses there are on strike is incredibly regrettable, but worse is the performance of the health service.

Let us look at two particular factors. One is the length of time for which people are waiting for treatment. In the most recent set of statistics for England, 1,233 people were waiting more than a year for treatment—to see a consultant. I understand that in Northern Ireland—I do not think I need to elaborate on the difference in population sizes to many Members—the number of people waiting for more than a year to see a consultant is 103,000. That is more than a third of all the people waiting for health treatment. The cancer waiting times mean that a fifth of those people who receive a cancer diagnosis receive that diagnosis in the emergency department of a hospital. I do not know what the precise statistics are, but it seems likely that thousands of people are therefore dying unnecessarily because they are not receiving timely health treatment.

I do not think it is an exaggeration to say that the lack of devolved government in Northern Ireland—with Ministers accountable to the people of Northern Ireland and able to take the necessary decisions to reform the health service, implement pay awards, recruit the necessary staff and make sure that the health service is running efficiently—is leading directly to the unnecessary deaths of people in Northern Ireland. If we are unable to see the re-establishment of a Stormont Executive and Assembly next week, we cannot in good conscience allow the situation to continue if it means the early deaths of citizens of part of our own country.

Ministers and the Government are going to be faced with a very difficult decision. If we do not see a restored Executive and Assembly, it is not going to be a realistic option—unless we are literally on the cusp of an agreement—just to kick the can down the road again and extend the deadline or have elections. I have looked carefully at the result of the general election in Northern Ireland and how it compares to the result of the most recent Assembly election. When I look at the difference in performance of the relevant political parties, it does not seem to me that there is anything about an Assembly election taking place in the present political circumstances that would lead to an outcome that would enable the formation of an Executive after such an election, which cannot take place next week.

Mr Gregory Campbell (East Londonderry) (DUP): While the right hon. Gentleman is elaborating on that point, does he agree that, however much people might relish an election, if one were to be held in the current context, it is difficult to see that the exposition of the problems we have faced over the past three years would change to any degree either before, during or after such an election?

Mr Harper: I agree with the hon. Gentleman. As I said, I have looked at the balance of opinion on the political parties and it seems to me that although the exact number of seats they have would differ, the broad order of ranking would not change. It also seems to me that there is a danger that an election would cause people to dig in further on the contentious issues—on which I shall not elaborate—that are preventing the coming together of the political parties to form an Executive and get the Assembly up and running. People would be less capable of the necessary compromises because parties would have staked out positions in an election campaign.

To the Minister and my valued colleagues from Northern Ireland, all I can say is that we are approaching a decision point at which, if the parties in Northern Ireland are unable to re-establish an Executive and an Assembly, I fear that the Government, at least in the short term, are going to have to come to the House with a proposition on the necessity of some level of direct rule by Westminster Ministers. I completely agree that that is not the right long-term solution for Northern Ireland but, for the reasons I have set out—even if for no reason other than the performance of the health service, which is close to falling over—we cannot in good conscience allow that situation to continue. The shadow Secretary of State set out some other relevant issues.

My second and final point is to ask the Minister whether he is able to furnish the House with any further details about progress on the legacy prosecution issues. I noticed in the report that, during the general election campaign, officials were continuing to work through options. I recognise from what he said earlier that what he can say is probably limited because obviously we would want to make progress only with the agreement of a re-established Executive and Assembly. Therefore, I accept that he will not be able to set out any details, but I was hoping that he could at least set out the progress that had been made in exploring the options. I would also like some hint of a timetable so that, if we were able to establish devolved Government again, we could learn how quickly the Government could make progress on bringing forward a scheme to resolve those legacy issues around prosecutions. Clearly, for those individuals who are directly affected—whether in live cases or in their worry about the future—some understanding of how quickly those issues can be brought to a conclusion would be welcomed.

Those are the two issues that I wanted to bring in front of the Minister and the House. I also wanted to set them out in front of colleagues from Northern Ireland, because we are approaching a very grave point where I fear that we may have to take decisions with some very significant consequences for the future.

8.31 pm

Kirsten Oswald (East Renfrewshire) (SNP): People in Northern Ireland and further afield will be watching this closely with great hopes for progress. It seems that

there is the potential for progress, but time is running very short. There is no doubt that people in Northern Ireland, as we have heard, have paid the price of an absence of devolved government. This is now the best and perhaps the final opportunity to restore these institutions, so it is critical that every effort is made to secure a deal.

That deal will not come without significant effort and without compromise from all of those involved. There is an indication that a joint paper will be published by the two Governments later in the week. The movements of the Secretary of State are welcome, because we need to be clear that the consequences of not securing a deal before 13 January could be much more profound than simply another Stormont election. We know that the Secretary of State previously suggested that, in the continued absence of a Government at Stormont and with Brexit requiring significant Executive direction, a return to some form of direct rule will be required. We have heard from the Opposition spokesperson who has expressed similar thoughts. Any return of direct rule would undermine previous political and peace agreements, and that would be most regrettable.

The Scottish Government are absolutely committed to all the institutions of the Good Friday agreement and to making sure that their stability and the stability of the peace process is not undermined amidst the Brexit chaos. I am sure that the Minister knows that both the EU and the US Congress have said that there will not be a free trade agreement with the UK if Brexit in any way undermines the integrity of the peace process.

Just like in Scotland, the recent general election has again reinforced the Northern Ireland electorate's choice to back parties that wish to retain EU membership. It is wrong and undemocratic that Brexit is being imposed on Scotland and Northern Ireland. It is absolutely crucial that the UK Government respect the wishes of the people in Northern Ireland and the pillars of the peace process. They must find ways to avoid interfering with the delicate balance of these relationships, which have been so hard won.

As part of a deal to restore Stormont, it has been widely speculated that Northern Ireland businesses would receive Brexit mitigation and, indeed, Northern Ireland business organisations have said that they will seek more than £100 million to mitigate the effects on the economy. We do not begrudge that financial help, but if there is to be a Brexit mitigation package for Northern Ireland, that is an admission of the costs to business and communities, so such a fund must also be replicated in Scotland.

Indeed, as part of the Prime Minister's deal, Northern Ireland firms will already have access to the European single market, which is denied to Scottish businesses, and that risks placing them at a major competitive disadvantage. If we reflect briefly on the last Parliament, the UK Government failed to ensure that the funds handed to the DUP were subject to the Barnett formula, which again meant that Scotland's budget was denied more than £3 billion.

This debate will be of interest to viewers in Northern Ireland in particular. As has been discussed, some of those viewers may well be nurses, who perhaps would usually be on shift, but today are on strike. That strike of nurses in Northern Ireland today is absolutely testament to the need for decisions to be made locally. People in

[Kirsten Oswald]

other places might be unaware of the strike, or they might be unaware of the unprecedented nature of the strike, which is in protest against pay and staffing levels that the nurses say are unsafe. There is no doubt at all that the lack of government and political direction is deepening the crisis in Northern Ireland's public services and their capacity to deliver for people. For example, the latest hospital waiting time figures show that nearly 300,000 people in Northern Ireland are waiting for a first appointment with a consultant; that represents a sixth of the whole population. On average, there is a four-year wait for knee and hip operations.

These issues are incredibly serious, and only a functioning and devolved Government are capable of tackling them. It cannot be left to a dysfunctional and disinterested UK Government to do so. That prospect in itself must give renewed impetus to all the parties involved in the talks to do everything they can to ensure that they come to a compromise, so that everyone in Northern Ireland can be rewarded through the return of their own Government. Previous talks have overcome divisions much more significant than the issues currently blocking progress, so we know that this can be done, and it really must.

8.36 pm

Fiona Bruce (Congleton) (Con): Pages 9 and 10 of the report we are considering address the Northern Ireland Office's consultation on new abortion regulations for Northern Ireland. In addressing this subject, it is important to remember that abortion is a devolved policy competence in Northern Ireland and has been for almost 100 years. In 2016, the democratically-elected Northern Ireland Assembly voted by a straightforward, cross-community majority not to change its abortion law in any way. In this context, the Government were absolutely right—as the former Prime Minister, my right hon. Friend the Member for Maidenhead (Mrs May), and the former Secretary of State for Northern Ireland, my right hon. Friend the Member for Staffordshire Moorlands (Karen Bradley), stated on a number of occasions in this place when abortion in Northern Ireland was raised—that this is a devolved matter for a restored Northern Ireland Assembly to consider. However, that was—sadly, in my view, as I stated at the time—ignored by the 2017-19 Parliament, which went ahead and passed the provision that the Government are now required to introduce by 31 March this year: a new legal framework for abortion law for Northern Ireland, under section 9 of the Northern Ireland (Executive Formation etc) Act 2019.

To that end, the Government very promptly launched a consultation in November. Having looked at the consultation and the questions that it asked, I was deeply concerned by its width and breadth. It was much wider than section 9 strictly requires, raising concerns in my mind about possible changes to abortion law in Northern Ireland going much further than section 9 anticipated. I urge Ministers not to take this course of action when the final regulations are published, and I will now go into some detail on the matter.

The consultation made references to clinicians not being involved in abortion procedures on the grounds of conscience—something that has been respected, certainly here, for over 50 years. I know that a number of clinicians in Northern Ireland are deeply concerned that their

right to conscientiously object to engagement in abortion treatment procedures may not be given the same respect that it has here. There were also references in the consultation questionnaires to “exclusion zones”—the subject of a consultation here not long ago, in response to which, after consideration, the then Home Secretary decided to take no action.

Section 9(4) of the Northern Ireland (Executive Formation etc) Act says:

“The Secretary of State must by regulations make whatever other changes to the law of Northern Ireland appear to” him

“to be necessary or appropriate for the purpose of”

implementing paragraphs 85 and 86 of the CEDAW—convention on the elimination of all forms of discrimination against women—report. The CEDAW report—I will not go into the debate that we had on more than one occasion in this place about the authority of that report—requires abortion to be legalised on three grounds. It says that Northern Ireland law should be amended to provide abortion on expanded grounds in “at least” these three circumstances: “rape and incest”;

“severe fetal impairment, including fatal fetal abnormality”;

and

“threat to the pregnant woman's physical or mental health.”

However, having read the consultation and, as I say, considered the very wide questions that have been raised within it, I am deeply concerned that the abortion framework that may be proposed by the Northern Ireland Office might go far beyond those three circumstances. For example, it may allow for access to abortion on request for any reason up to 12 weeks' gestation, and then up to 24 weeks, on the basis of the standard in the rest of Great Britain under section 1(1)(a) of the Abortion Act 1967. That standard, which goes wider than the CEDAW report proposes, is

“that the pregnancy has not exceeded its twenty-fourth week and that the continuance of the pregnancy would involve risk, greater than if the pregnancy were terminated, of injury to the physical or mental health of the pregnant woman or any existing children of her family”.

Speaking as someone who has for a number of years engaged on this subject as chair of the all-party pro-life group—although I realise that we are currently in a situation where all the all-party groups have to be reinstated—I know that that standard has effectively led to abortion on request. I am not aware of a single case in the past 10 years where a woman who has requested abortion in England and Wales has been denied one for failing to reach that standard. The CEDAW report does not require it to be introduced in Northern Ireland; nor, as I say, does it make reference to the conscience clause or exclusion zones.

May I urge the Minister to consider that it is possible for the Northern Ireland Office to adopt a much more restrictive standard than the one proposed in the consultation document, while fulfilling the requirements of section 9? If the Government are to act consistently with their many-times-stated commitment to respect devolution, I would have thought it made sense for them to introduce a new regulatory framework that departs from previous Northern Ireland abortion regulations only to the degree that the 2017-19 Parliament insisted on, but no further.

Of course, I recognise that the use of the words “at least” in the CEDAW report does not prevent the Government from going further, but I suggest to the

Minister that the words “necessary or appropriate” in the Northern Ireland (Executive Formation etc) Act 2019 do so. I urge him to consider that as well as, obviously, the spirit of devolution and the fact that when that Act was voted on just a few months ago, every single member of the 2017-19 Parliament who represented a Northern Ireland constituency in Westminster voted against it. Law change has been imposed on Northern Ireland by a coalition of MPs representing seats in England, Scotland and Wales. I think that is inappropriate and wrong, and I said so at the time. Indeed, I said that I felt that the whole clause was out of scope—but I appreciate that you were not in the Chair at the time, Mr Speaker.

In closing, I want to ask one or two specific questions of the Minister. The Government have reported, as he mentioned in his opening remarks, that the consultation document has been produced after discussion with a range of stakeholders. Yesterday, in the other place, Lord Duncan of Springbank said:

“Discussions with interested parties will continue as the regulations are taken forward”.—[*Official Report, House of Lords*, 7 January 2020; Vol. 801, c. 152.]

I would be grateful if the Minister wrote to me to let me know which stakeholders were involved prior to publication of the consultation document, whether there were any others apart from those he mentioned in his opening remarks and who the interested parties will be in discussions with the Government on the regulations.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): I thank the hon. Lady for giving way; she is making a very good speech. I have been chair of the disability all-party parliamentary group for the last two parliamentary terms, and I have been contacted by the Don't Screen Us Out community, who are particularly concerned about the scope of the regulations and the impact on families with Down's syndrome children. I hope that the Minister will comment on whether there has been consultation with that group, because, as I am sure the hon. Lady would agree, that would be very helpful.

Fiona Bruce: I thank the hon. Lady for making that really important point. It is because I am so concerned about a number of issues relating to these proposals, and I appreciate that the Minister may not be able to respond to our specific points today, I wonder whether he would be willing to meet me, the hon. Lady and other concerned colleagues about the potential extent of these changes. I also hope that he will reflect on the appropriateness of bringing forward proposals that do not undermine devolution any more than section 9 requires.

Mr Robin Walker: Given that I may have very limited time to respond in detail at the end of the debate, I want to say that I am very happy to meet my hon. Friend and the hon. Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron) to discuss these matters further.

Fiona Bruce: I thank the Minister for that.

Lord Duncan said yesterday in the other place:

“There has been no registered growth in illegal or back-street abortions in Northern Ireland”—[*Official Report, House of Lords*, 7 January 2020; Vol. 801, c. 172]—

since the current law was repealed in October. Can the Minister confirm how the Government know this and that doctors are not carrying out abortions, since there is no requirement for them to notify the Government or the Northern Ireland Department of what they might or might not be doing at the present time?

Several hon. Members rose—

Mr Speaker: We now come to a maiden speech from Carla Lockhart.

8.47 pm

Carla Lockhart (Upper Bann) (DUP): I thank the Minister for his update. I count it an honour and a privilege to stand in this place today—the mother of all Parliaments—to make my maiden speech as the first ever female MP to represent the good people of the Upper Bann constituency.

I want to begin by thanking all those constituents who voted for me on 12 December. They have placed their trust in me, and I want to say thank you to them. I will be a champion for them, and I will not let them down. I promise to be a strong and articulate voice for all within my constituency. I am an unapologetic Unionist, but I commit to working hard and delivering for all the people in Upper Bann.

I want to pay tribute to my predecessor, Mr David Simpson. David was a strong advocate for Upper Bann and, indeed, Northern Ireland. He served with distinction in this House for over 14 years. I wish David and his family well in his retirement from this place.

I started my political career at the age of 21 as a local councillor representing Lurgan and progressed to the Northern Ireland Assembly in 2016. My passion for politics and the Union started when I was much younger. I had the privilege of growing up right in the very heart of Ulster in a working-class family, and I am proud of the roots and the grounding that I have. Growing up near the border with the Republic of Ireland and knowing many families who had loved ones murdered, I was always very aware of the troubles in Northern Ireland and why we had such a love for the Union and our British way of life.

My early influencers were two men who served in this House with honour and integrity over many years: the late Lord Bannside and the right hon. Peter Robinson, the former MP for Belfast East—someone who has been a constant source of encouragement to me. I have a long way to go before I can even get close to the level of impact that they made in this House. Both defended the Union and stood up for Northern Ireland with every fibre of their body, and in that same vein I too will do just that.

It is with regret that I do not sit on these Benches with the former DUP Member for Belfast South and my party's deputy leader, the former Member for Belfast North, the right hon. Nigel Dodds. He is an extremely capable orator and someone who contributed greatly to this House. It is unfortunate that Belfast North has now no representation on these Benches.

It is no secret that Northern Ireland has had its difficulties in the past, but I am proud of our wee country. It is the best place on earth, with Upper Bann being at its very heart. Lurgan, Portadown, Banbridge,

[Carla Lockhart]

Craigavon and the surrounding villages have their own unique offering, be it tourism, commerce or hospitality. The people are what make it a special place, and if any hon. Members have not visited my constituency they are more than welcome to come and see that it is a great place in which to live, work and do business.

I have always longed to make a difference in society and make it a brighter, better place for future generations. Northern Ireland suffered greatly at the hands of terrorism, and we do not want to return to those days. We want a peaceful, prosperous society and one that is moving forward. We have moved on from those dark days in Northern Ireland. We want to see investment, improved healthcare provision, a better education system and improved infrastructure.

To that end, I will endeavour to use this position to achieve just that. I want to see changes to our special educational needs provision, and I want to tackle the escalating mental health crisis that exists within our society. Our suicide figures are still among the highest within the United Kingdom. This needs to be tackled urgently, and I along with colleagues will work with the Secretary of State.

I now move to the motion at hand, and particularly the report concerning abortion. I feel it is imperative that I speak on this to attempt again to highlight the anger, disappointment and frustration concerning the change in abortion laws that have been foisted upon the people of Northern Ireland. These changes came in the most roughshod way, with complete contempt for the devolved Administration and the views of the people of Northern Ireland. I want today to make the point to this House, on behalf of the many thousands of people across Northern Ireland who take a pro-life stance, that we want to repeal section 9 with immediate effect and allow the Northern Ireland Assembly to debate, discuss and evidence-gather on this emotive issue.

The Secretary of State has not intervened to assist our crumbling healthcare system, to reward our healthcare workers fairly or to avert the mental health crisis we are facing. He has not done that because he has said that these, in his own words, are “devolved issues”. Abortion was and should be a devolved matter, yet this House has imposed on Northern Ireland the most extreme measures of abortion anywhere across Europe.

Northern Ireland has been a country that has always supported life-affirming laws. Back in 1967, our politicians said no to the Abortion Act, and according to research conducted by Both Lives Matter, 100,000 more people are alive today. England and Wales back then did support the Act, and as a result over 8 million babies have been aborted—three every minute, 23 every hour or 561 every day, with only a small percentage of them being aborted on the grounds of sexual crime or fatal foetal abnormality.

Great credence has been given to the CEDAW report, and the hon. Member for Congleton (Fiona Bruce) mentioned the three instances. However, we believe that the abortion framework that looks likely to be proposed by the Northern Ireland Office will go far beyond allowing abortion on these grounds. It is my understanding that no consultation will take place on the legislative text of the regulations. With regard to abortion, it is well known that the detail of the text is crucial. The ask on that is that at least we as parliamentarians are

consulted before the specific text is laid, and I welcome the Minister’s commitment to meet those Members who are concerned in that regard.

In Northern Ireland, abortion on request for any reason will be legalised to the point at which a baby is “capable of being born alive”.

This includes on the grounds of disability. I implore my right hon. Friend the Secretary of State and the Minister to accede to the request to have section 9 repealed as part of the ongoing negotiations. The DUP is a pro-life party, but this actually crosses traditional boundaries and there is widespread cross-community support across Northern Ireland. We have an evolving political landscape, and I say let the people of Northern Ireland have their say on this matter.

On this, Mr Speaker, I will bring my remarks to a close. I want a society in Northern Ireland that values life, and I want to see services that will help women choose life. We want to see a perinatal palliative care centre, a maternal mental health unit and better childcare services, and that is my ask of this Government. Help us create a culture of choosing life, as opposed to killing an innocent little baby that does not have the voice to say, “No, mummy!” It is incomprehensible that the Government, knowing that abortion was a devolved matter, have published consultation proposals to introduce changes that go far beyond what has actually been required by Parliament. If the Government want to maintain any commitment to devolution, I would implore them to rethink their coach-and-horses approach to a life-and-death piece of legislation.

Several hon. Members rose—

Mr Speaker: Order. We have about five more speakers, so we must divvy up the time. We are going to finish at about 9.30, and ideally the Minister would like about five minutes to reply.

8.54 pm

Simon Hoare (North Dorset) (Con): I congratulate the hon. Member for Upper Bann (Carla Lockhart) on a fluid, cogent and passionate maiden speech. The attention that all quarters of the House gave to her remarks indicated the interest with which she was heard. She spoke with great passion about the issues on which she wishes to campaign in this place, with great warmth about her constituency and in tribute to her predecessor and my friend David Simpson, and with clarity and confidence about what motivates and drives her Unionism. On all those points she is to be congratulated, and I wish her much happiness in her years of service in this place.

A number of colleagues have referenced the deteriorating situation in the arenas of the public policy delivery of health, of welfare and of education and, as the hon. Lady referenced, the intolerably high level of suicides in Northern Ireland. I do not think anybody would suggest that the restitution of Stormont would solve all those problems at the stroke of a pen, but certainly I think all of us should be motivated in this place by the idea that local decisions taken by locally accountable politicians are in the best interests of those we serve, and therefore the imperative underlined by my hon. Friend the Minister, whom I must thank for updating the House, to reventilate on the crucial, pressing and urgent need to get Stormont

back up and running is right. It is perhaps tempting fate to suggest that some of the rumours coming from the discussions in which my right hon Friend the Secretary of State is taking part indicate some cause for hope, but let us in our night prayers this evening pray that we do see some success and the restitution of Stormont.

I want to turn, albeit very briefly, to the argument, or conundrum, deployed by my right hon. Friend the Member for Forest of Dean (Mr Harper). I understand entirely that if the talks fail the default position will be a tendency to say, “Enough with deadlines; we can’t have any more deadlines, we now have to cut to the chase.” The easiest chase to cut to is of course direct rule, either officially or unofficially, to try to address the pressing issues.

While I understand the ease, and for some indeed the desirability, of that, it would in my judgment be a retrograde step. The devolution genie in this kingdom is very firmly out of the bottle and it would be both undesirable and possibly impossible to put that genie back.

I also think it would be the easiest thing to do for the politicians of Northern Ireland, where in essence it would effectively put on the back burner the imperative to try to find some workable solutions and accommodations to overcome the historical tensions—there would be no need for that because decisions would be taken in this place. That would not, in my assessment, just lead to a maintenance of the status quo; it would actually be a very significant step backwards to decades and years of acrimony, bitterness and the blame game.

I therefore suggest that if the talks ultimately fail—let us all repeat that we pray they will not—the default position will have to be fresh elections. They may very well throw up broadly similar results to previous elections, but we are in incredibly interesting times electorally, as last month’s general election illustrated. The stark and indeed startling fact that for the first time in its history Northern Ireland elected, albeit by a slim margin, a majority of non-Unionist representatives to this place shows that things can change, and change very rapidly.

The hon. Member for Upper Bann spoke about her determination to serve her community. I know that that determination will be shared by all her colleagues from Northern Ireland, whether they are from the Alliance party, the Social Democratic and Labour party, the Democratic Unionist party and, while they do not take their seats, Sinn Féin. I think the challenge from the electorate to all the political parties who hold true in their repetition of that motivation will effectively be, “Put your money where your mouth is. If that is what motivates you in public service, you will have to find a way to resolve whatever the outstanding hurdle is without defaulting to the easy get-out-of-jail-free option of direct rule.”

New elections may very well produce a continuance of the stalemate, but they could also act as the engine to break the logjam. While wishing the talks success, I urge my hon. Friend the Minister to resolve not to do the easy thing in those circumstances and to trigger fresh elections and say to the electorate, “You are concerned about deteriorating standards in education, health and welfare, high levels of suicide, and other areas of public life. This is now your opportunity to force your politicians to find a way of dealing with them through restoring Stormont. If they can’t, you may very well start to choose new politicians.”

Mr Gregory Campbell: A few moments ago, the hon. Gentleman referred to the outcome of the general election in Northern Ireland and to the number of pro-Union and anti-Union people returned to the House. Does he accept that when I was first elected 18 years ago the combined percentage of people voting for united Ireland candidates came to 42% and that in December last month it was 39%? The vote for united Ireland parties has gone down in those 18 years. He has just spoken about what might happen after an election to the Assembly, but will he outline how he thinks the problems would change, whatever the make-up of those dealing with the problems?

Simon Hoare: The hon. Gentleman makes a valid point. One can argue percentages till the cows come home, but in terms of bums on seats, as it were—or, in the case of Sinn Féin, non-bums on seats, if that is the right phrase to use—the figure speaks for itself. That should give us all cause for concern. It should also motivate those of us who share a strong belief in the importance of the maintenance of the Union and the unity of the United Kingdom to redouble our efforts, strengthen our arguments and make ever-more attractive the reasons to maintain the Union. That is as applicable in Northern Ireland as it is in Scotland, because as Unionists we face the twin challenge of trying to persuade a growing sceptical population that there is relevance to Unionism today and to its continuing. We cannot just walk through a fog of presuming that the status quo, almost of itself, will continue.

On what the hon. Gentleman asked, I think that last month the electorate, remainers and leavers alike, decided that they wanted an end to the impasse, throwing up some very peculiar and—as far as Government Members are concerned—very welcome results. When the electorate has had enough, they will pick up the stubby pencil at the ballot box and almost use it as a sword, as they use the ballot paper as a shield, to reassert what they want.

This point is possibly unpalatable to many: if politicians are prepared to not allow the restitution of devolution, because they seek to argue over points that for many in Northern Ireland will seem irrelevant or not as pressing as dealing with health, education and welfare, there is the risk that those electors will turn to politicians who are less hog-tied by those traditions and seek to break the impasse by having a new set of faces around the table. It may result in exactly the same sort of result, but if these talks fail we should default to fresh elections and not just write the electoral process off, as though it was just another way of staying the hand of the inevitable—the return to direct rule, the inevitability of which we should resist at all costs.

Several hon. Members rose—

Mr Deputy Speaker (Sir Roger Gale): Order. Three Members are still seeking to speak, plus the Minister, so please do the maths and be considerate.

9.6 pm

Jim Shannon (Strangford) (DUP): May I say how pleased I was to hear the maiden speech from my hon. Friend the Member for Upper Bann (Carla Lockhart)? I think we can look forward to some exceptional contributions from her in the House over the next period of time.

[Jim Shannon]

Pages 9 to 11 of the report deal with the abortion consultation that ran between 4 November and 16 December. The way in which the consultation was conducted was hugely problematic. I appreciate that some of the issues with the consultation were not the fault of the Northern Ireland Office, but I understand that it was placed in a deeply invidious position by Parliament in the timelines that were set out. Conducting only a six-week consultation during a general election campaign on an issue of this sensitivity was simply inappropriate.

The consultation document had all the hallmarks of being rushed out or at least incomplete. Major gaps existed in it; just a few examples will suffice to show some of the issues. No clarity was given in the document on who will be performing abortions in Northern Ireland under the new regulatory framework. Will it be private providers, such as Marie Stopes or the British Pregnancy Advisory Service, or the national health service? The document at no point discussed which body will inspect abortion providers operating in Northern Ireland. That is a hugely important question, yet no details were provided.

The regulatory framework in the document is without question the biggest problem with it. Despite the consistent claims of the Northern Ireland Office and Ministers over the years that abortion is a devolved issue, and about the importance of respecting the people of Northern Ireland, the consultation document adopted an expansive interpretation of section 9 of the Northern Ireland (Executive Formation etc) Act 2019 in the proposals. Instead of adopting a cautious approach, as they should have, taking into consideration the way in which the law was passed—without consultation and with the known strong opposition in Northern Ireland to it; all Northern Ireland MPs who took their seats in Parliament at the time voted against the measure, and the democratically elected Northern Ireland Assembly voted as recently as 2016 not to change the law in any way—the Northern Ireland Office went far beyond what was strictly required by section 9 of the Act. That point has been well made by a number of eminent lawyers and has caused huge concern in Northern Ireland.

David Scofield, QC, stated, in his expert legal opinion, that

“the question posed to me is essentially whether, if the...Secretary of State...determined to do no more than necessary to comply with his strict legal obligations under the 2019 Act, the proposals set out in the consultation go beyond this...I consider it to be relatively simple to conclude that the answer to this question is ‘yes’.”

He further stated:

“In my view it would be quite possible for the...Secretary of State...if he wished to take a conservative approach...for instance, on the basis of concerns that he should go no further to legislate on devolved matters than the UK Parliament has strictly required in the absence of a legislative consent motion from the Northern Ireland Assembly—to broaden the availability of abortion in Northern Ireland to a lesser extent than appears to be envisaged in the consultation proposals...to comply with the CEDAW recommendations.”

He continued:

“the proposal...goes well beyond the requirement in paragraph 85(a) ...of the...report. Whilst the approach on which consultation responses have been invited would enable a woman or girl who

had become pregnant through rape (or incest) to access an abortion up to the appropriate gestation period, it would also provide access to abortion for many others who would not have such access if the availability was confined to cases covered by paragraph 85(b)”.

Let us make no mistake: the radical proposals in the Northern Ireland Office consultation constitute a clear political choice on the part of the NIO to undermine devolution to a greater extent than the 2017 to 2019 Parliament required. There is no requirement to import into Northern Ireland ground C of the Abortion Act 1967, which would effectively lead to abortion on request for any reason between 12 or 14 weeks’ and 22 or 24 weeks’ gestation.

I sincerely hope that the Northern Ireland Office will consider the consultation responses and rethink its proposals. I understand that it is legally obligated to introduce a new regulatory framework, but it is not required to introduce these proposed radical changes. Up until the point when the other place voted for the amendment that became section 9, the Government were entirely consistent in their respect for devolution and the fact that abortion was a devolved matter for the Assembly, but let us be clear that certainly since 4 November, when the consultation was published, the main actor within the British constitution has been not Parliament, but the British Government, in wilfully and unnecessarily proposing an abortion regime that departed far more radically from what we had experienced until last October than what Parliament required.

The people of Northern Ireland do not want us to do this. Some 20,000 people—rich and poor, Protestant and Catholic, young and old—stood together at Stormont, rising above political opinion, religious divide and any other consideration, to beg this place not to do this awful thing. Yes, protect women, yes, find a better way, but abortion on demand taking place every two minutes night and day, as on the mainland, is not what we need in Northern Ireland. Some 100,000 people live today because of the legislation in Northern Ireland. We do not have to introduce this radical change, which is the difference between life in death, in this way. The Minister has time to rethink. I ask that he take this opportunity to do so and allow the voices of people in Northern Ireland to be heard, their wishes to be acknowledged and the right of life to be respected.

In closing, I want quickly to mention same-sex marriage. I pose this question to the Minister because I attended the Christian Institute meeting in Belfast four or five weeks ago. It was very clear and sent me some information in a letter:

“As things stand there is no protection”—

for Churches—

“and the NIO and Secretary of State”—

and the Minister of State

“must change this—not simply for Christian denominations but for our Jewish and Muslim friends who have the same deeply held beliefs. We are never in a place to bully people or belittle them but in a country which cherishes our freedoms and acknowledges that the foundation of this country is the word of God—the protection of those Christians to say that they will hold to biblical truth...must be enshrined within the law.”

The good news for Northern Ireland and the integrity of the British constitution is that the proposals in the abortion consultation were only proposals. The British Government do not need to discharge their responsibilities

under section 9 and introduce these specific proposals. I therefore call on the Minister and the Government to step back from the brink and introduce only the legislative changes that section 9 actually requires. Decency and honesty require them to do so.

9.12 pm

Colum Eastwood (Foyle) (SDLP): I have spoken this evening to the Taoiseach and the Secretary of State about this very sensitive period in the negotiations, but as many other Members have already said, the time is well past. Tomorrow we will have been without a Government for three years. The people we represent have not had a Government for three years. Let that sink in. Look at the consequences for our health service. Our health services are at breaking point. Our school budgets are at breaking point. Our nurses, for the first time, are on strike right now. They have been used as a political pawn in this process, because of our failure to deliver for them and the people they look after every single day of the week on our behalf.

I agree with the shadow Secretary of State. No matter what happens in our talks process, take the nurses and the healthcare workers out of this and provide them with the pay they work for, deserve and are entitled to. They should not have to strike one more day to get their full entitlement, which they absolutely and totally deserve.

This has gone on for far too long. I for one, as leader of the Social Democratic and Labour party, have already committed myself to compromise on behalf of the people whom we represent. Other parties now need to step up and get ready to compromise, because the deadline is Monday, and the deadline should stay Monday. We cannot drag this out any longer, because the people whom we represent screamed very loudly at the last election. They are fed up, and what do they want? What are they saying to us? They are saying, "Get back to work." Compromise is not a dirty word. We have learned that through many difficult negotiations, through many years of coming together and bringing our communities together. We cannot lose that progress. We cannot go backwards. It is up to us to sort the problem out.

Let me say one more thing. There is nothing called direct rule any more. That is gone. It is outlawed. We cannot go back to the days of rule from this place over the people of Northern Ireland. The Good Friday agreement, the St Andrews agreement, and every agreement since states that devolution is how we do our business now. If we cannot have devolution—although we should not countenance that—people need to understand that the automatic response is not direct rule, because the nationalist population will not accept it, the Irish Government will not accept it, and the St Andrews agreement has ruled it out as an option.

So what must we do? We must recognise that a voice in governance must be given to both sides of our community, to all the minorities; and we are all minorities in Northern Ireland now. If we do not compromise, the next step will be not rule from London, but some form of joint rule from London and Dublin. People need to recognise that when we are talking tough in these negotiations.

It is time to bury the hatchet, because the issues that are at stake in these negotiations, important though they are—and I have strong views on all of them—are not as important as people dying on waiting lists, they

are not as important as nurses not being paid properly, and they are not as important as our schools not being able to fund the education services that we need to give to our young people.

9.17 pm

Stephen Farry (North Down) (Alliance): I will try to be brief, given the pressures of time. Let me first refer to the main focus of the debate, Executive formation and, hopefully, the successful return of devolution, and say that I hope that this is the last time we shall have a debate on the Executive formation Act. There is only one way forward for the governing of Northern Ireland—through sharing. That reflects the complex nature of our society, and the need to ensure that all traditions and identities are represented in our governance. While I would not go as far as my colleague the hon. Member for Foyle (Colum Eastwood), who talked of joint rule, any notion of direct rule or direct responsibility from London must take on board some form of Irish dimension, and it is difficult to get that balance right. If the Irish dimension is too strong it will annoy Unionists, and if it is too weak it will annoy nationalists. That is why the careful balance in the Good Friday agreement is so important.

I do not want to see elections in Northern Ireland. We must ensure that devolution is restored as quickly as possible. However, in the event that we do not see talks resolved and a proper outcome, we cannot simply carry on with what we have been doing for the past three years. That is not tenable. Something has to give in the system.

Finally, let me say something about the two social issues that have been raised. While the Northern Ireland parties have presented a united front today in relation to some aspects of Brexit, I fear that it will break down at this point. I want to put on record that while my party has a conscience position on the issue of abortion, like most parties in the House, I personally was content that the House legislated on abortion reform last July. As a then Member of the Northern Ireland Assembly, I was not at all offended, because we had not sat for the best part of three years, and even before that, efforts at reform had stalled. Biology does not change when we cross the Irish sea. Women are women, and basic reproductive rights must be recognised as fundamental issues of human rights.

It is also important to bear in mind the rulings of both the UK Supreme Court and the High Court in Belfast. The position has been established, and the guidelines can now be put through either in a restored Northern Ireland Assembly or here in the Houses of Parliament. That is the choice, but reform must take place, and I believe that a majority in Northern Ireland support it.

That is also the case with regard to equal marriage—same-sex marriage—and I think that the model in the rest of the UK is readily transferable to Northern Ireland, with only a few minor tweaks here and there. No one is arguing that the Churches should not be given some sort of opt-out in terms of respect for their doctrines. The issue is how far that should go. We need to be mindful of people's rights as human beings in employment and other aspects, and not go down a much more extreme form of constraint with this important

[Stephen Farry]

set of reforms. It is important that we take them over the line in a restored Assembly. If we do not, this House of Parliament should do what is important to recognise people's rights in Northern Ireland, but fundamentally, we must get the Assembly restored over the coming days.

9.20 pm

Mr Robin Walker: I congratulate the hon. Member for Upper Bann (Carla Lockhart) on her excellent and powerful maiden speech and on making a clear and pronounced contribution to this House on her first outing. I am sure we will hear a great deal more from her in the months to come.

We have had a debate in which there has again been the consensus that we all want to see. We all want to see the devolved institutions restored and the agreements respected and seen through. I am grateful to the hon. Member for East Renfrewshire (Kirsten Oswald), who spoke for the Scottish National party, and to the Opposition spokesman, the hon. Member for Rochdale (Tony Lloyd), for their support for that position.

As ever in these debates, we have heard a wide range of opinions. In the previous debate, I was getting beaten up very heavily by pro-choice colleagues on the Opposition Benches. On this occasion, perhaps the voice was slightly louder from the pro-life people, who I am happy to meet to try to address their concerns further, to ensure that we take this forward in the best possible way and in a way that is respectful of the concerns in the community in Northern Ireland and more widely. We have to recognise that we are under a legal duty under section 9 of the Northern Ireland (Executive Formation) Act 2019, and we will be continuing to work to put in place the regulations by 31 March, providing access to abortion consistent with the CEDAW report.

The hon. Member for Rochdale asked what we could do if the Executive were restored. If that were to happen before 31 March, we would welcome discussions on the regulations that will be made, and questions on implementation, which of course will be taken forward by the Northern Ireland Department of Health. As these are devolved matters, any reform after March 2020 can of course be considered by the Executive and the Assembly, subject to such legislation complying with convention rights and the usual Assembly procedures. This is yet another of those issues where, if we want the concerns and views of people in Northern Ireland to be properly heard, we must ensure that the institutions are in place.

The hon. Gentleman asked about the legacy system, as did my right hon. Friend the Member for Forest of Dean (Mr Harper). I cannot give them specific dates at the moment, but I am happy to come back to them on that when I can. We want to work rapidly on this issue, and we are clear that the current system for dealing with the past has not been working well and needs to be reformed. We will continue to work with partners to seek better ways of dealing with legacy issues, to provide better outcomes for victims and survivors and to give veterans the protections that they deserve.

The hon. Member for Rochdale also asked about the historical institutional abuse. I am grateful for his support and that of the Opposition, as well as the support from

across the House, in getting that legislation through before the election. It was important that we did so, and I know that he moved heaven and earth to ensure that we could do it, as did my Secretary of State. The Northern Ireland civil service has now established a project board, and work continues at pace to deliver the scheme. The head of the Northern Ireland civil service met the victims and survivors groups on 17 December and set out the timetable for redress. The application process for the redress appeals is open from the end of March 2020. I hope that provides some update on the issues that the hon. Gentleman raised.

The hon. Gentleman also raised the issue of business rates. Having been a territorial Minister in both Scotland and Northern Ireland, whenever I travel I hear concerns about business rates—as indeed I do in my own constituency. These are fundamentally devolved matters that need to be dealt with by the devolved Administration. He mentioned that there had been a recent valuation, and that there were concerns about that. I absolutely recognise that, and the best place for those concerns to be addressed and taken up is in the Northern Irish Assembly. That is yet another factor that means we want to get the Assembly back up and running.

On nurses' pay, I have complete sympathy for what people are saying about how unacceptable it is that people should have to be out on strike. It was the decision of the previous Northern Ireland Executive to diverge from parity with England and Wales on health workers' pay, but the UK Government stand ready to support a deal that will help to resolve the pay dispute. Once again, if we can get an Executive in place, we will work with them to ensure that that can be done, and that the urgent issues to which my right hon. Friend the Member for Forest of Dean alluded regarding the health situation in Northern Ireland are addressed.

As to my right hon. Friend's further point about the legacy system, we will look at legislation at the earliest opportunity. It is clear that legislation to improve the legacy system in Northern Ireland will need to be agreed by the UK Government and have the support of the Northern Ireland Executive, which once again comes back to how critical it is that we get an Executive.

The hon. Member for East Renfrewshire (Kirsten Oswald) rightly spoke about the urgency and importance of talks to restore the institutions and pillars of the peace process, which everyone in this House is united in supporting. She was also rightly clear about the devolved nature of health in Northern Ireland, which is one of the reasons why we want to continue to lean into the talks and get devolution back up and running.

My hon. Friend the Member for Congleton (Fiona Bruce) made a passionate speech, speaking with her usual knowledge of this issue. She urged us not to go as far as the consultation suggests, but it is a consultation and a listening process, and we will engage with the responses before we come out with any formal Government response. I am happy to meet her to see how we can take on board her concerns, and I will write to her about any further people who have been involved in the consultation beyond those that I mentioned. Part of the reason why I mentioned those groups in my speech was because the Secretary of State talked in our previous debate about meeting Church groups, and we had objections from some Opposition Members that we were talking to Church groups but not necessarily women's groups, so I

wanted to put some of those groups on the record. She will recognise that it is important that we have also engaged with the royal colleges and medical professionals on those issues.

Returning to the fantastic maiden speech by the hon. Member for Upper Bann, she was clear about the strength of her community and her constituency's attractiveness to tourists. I look forward to visiting, and I certainly hope to be able to make many more visits when I am in Northern Ireland in the near future.

We heard concerns from my hon. Friend the Member for North Dorset (Simon Hoare) and my right hon. Friend the Member for Forest of Dean about what could happen on 13 January if we do not deliver a successful outcome to the talks. It is clear that none of the options is attractive. We want to ensure that we can get the Executive back up and running and get an Assembly sitting in Northern Ireland to deal with such issues. That is why I share the hopes of many in the House that this is the last debate we will need on the 2019 Act.

Question put and agreed to.

Resolved,

That this House has considered the Report pursuant to section 3(5) of the Northern Ireland (Executive Formation etc) Act 2019, which was laid before this House on Thursday 19 December.

SPAC Nation

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

9.28 pm

Mr Steve Reed (Croydon North) (Lab/Co-op): I am grateful for the opportunity to raise this important and alarming issue this evening, and I am grateful to colleagues who have stayed late to be present during this debate. SPAC Nation is an organisation that has been in the news recently, and I start by expressing my gratitude to Nadine White and Emma Youle at HuffPost, who carried out some extraordinary investigative journalism to bring the matter to light, to Greg McKenzie and the excellent BBC "Panorama" team for their work, and to many others working in the media and in the press.

When I first became aware of SPAC Nation I thought, as many have done, that it was just another church. I started to think differently when one of their leaders stood as the Conservative candidate in a Croydon council by-election. There is nothing wrong with a church leader standing for election, of course, but it was odd to find hundreds of young members of this so-called church shouting abuse at other parties' canvassers, shouting obscenities at the council leader, and intimidating voters on their own doorsteps, including by videoing them. When I tweeted my concerns about this unchurch-like behaviour, I was inundated with emails and phone calls from young people and their parents, making alarming allegations about SPAC Nation. I took a full two days to phone them all back, and from that I was able to piece together what was really going on inside this organisation.

I am convinced that SPAC Nation is a cult. It advertises events targeted mainly at young black people in poorer parts of London. It offers free food or free bowling sessions to attract young people to come along. The young leaders vet the young people who turn up and then target those who appear to be most susceptible. They befriend these particular young people and invite them to further functions and events, including dinners. One of the organisation's leaders will start phoning them, sometimes several times a day. They are then given lifts by that individual to meetings. Then, what appears to be brainwashing starts. They are told that if their life is unsuccessful, if their family is poor, that is because they are not giving enough money to God. They call it seed: "If you give seed to God—as much as you can lay your hands on—you will become rich." This is the message they try to pump into these young people's heads.

The organisation's leaders display extraordinary wealth. They drive cars worth hundreds of thousands of pounds. They wear Rolex watches and expensive designer suits, and they live in multimillion-pound properties. All of this is way beyond the experience of the young people they are targeting. They tell these vulnerable young people that they became rich by giving seed to God and tell them that they can have the same, but first they have to give, and by any means possible.

Some young people are encouraged to break their links with their families and move into properties rented by the organisation's leaders. They call them "trap houses", the term used for drug dens in the United States. A woman leader of this organisation running one of these trap houses where vulnerable young girls

[Mr Steve Reed]

were placed has 27 convictions for serious fraud. No vulnerable child should be allowed anywhere near her. Once in these houses, the control and coercion becomes far more insidious. One young victim told me they had prayer sessions, which she described as brainwashing, for up to eight hours a day, but the emphasis was not on God or spirituality; it was on wealth and money and the need to give seed to God in order to get rich.

Once the organisation has control of a young person's mind, it pressures them into making fraudulent personal loan applications so that they can hand the money to the organisation's leaders. They are pressured into setting up fake businesses so that they can apply fraudulently for business loans. The so-called pastors show the young recruits how to fill in the application forms with false information. In some cases they fill in the forms for the young person simply to sign. In at least one case, an application was made in a young person's name without their knowledge or awareness.

Siobhain McDonagh (Mitcham and Morden) (Lab): On SPAC Nation and the financial implications of some of its dealings, my hon. Friend will be aware of the case of the late Mrs Osinlaru, who seems to have obtained a £150,000 secured loan on her house. Tragically she passed away, leaving her two young adult daughters and 13-year-old son in the house, unaware of this control over it. The house was later repossessed and a bailiff's warrant secured, but that was stopped only because of the presence of the young 13-year-old son. That family risk losing their home and becoming homeless because of a loan they did not know about, and their mum has passed away. I have written to the church and it has admitted that it was involved in securing, or helping to secure, that loan. Does that give my hon. Friend further cause for concern?

Mr Reed: I am very grateful to my hon. Friend for raising yet another alarming case of what appears to be a form of fraud and deception perpetrated on a family who had just lost their mother. It seems to have been deliberately intended to disinherit her children.

There are many ways in which the leaders of this organisation appear to be perpetrating fraud in order to enrich themselves. I have spoken to young people who, sickeningly, were taken to private clinics to sell their blood, with a so-called pastor pretending to be their parent in order to sign consent forms. I have spoken to young people who were coached to commit benefit fraud. I have met students—I have also spoken to their parents—who were coerced into handing over their entire student loans before being taken to banks to raise further money through personal loans, so they lost their ability to continue in education and ended up in serious debt.

Tragically, where criminal exploitation is taking place, there is often also sexual exploitation. One young woman told me that she was just 16 when she moved into a trap house and, in her words,

“everyone was having sex with everyone else, it was disgusting”.

I asked her to clarify whether she meant older pastors having sex with younger girls, and she said yes.

When that young woman complained to her pastor, she was taken to the organisation's leader, who told her that if she complained to the police, it would rebound

on her, because he was powerful and had friends in high places. He made that claim look real to these vulnerable young people by inviting politicians and senior police officers to his church services. He even met the Prime Minister in No. 10 Downing Street. I believe all those people thought they were engaging with a church that helped vulnerable young people, but in reality they were being used to intimidate young victims and prevent them from speaking out.

SPAC Nation is not an organisation that is getting young people out of crime, as it claims; it is an organisation that is criminalising young people for its own ends. It operates right across London and has already expanded into other cities, including Birmingham and Leicester.

Marsha De Cordova (Battersea) (Lab): I thank my hon. Friend for securing this debate and raising what is clearly an important issue. Does he agree that what he has described is criminal activity and preying on the most vulnerable, and it is essential that the Government intervene and take action?

Mr Reed: I am grateful to my hon. Friend for making that important point. I look forward to hearing what Ministers have to say about how we can work constructively and collectively to tackle many of the problems and horrors that are associated with this organisation.

As I was saying, SPAC Nation started in London. It seems to have spread right across the city, and it is expanding into other cities including Birmingham and Leicester. It has no fixed location—it does not have a home church—which makes it much harder for the authorities to track it. There is no home police unit keeping track of what it is doing. There is no local safeguarding board keeping track of the risks to young people. It holds its services in vast venues in many different boroughs and cities.

I have reported to the police and safeguarding authorities every single allegation that has been made to me, but I am deeply worried that more has not been done to stop this organisation from exploiting vulnerable young people. SPAC Nation claims to have up to 1,000 young people involved right now, and every one of those young people is at risk. It appears to have up to 15 trap houses scattered across London, and every young person inside those properties is at very serious risk. A teacher in north London told me that SPAC Nation had been recruiting schoolgirls outside the school gates. A youth worker in Croydon told me that it had been recruiting outside the youth centre. SPAC Nation is targeting young people so that it can exploit them, and it is imperative that the organisation is stopped.

I have some questions that I would like the Minister to answer this evening, if possible. Allegations about this organisation have been circulating widely in the black community and on social media for up to four years, so why has police intelligence failed to pick anything up? I was able to find out most of this information over a couple of days by speaking to people and googling on social media. If I can do that without the resources of the police, why has police intelligence failed to recognise what is happening to potentially thousands of vulnerable young kids across this city? What action can be taken immediately to stop this organisation recruiting any more vulnerable young people for abuse and exploitation in my constituency and beyond? Given what we have

heard, and given what victims have told us, we surely cannot allow this organisation to continue targeting other young people for abuse and exploitation when we can take action to protect them.

What help can be given to young people involved in SPAC Nation now? That includes those living in trap houses who urgently need to get out before they are further criminalised, their family relationships destroyed and their future lives ruined. And why has no help been offered to potentially thousands of young people who have managed to get away from SPAC Nation but who are left burdened with huge debts and who have been criminalised, many of them homeless and many suffering trauma and mental ill health? We cannot simply leave these young people to suffer the consequences of abuse by an exploitative organisation.

Jim Shannon (Strangford) (DUP): What the hon. Gentleman has illustrated tonight is worrying to everyone who has heard it. It is hard not to be moved and to feel concerned. The magnitude and the massiveness of what he has outlined indicates that it should not be an ordinary police investigation; it probably needs a specialised unit with the resources and the manpower and womanpower to conclude the investigation and put an end to what has gone wrong. Exploitation of young people is abysmal and despicable, and it needs to be addressed.

Mr Reed: As always, I am grateful to the hon. Gentleman for his intervention, and I agree with every word he says.

What concerns me further are the worrying echoes of the Rotherham child abuse scandal. In that case, vulnerable young girls' allegations of serious abuse were dismissed because they came from poor or difficult backgrounds, and it is the same with SPAC Nation. I cannot help wondering, as one desperate mum told me: if this was happening to white middle-class children, would it have been ignored for so many years? Would it have been allowed to go on in this way? We need to address that question, because it is a real feeling and concern in the community. In my opinion, SPAC Nation is a criminal enterprise masquerading as a church, because that gives it access to vulnerable young people and cover for exploiting them.

I would like to say this to every young person who is afraid or at risk from SPAC Nation's activities tonight. This organisation might seem powerful, but we are stronger and we are on your side. Collectively, we will not stop until every young person is safe. We will not stop until the wrongdoers inside SPAC Nation have been brought to justice, and we will not stop until this dangerous, manipulative organisation can do no more harm.

9.42 pm

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Helen Whately): I begin by thanking the hon. Member for Croydon North (Mr Reed) for calling this debate and raising these very serious concerns. I also thank his constituents and all those who have had the courage to speak up and bring this situation to his and our attention. I thank other Members who stayed here tonight to intervene and contribute to this debate.

I am answering the debate, as the Minister for arts, heritage and tourism, on behalf of the Minister for civil society, Baroness Barran, who sits in the House of Lords.

The allegations concern a charity, and charity policy sits within our Department. I am grateful to have the Minister for safeguarding and vulnerability—the Under-Secretary of State for the Home Department, my hon. Friend the Member for Louth and Horncastle (Victoria Atkins)—and the Minister for London, my hon. Friend the Member for Croydon South (Chris Philp), on the Front Bench with me.

I have listened carefully to the hon. Member for Croydon North; I have read a great deal of the media coverage; and I watched the “Panorama” documentary. I find the accusations deeply concerning. These are very serious allegations, and they clearly must be properly and urgently investigated.

The Charity Commission opened a statutory inquiry into SPAC Nation on 5 December 2019, and that inquiry is looking into its finances, governance, safeguarding and overall compliance with charity law. However, it was not the Charity Commission's first engagement with SPAC Nation. The Charity Commission launched a regulatory compliance case in April 2018 and then issued an action plan to SPAC Nation's trustees in June 2019.

The Charity Commission was not satisfied with SPAC Nation's response to the action plan. Along with the further allegations and concerns that have been raised in the media and by the hon. Gentleman, that is why it launched its statutory inquiry in December. It also issued an order under section 84 of the Charities Act 2011, requiring the charity to bank the money it holds in cash.

I hope the hon. Gentleman will understand that while the Charity Commission is carrying out its statutory inquiry, I cannot comment on the specific allegations in this case. A report will be published by the Charity Commission once the investigation is complete. Although the Charity Commission cannot investigate criminal offences, it does have the power to refer charities to the police. I understand that, in parallel, the Metropolitan police are already reviewing these allegations of fraud and other offences relating to SPAC Nation that he has raised, including directly with them.

One of the most upsetting aspects of the allegations is the alleged exploitation of vulnerable young people. The suggestion that the very people who most need help and support are being taken advantage of is particularly worrying. This is a known risk, which is why a huge amount of work has been and is being done across government to improve safeguarding practices and make our society safer for young people.

Florence Eshalomi (Vauxhall) (Lab/Co-op): The Minister may agree that this is an important issue in terms of the safeguarding of young people, but the reality is that this is still happening now to a number of young people, not just in London but across other cities, as mentioned by my hon. Friend the Member for Croydon North (Mr Reed). Is there not something the Government can do now to investigate some of these serious allegations, whereby a number of young people continue to be exploited?

Helen Whately: As I am trying to make clear, these allegations are being investigated by the Charity Commission and reviewed by the police, so this is not something the Government can intervene in at this point. However, this debate is certainly raising this issue

[*Helen Whately*]

up the agenda and making sure that there is a great deal of awareness about the situation. I will do my best to address the questions as I proceed.

I wish to talk a bit more about the important role of safeguarding in charities. It is important because it should prevent the exploitation of vulnerable people or enable a rapid and effective response if exploitation does happen. I want to make clear how seriously the Government take this; since 2018, we have invested more than £1 million in the domestic charity safeguarding programme. We have been working with charities and other partners, including the National Crime Agency, to raise awareness of safeguarding; to ensure that charities, whatever their size, whether large or small, know their responsibilities, know how to handle concerns quickly and can easily access advice. The Charity Commission has also launched a whistleblowing helpline to help people report safeguarding concerns, and I encourage anyone who has experienced or witnessed wrongdoing, or are concerned about it, to use that as a means of reporting it. Obviously, Members here can refer people to do that.

Allegations such as those raised by the hon. Gentleman reinforce the importance of this vital work on strengthening safeguarding, and further announcements will be made on that shortly. Protecting people from harm must always take precedence over protecting a charity's brand or status. Charities must be clear that they will listen to safeguarding concerns and that those concerns must be treated promptly and seriously acted upon. The majority of charities take their safeguarding responsibilities extremely seriously, and it is right that we recognise that, but when concerns are raised, action should be taken by the Charity Commission and, if necessary, local safeguarding authorities and the police.

Many of the hon. Gentleman's concerns relate to the police matters. As I have said, the police are reviewing the evidence they have received. May I suggest that if he has not done so already, he raises these concerns about policing with both the Mayor of London and the Commissioner of the Metropolitan police?

The Home Office is working extremely hard to transform its approach to dealing with crimes against vulnerable young people. It has invested significantly in a programme of reform to help the police to respond to changing crimes, including child sexual abuse. Child sexual abuse has been prioritised as a national threat, and the Home Office are empowering police forces to develop their specialist skills and expertise, increasing the police's capabilities to tackle this terrible crime.

Marsha De Cordova: Forgive me if I am being ignorant on this point, but the Minister has asked my hon. Friend the Member for Croydon North (Mr Reed) to raise this with the Mayor of London and the Metropolitan Police Commissioner, if he has not already done so. The Home Office is the Government's responsibility and this sounds to me like a Home Office issue that the Government need to look into, so will she clarify whether or not this is an issue that the Home Office should be addressing?

Helen Whately: The important point is that this is a police matter, which is why the Mayor of London, as the police and crime commissioner for London, is the

appropriate person with whom to raise concerns. However, there is a bigger-picture point, which is why I am talking about what the Home Office is doing to prevent and respond to crime against young people, particularly sexual abuse.

Let me come to something that is very relevant to this specific topic. In 2015, the Home Office launched the independent inquiry into child sexual abuse, and in May last year that inquiry announced its final investigation strand—into child protection in religious organisations and settings. That strand of the inquiry is now examining the nature and adequacy of child protection policies, practices and procedures, and it will consider whether safeguarding in those kinds of settings needs to be strengthened further.

On safeguarding across government, in July 2018, the Department for Education updated the statutory guidance on inter-agency working to safeguard and promote the welfare of children, and it is funding a £2 million tackling child exploitation support programme to help to deliver more effective responses to child sexual and criminal exploitation and involvement in gangs and drugs.

Mr Reed: How much longer does the Minister think that this organisation should be allowed to access vulnerable young people and exploit them?

Helen Whately: I am doing my best to make clear how seriously I take these allegations, and I know that the other Ministers on the Front Bench take the allegations very seriously, but the allegations are being investigated, so the hon. Member puts me in a difficult position by asking me to say things that it would be inappropriate for me to say at the Dispatch Box. I recognise that I may not be able to answer all his questions right here and now, so I will do my best to follow up and write to him with the best possible answers that I can give. The Under-Secretary of State for the Home Department, my hon. Friend the Member for Louth and Horncastle, has suggested that she might be able to meet the hon. Member and the other Croydon MPs to discuss the wider issues raised by the concerns he has expressed.

Mr Reed: I did not mean to put the Minister in a difficult position or to be disingenuous in any way; I am just concerned. Given the severity and volume of the allegations, and the type of allegations that we are hearing, can nothing further be done, perhaps by the Government working with the police and crime commissioners, wherever that may be necessary, or with the police forces, wherever that may be necessary, to prevent this organisation, even if only temporarily, from being able to stand outside school gates and youth centres and target young people? I would be happy to work collaboratively with the Minister and her colleagues to seek an answer to that—I understand that I have not given warning of that question this evening—but if there were some way for us to look at working together to prevent any more young lives being destroyed, even while investigations are going on, I would be immensely grateful.

Helen Whately: I am sorry but I cannot give a different answer from this Dispatch Box. None of us would want to say anything this evening that might perhaps prevent an effective investigation taking place, or that might

prejudice the outcome in any way that might be unhelpful. Given how serious these allegations are, let us make sure that they can be effectively investigated and pursued.

Siobhain McDonagh: I thank the Minister for giving way. She is being very generous. The Charity Commission can often move very slowly, and given the seriousness of the allegations, would it not be possible to suspend charitable status while the investigations are going ahead? Considering other charities that deal with young people from memory, I am aware that this has happened in the past.

Helen Whately: I am very happy to write to the hon. Lady with a full response to that question, but let me reiterate that I know that the Charity Commission is, as I said before, investigating the matter and that, because it does not look into criminal activity, the police are reviewing these allegations. Those two things are happening.

Before we finish, I want to put the record straight on one matter. I do understand that the pastor to whom the hon. Gentleman referred went to No. 10 Downing Street, but I have been told that he did not meet the Prime Minister. I think that it is appropriate to say that. My understanding is that he attended a roundtable event along with 25 other Church leaders to discuss youth violence, and it was in that context that he was in No. 10 Downing Street.

Just before I conclude, I want to make an important point and say how mindful I am, given the context of this debate, of the important role that religion, faith and worship play in our society and what a significant and important contribution that many religious charities make to our communities. They are often the first in and last out of marginal communities, providing invaluable help and support for those most in need. That includes many black majority Churches up and down the country that support their local communities, contributing positively to wider society. That is a very important point to put on the record.

As I have said, I will write to the hon. Gentleman. He has the offer of a meeting with the Under-Secretary of State for the Home Department to discuss these wider issues in principle. May I thank him for calling this debate and for highlighting these very serious allegations? His concerns have been fully heard by me, by the other Ministers here and by many thousands via the media coverage that this has received. The crucial next step is for the Charity Commission and the police to investigate the allegations and to take appropriate action.

Question put and agreed to.

9.57 pm

House adjourned.

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